UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA v. DANIEL FERNANDES ROJO FILHO, a/k/a DANIEL FERNANDES FILHO, a/k/a/ DANIEL FERNANDES, Defendant.	**CRIMINAL NO.** 15cr10214 VIOLATIONS: 18 U.S.C. § 1343 (Wire Fraud) 18 U.S.C. § 981 (Criminal Forfeiture) 28 U.S.C. § 2461 (Criminal Forfeiture)

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant DANIEL FERNANDES ROJO FILHO, a/k/a DANIEL FERNANDES FILHO, a/k/a DANIEL FERNANDES ("FILHO"), was a Brazilian national who resided in Florida.

2. DFRF Enterprises LLC ("DFRF") was a private, limited liability company incorporated both in Florida and in Massachusetts and controlled by FILHO.

THE SCHEME TO DEFRAUD

3. As set forth below, on various dates beginning in at least June 2014 and continuing through at least June 2015, FILHO, together with others known and unknown to the Grand Jury, devised and intended to devise a schme and artifice to defraud to obtain money and property from individuals by means of materially false and fraudulent pretenses, representations, and promises concerning purported investments in DFRF. Specifically, FILHO and others acting

at his direction promised individuals high returns if they gave their money to DFRF which would, by way of a private bank in Switzerland, invest the money in highly profitable gold-mining operations abroad. Instead of investing the money as promised, however, FILHO misappropriated the money for his own personal and other uses.

The Purpose of the Scheme to Defraud

4. The purpose of the scheme was for FILHO to obtain money by fraudulently soliciting, and obtaining, investments in his company, DFRF.

Manner and Means of the Scheme to Defraud

5. FILHO and others working at his direction offered an opportunity to invest or become a "member" of DFRF. FILHO and others working at his direction made these solicitations during in-person meetings and in videos posted on internet websites such as www.YouTube.com. The pitch that FILHO and others working at his direction gave to investors—both in person in Massachusetts, Florida, and elsewhere, and via videos posted on the internet—included, in sum and substance, the following:

a. DFRF owned land in Brazil—or had the rights to mine such land—containing significant amounts of gold, the value of which a separate Brazilian company had verified.

b. Based on the value of the gold in the land in Brazil, DFRF obtained a loan or line of credit, which DFRF in turn used to invest in highly profitable gold-mining operations in Africa.

c. Potential investors could share in the large profits DFRF was generating by sending DFRF as little as $1,000—or as much as an individual wanted to invest—and becoming a DFRF "member."

d. "Members'" money would then be sent to a private bank in Switzerland called Platinum Swiss Trust ("PST"), where the money would be "leveraged" or increased by the bank.

e. After "members'" money was "leveraged" by PST, DFRF would then invest it in the African mining operation, resulting in even greater profits, of approximately, or up to, 15% per month.

f. "Members'" investments would be 100% insured by Accedium, allegedly an insurance company incorporated in the United Kingdom and Barbados, for which DFRF would pay on behalf of "members."

g. "Members" could get their principal investment returned anytime they wanted.

6. Many of the representations that FILHO and others working at his direction made were false and misleading. For example:

a. DFRF never transmitted any investor money to PST;

b. DFRF never transmitted any investor money to gold-mining operations in Africa; and

c. DFRF never transmitted any money to Accedium.

7. FILHO opened many bank accounts in the name of DFRF in Massachusetts and Florida, including an account at Eastern Bank, which lists FILHO as one of two "Managers" of DFRF. With respect to one of the Eastern Bank accounts, FILHO submitted to the bank an operating agreement that he signed, which agreement purported to set forth the operations of DFRF and named him as a managing member.

8. FILHO took several trips to Massachusetts to pitch the DFRF scheme to potential investors. For example, on or about October 16, 2014, after traveling from Florida to Boston, FILHO pitched the DFRF scheme to people whom he and others working at his direction had invited to attend a meeting aboard the Spirit of Boston, a for-hire vessel, in Boston Harbor. Several days later, on or about October 20, 2014, FILHO caused to be posted to www.YouTube.com a video recording of the presentation he made aboard the ship concerning DFRF.

