



Department of Justice

United States Attorney Sally Quillian Yates
Northern District of Georgia

FOR IMMEDIATE RELEASE

08/30/10

<http://www.justice.gov/usao/gan/>

CONTACT: John Horn

(404)581-6335

FAX (404)581-6160

GEORGIA MAN AND WOMAN INDICTED **FOR DEFRAUDING INVESTORS**

ATLANTA, GA - GEOFFREY A. GISH, 56, of Marietta, Georgia, was arraigned today before United States Magistrate Judge Janet King on charges that he and another individual operated a Ponzi scheme. A federal grand jury returned an indictment on August 24, 2010, charging GISH and MYRA J. ETTENBOROUGH, 55, of Roswell, GA, with conspiracy and mail and wire fraud arising out of their operation of GISH's business, Weston Rutledge Financial Services, Inc. ("Weston Rutledge"), which was located in Marietta and, later, Roswell, Georgia. ETTENBOROUGH appeared for her initial appearance on the indictment on Friday.

United States Attorney Sally Quillian Yates said, "Investors lost millions of dollars that they were told was successfully invested and was generating earnings on their investment. Instead, Mr. Gish and Ms. Ettenborough allegedly made false promises and diverted the money to other uses, including their own personal benefit."

Brian D. Lamkin, Special Agent in Charge, FBI Atlanta Field Office, stated: "The loss amounts sustained by the many victims in this investment fraud scheme represent the greed of those responsible. While it is hard to avoid becoming a victim of these aggressive and well constructed schemes when the facts and figures being provided are blatantly falsified, people should always be extremely cautious of promises of high rates of returns."

According to United States Attorney Yates, the indictment and other information presented in court: Beginning in 2005 and continuing to May 17, 2006, GISH and ETTENBOROUGH conspired to defraud and defrauded investment clients of Weston Rutledge by fraudulently misrepresenting the ways in which they used their clients' money and the purported earnings that the clients' investments generated. On May 17, 2006, a federal judge froze Weston Rutledge's assets and appointed a receiver to take over Weston Rutledge and find any and all assets derived from the alleged fraud for return to investors. Despite having received almost \$29 million in investments from its clients, Weston Rutledge's bank accounts had only approximately \$1 million of the money raised from investors left when it was placed into receivership. The indictment

alleges that GISH and ETTENBOROUGH used the invested funds for a variety of purposes that were different than the purposes and uses represented to investors. None of these uses returned any principal, earnings, or profits to Weston Rutledge that were consistent with or that supported the representations that GISH and ETTENBOROUGH made to investors about the earnings and profits generated with their funds.

The indictment alleges that GISH operated, controlled, and was the primary salesperson for Weston Rutledge, which was headquartered in Marietta, Georgia until August 2005, and thereafter at an office in Roswell, Georgia. GISH also established an office for Weston Rutledge in Denton, Texas. ETTENBOROUGH was Weston Rutledge's Office Manager, responsible for managing its day-to-day operations, answering questions from investors about their accounts at Weston Rutledge, and maintaining Weston Rutledge's various bank accounts, including the bank accounts established to receive and disburse investment funds raised from investors.

The indictment alleges that Weston Rutledge's investment offerings included three pooled investment funds or entities named or referred to as "Zamindari Capital," the "Lexington International Fund," (the "Lexington Fund") and "Oxford Adams." Zamindari Capital purportedly was involved in bond or note trading "projects" or "programs" that varied in length. The Lexington Fund purportedly was involved in currency trading. Oxford Adams purportedly was involved in index or options investing.

The indictment alleges that to obtain investments, GISH made false representations to investors and potential investors about the uses, security, and profits and earnings of investments in Zamindari Capital and the Lexington Fund. When meeting with investors and potential investors, GISH falsely represented that funds invested in Zamindari Capital would be held in a bank account that was blocked, would not be touched, and not depleted during the course of the investment. GISH falsely represented that money invested in the Lexington Fund would be used for currency trading. GISH falsely promised that Zamindari Capital produced gains of 10-15% per month and that Lexington produced gains of 4-8% per month depending on the amount invested. GISH provided investors and caused investors to be provided with written materials repeating and confirming these false promises and representations.

The indictment alleges that ETTENBOROUGH, as Weston Rutledge's Office Manager, falsely portrayed to investors that Zamindari Capital and the Lexington Fund were successful investments that generated the returns and "earnings" that GISH promised and caused to be promised. GISH and ETTENBOROUGH sent investors monthly statements that falsely reflected earnings on and the growth of their funds invested in Zamindari Capital and the Lexington Fund. These statements showed increases in investors' total account balances as a result of purported earnings or gains from the supposed investments.

The indictment alleges that GISH and ETTENBOROUGH used the money invested in Zamindari Capital and the Lexington Fund for a variety of uses and purposes that were different than those represented to investors. These uses and purposes included payments to investors who requested withdrawals or distributions of principal and earnings from their Zamindari Capital, Lexington Fund, and Oxford Adams investments; transfers to third parties purportedly for or in connection with investments or, in certain cases, as loans; payments and transfers to GISH and for his personal benefit; payment of Weston Rutledge's operating expenses, including ETTENBOROUGH's salary, other employee salaries, office rent, and travel expenses; payment of commissions to the sales representative working out of the Denton, Texas, office; payments to investors for referring new investors; and transfers to other Weston Rutledge bank accounts that GISH and ETTENBOROUGH established that were not related to Zamindari Capital or the Lexington Fund.

The indictment alleges that Weston Rutledge, Zamindari Capital, and the Lexington Fund did not receive significant and meaningful funds, earnings, and gains back from and as a result of GISH and ETTENBOROUGH's uses of investor money. GISH and ETTENBOROUGH's representations about Zamindari Capital and Lexington Fund earnings and gains, including the account statements that they sent and caused to be sent to investors, were not supported by and consistent with any earnings and gains returned or received from the supposed investments and loans made with investor funds. GISH and ETTENBOROUGH allegedly concealed and failed to disclose these material facts to investors.

The indictment alleges that in December 2005, and until it was placed into receivership on May 17, 2006, Weston Rutledge did not have sufficient funds on hand to satisfy all investor requests for withdrawals of principal and earnings. To help fund requested withdrawals, GISH and ETTENBOROUGH attempted to retrieve some of the money they had sent to a third party as a purported investment or loan. GISH and ETTENBOROUGH were unsuccessful and received no money back. GISH and ETTENBOROUGH delayed paying certain withdrawal requests until they could fund requested withdrawals with money from other investors.

The indictment charges one conspiracy count and 10 counts of mail and wire fraud. The conspiracy charge carries a maximum possible sentence of up to 5 years and a fine of up to \$250,000. Each of the mail and wire fraud charges carry a maximum possible sentence of up to 20 years in prison and a possible fine of up to \$250,000. In determining the actual sentence, the Court will consider the United States Sentencing Guidelines, which are not binding but provide appropriate sentencing ranges for most offenders.

Members of the public are reminded that the indictment only contains charges. The defendant is presumed innocent of the charges and it will be the government's burden to prove the defendant's guilt beyond a reasonable doubt at trial.

This case is being investigated by Special Agents of the Federal Bureau of Investigation.

Assistant United States Attorney Douglas W. Gilfillan is prosecuting the case.

For further information please contact Sally Q. Yates, United States Attorney, or John Horn, First Assistant United States Attorney, at (404) 581-6335. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.justice.gov/usao/gan.