



*United States Attorney
Southern District of New York*

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FLORIDA BUSINESSMAN INDICTED FOR FORGING
CORRESPONDENCE PURPORTEDLY FROM SECURITIES
AND EXCHANGE COMMISSION ATTORNEY

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced today the indictment of JORGE ENRIQUE YEPES on wire fraud and forgery charges for perpetrating a scheme in an attempt to become the Chief Financial Officer ("CFO") of an international company (the "Hiring Company"), by forging correspondence purportedly written by an attorney at the United States Securities and Exchange Commission ("SEC"). YEPES was arrested on May 29, 2008 on a federal criminal Complaint. According to the Indictment and Complaint filed in Manhattan federal court:

YEPES currently purports to be the Vice President of Finance for the Americas for a Fortune 500 company with \$6.3 billion in sales (the "Current Employer"). In fact, he was fired from the Current Employer for inappropriate conduct in June 2006. Since April 2008, YEPES has engaged in a scheme to mislead and defraud the Hiring Company, an entity in the business of providing packaging solutions, in an effort to obtain employment as its CFO -- a position that pays an annual salary of approximately \$300,000, in addition to a performance bonus and equity interest in the company. YEPES carried out the scheme in part by emailing fictitious documents and correspondence to a Manhattan-based national executive search firm ("the Search Firm"), in an effort to satisfy the Search Firm's due diligence.

YEPES had previously been requested to voluntarily provide information in connection with an investigation by the SEC for his conduct while employed at another entity (the "Former Employer"). In his efforts to become CFO of the Hiring Company, YEPES informed a representative of the Search Firm that his assistance with the SEC investigation was no longer needed and that the SEC did not foresee any future actions against him. In fact, however, the SEC remained interested in interviewing YEPES in furtherance of its investigation into the Former Employer. YEPES also created and emailed false documents to the Search

Firm, including: (1) a forged letter written on SEC letterhead and purportedly signed by an SEC attorney (the "SEC Attorney") saying that YEPES had provided proof of irregularities at the Former Employer; and (2) a fictitious email from the SEC Attorney to YEPES saying that YEPES had provided valuable information and that the SEC required no further information from him, wishing him "best of luck in . . . future endeavors".

YEPES also created and sent to an employee of the Search Firm an email, purporting to be written from the personal email account of the CFO of the Current Employer, saying that YEPES had discovered and disclosed irregularities with the Former Employer and was a valuable team member of the Current Employer. In fact, the CFO of the Current Employer did not write or send the emails to the Search Firm and did not know YEPES, who had been fired two years earlier.

YEPES, 41, of Homestead, Florida, is charged with three counts of wire fraud and one count of forgery. If convicted, he faces a maximum prison term of 20 years on each of the wire fraud counts, and a maximum prison term of 5 years on the forgery count. On each of the four counts he faces a maximum fine of the greater of \$250,000 or twice the gross pecuniary gain or loss from the offense. YEPES is scheduled to appear in federal court tomorrow morning in Miami, Florida.

Mr. GARCIA praised the investigative work of the Federal Bureau of Investigation and thanked the United States Securities and Exchange Commission for its assistance in the investigation.

Assistant United States Attorney MARC P. BERGER is in charge of the prosecution.

The charges contained in the Indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.