

Victim: Matthew Kasey Scott
USAO Number: 2023R00058
Court Docket Number: 23-CR-00034

March 11, 2024

Your Honor,

My name is Matthew Kasey Scott, I am the Vice President of Sales at Pelco Structural. I am one of the original five people that helped start Pelco Structural in 2005. In the interest of the court, I want to state the effects that the criminal actions of Phillip Barry Albert have had on me.

Due to the criminal actions of Phillip, I am no longer afforded what was promised and contractually agreed to. In 2013 an LLC was set up as a partnership of five members to distribute the profits (5% to each member with the balance going to the owners) of Pelco Structural. The profit-sharing began in 2013 when we paid back the capital investment by ownership plus interest. Because of how the agreement between Phillip and ownership was structured the profit-sharing for me ended when Phillip was fired.

Prior to 2013 we were told by Phillip that our 5% was going to be ownership in Pelco Structural. That was the promise in 2005 that incentivized me to leave the business that I was employed at for 13 years to risk coming to a start-up. In 2013, after we had paid the company off, Phillip confessed through tears and a plea for forgiveness that we would only be 5% profit sharers and not actual owners as he had promised. As you might imagine this was a crushing disappointment. Phillip had lied and manipulated us for eight years. While I paid taxes on our share of the profits from the 2013-time period I did not actually receive the \$ 98,000.00 in profits. We were told that in order to pay those profits out, the company would also have to pay the owners their shares and Phillip did not want to do that. Apparently, the money we are owed has evaporated as we still have not received it. After paying the company off in 2013 Pelco Structural never seemed to be profitable. Phillip would show us snapshots of the financials, as prepared by Donald Eagleton at Phillips direction, that showed losses. It turned out those snapshots were fraudulent and hiding Phillips thefts of the profits.

Phillip is a bully to those he deems lesser than himself and a bootlicker to those he thinks are rich, powerful and would help him advance in social circles. Obsessed with building the "Phillip B. Albert Brand", Phillip stripped the company of its profits to donate to politicians and charities that he hoped would help elevate his stature in the State of Oklahoma. Phillips self-promotion, empire building, narcissistic tendencies and bullying manner led to the loss of long-time key personnel which led to an experience drain on the company, only further damaging the morale and profitability.

Leadership means placing the needs of others above your own. Great leaders truly care about those they are privileged to lead and understand that leadership privilege comes at the expense of self-interests. Phillip is not a great leader nor was he a good businessman. By 2018 Phillip had mismanaged Pelco Structural to the brink of complete failure. The leadership failure speaks to a character flaw, the business failure was due to Phillip gorging himself on the company's profits to the point that some of our key vendors had placed Pelco Structural on credit hold.

What none of us knew for 14 years was that there was a cancer within our company. While the rest of us were putting together a team, gaining market share and producing a quality product Phillip was eroding the financial stability of the company. We were accused of not producing enough sales, margins that were too low and production levels that were not good enough. Phillip accused us of being bad partners when in fact he was stealing our futures by raping the company of any profits.

In early 2019 I became aware of evidence that clearly showed Phillip was stealing from the company and myself. I met with and turned the evidence over to ownership on March 6th of 2019. After reviewing the evidence ownership decided to fire Phillip. During the time between March 6th and April 11th the people that had left Pelco Structural over the years due to Phillips character flaws and poor leadership and the people who stayed were in joined anticipation, eagerly waiting for the word that this man had finally been held accountable for the years of verbal and emotional abuse even if his dismissal was for theft. Only after Phillip was fired did we learn the extent of his thievery, betrayal, deviant behavior and deceptions.

Because of ownerships negligence and absenteeism Phillip decided he was entitled to more of everything. Phillip paid himself more money than he was contractually allowed. Phillip paid his personal taxes with company money. Phillip stole the scrap steel income. Phillip used company money to purchase the shares of departing profit sharing members by having the exact amounts transferred to his bank account and then writing personal checks to the members so that it appeared that he purchased the shares himself. Phillip took thousands of dollars in cash withdrawals from the company's bank and generously bought lunches and dinners for local dignitaries, family and friends. Phillip used the profits of the company to pay his personal credit card bills. Phillip bought expensive gifts for his family, fellow regents, professional friends and special personal acquaintances. Phillip did not have anyone's permission to do these things. Phillip hid these thefts inside the work in progress and cost of sales-steel accounts.

Phillip's theft continues to this day, I am no longer a profit-sharing member at Pelco Structural due to his with cause firing. In 2023 alone Pelco Structural's adjusted income was over two million dollars. That would have been \$ 100,000 each in profit sharing for James Sutphen and myself had Phillip not chosen to lie, cheat, manipulate and steal from us.

This man stole my financial security while bathing himself in accolades and the praise of people he was trying to win favor with. Not only is Phillip a failure at being a good businessman he is a failure at being a decent and moral man. Phillip liked to say that if he had problems money could solve that he had no problems. He had no problems because he was solving them by stealing from my financial wellbeing.

On March 6th of this year, I received a request for forgiveness from Phillip saying he never intended to take advantage and that he certainly regrets any suffering he caused me. BULL! For the last five years Phillip and his various attorneys have said that this has all been a business dispute, a misunderstanding. Phillip labeled himself a victim of being fired due to his whistleblowing. Phillip and his attorneys were going to sift the wheat from the chaff and everything would be clear. What is perfectly clear is that not until his looming sentencing did Phillip or rather his attorneys think it might be a good idea to show the court that he has some type of remorse. Once again it is about what Phillip needs, my forgiveness. I am looking forward to taking his written apology letter to the bank to see what actual value it has; I have a sneaking suspicion that it will have none.

Your honor, it is clear that Phillip has positioned himself financially to pay a menial monthly amount in restitution. I can't believe this was the intent of the plea deal. Phillip agreed to plead guilty to one of his crimes and pay back millions of the stolen monies if the USDOJ would not charge him with all of his crimes. If Phillip is, as his attorneys claim, destitute, then is he not already in breach of his plea deal? It is my belief that as Phillip will be unable to ever pay back the full amounts, he should be charged with all of his crimes and pay with what he does have left, his time.

At a minimum I would ask your honor to see through Phillips health issues, as he was not the picture of health during his time at Pelco Structural. His health issues did not seem to impede his ability to steal from us on a daily basis. Please sentence Phillip to the maximum sentence possible for the crime he has pled guilty to.

Phillip, I have been tempted to set aside my adherence to the laws of God and man and let myself bathe in meaningful vengeance upon you for every evil thing you have done to me and to those that I care about. I choose not to give in to those thoughts and feelings. I choose to obey the laws of man but more importantly the laws of God. It says in the Bible:

Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, "Vengeance is mine, I will repay, says the Lord." To the contrary, "if your enemy is hungry, feed him; if he is thirsty, give him something to drink; for by so doing, you will heap burning coals on his head." Do not be overcome by evil, but overcome evil with good.

And in that spirit, I forgive you.

Respectfully,

M. Kasey Scott