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## HOW Foundation wins freeze on ex-director's assets

BY BARBARA HOBEROCK World Capitol Bureau

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OKLAHOMA CITY - An appellate court on Friday upheld a lower court's decision preventing a man who pleaded guilty to defrauding the HOW Foundation from transferring most of his assets.

Wesley Scott McGinness, the former executive director of the HOW Foundation, a Broken Arrow-based nonprofit organization that helps men recover from drug and alcohol addiction, pleaded guilty in federal court in August to defrauding the agency of more than \$1 million through wire fraud over a nearly eight-year period.

In his plea agreement, McGinness admitted that he gambled at casinos in the Tulsa area and used the nonprofit entity's money to pay for it. His sentencing is set for Nov. 8.

The HOW Foundation filed a civil suit to recover the funds but has not recovered any money, said Paul De- Muro, an attorney representing the group.

A Tulsa County district judge found that the foundation was entitled to a judgment of more than \$1.3 million in the civil case.

DeMuro said the group obtained a temporary injunction preventing McGinness from transferring his assets except to pay for living, medical and legal expenses.

"We just wanted to protect our ability to collect," De- Muro said.

He added that the legal question in the civil case was interesting. The lower court found that it had the ability to freeze assets before an actual judgment was made, DeMuro said.

McGinness appealed the lower court's decision to the Oklahoma Court of Civil Appeals.

**Original Print Headline: Appeals court upholds freeze on assets**

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**Associated Images:**



**Wesley Scott McGinness: The former executive director of the HOW Foundation pleaded guilty last month to defrauding the nonprofit organization of more than \$1 million and using the money to gamble at Tulsa area casinos. He is scheduled for sentencing Nov. 8**

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