9. On or about May 8, 2015, via a video recording posted to www.YouTube.com, FILHO told "members" and potential investors that he was converting DFRF from a private company to a public company and, accordingly, that "members" could convert their "memberships" into stock "options" relating to the new, public DFRF. FILHO also offered "members" the opportunity to increase their investments in DFRF during the conversion process.

10. FILHO concealed and attempted to conceal his scheme to defraud in variety of ways. For example:

a. In or about December 2014, an individual who had invested approximately $50,000 in DFRF in reliance on the representations of FILHO and others working at his direction (hereinafter "Investor A"), was not receiving the payments that he/she had been promised. Investor A traveled from Massachusetts to Florida in an attempt to get some of his/her money, and met with FILHO in person at DFRF's office in Orlando. During the meeting, FILHO wrote Investor A a check in the amount of $10,000. After returning to Massachusetts, Investor A subsequently tried to cash the check at a bank; however, the account on which the check was drawn had insufficient funds and would not clear.

b. FILHO and others acting at his direction stated that DFRF would distribute debit cards to "members," which cards could be used to withdraw money from "members'" accounts. Although DFRF did mail cards to some members, the cards did not work.

c. FILHO and others acting at his direction recycled money provided by some investors to pay other investors who were expecting their principal or returns thereon.

11. During the course of the scheme, FILHO and DFRF received millions of dollars from investors.

12. FILHO himself took more than $8,500,000 of DFRF investor money for his own use. Specifically, FILHO made significant cash withdrawals and spent money on restaurants, travel, luxury automobiles, and various consumer goods and services.

COUNT ONE
(Wire Fraud—18 U.S.C. § 1343)

13. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 12 of this Indictment, and further charges that:

14. On or about May 8, 2015, within the District of Massachusetts and elsewhere,

DANIEL FERNANDES ROJO FILHO
a/k/a DANIEL FERNANDES FILHO
a/k/a DANIEL FERNANDES

defendant herein, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did cause writings, signs, signals, pictures and sounds to be transmitted by means of wire communication in interstate commerce for the purpose of executing such scheme and artifice, to wit: a wire transfer of $1.8 million from an Eastern Bank account ending in 7206, in the name of DFRF Enterprises, LLC, to a Citibank account ending in 4458, in the name of DFRF Enterprises, LLC.

All in violation of Title 18, United States Code, Section 1343.

COUNTS TWO & THREE
(Wire Fraud—18 U.S.C. § 1343)

15. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 12 of this Indictment, and further charges that:

16. On or about the dates specified below, within the District of Massachusetts and elsewhere,

DANIEL FERNANDES ROJO FILHO
a/k/a DANIEL FERNANDES FILHO
a/k/a DANIEL FERNANDES

defendant herein, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did cause writings, signs, signals, pictures and sounds to be transmitted by means of wire communication in interstate commerce for the purpose of executing such scheme and artifice, to wit: the following digital video recordings uploaded and published to the internet website, www.YouTube.com:

Count	Date Published/Uploaded	Title
2	October 20, 2014	Primeiro Evento DFRF
3	May 9, 2015	DFRF Entrevista Stock Market Registration and Card With CEO Daniel Filho

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

THE GRAND JURY FURTHER CHARGES:

17. The allegations set forth in paragraphs 1 through 16 of this Indictment are re-alleged and incorporated herein by reference.

18. Upon conviction of any violation of 18 U.S.C. § 1343, as alleged in Counts One through Three of this Indictment, the defendant,

DANIEL FERNANDES ROJO FILHO
a/k/a DANIEL FERNANDES FILHO
a/k/a DANIEL FERNANDES

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes, or is derived from, proceeds traceable to the commission of the offenses.

19. If any of the property described in paragraph 18 above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 18 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

[redacted]

FOREPERSON OF THE GRAND JURY

[redacted]

ERIC P. CHRISTOFFERSON
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; August 5, 2014

Returned into the District Court by the Grand Jurors and filed.

[redacted]

DEPUTY CLERK 8/5/15 @ 3:00pm