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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

CR14-00512

15 UNITED STATES OF AMERICA

) Criminal No.
)
) **INFORMATION**
)
) VIOLATIONS: 15 U.S.C. § 1 –
) Bid Rigging (Count One);
) 18 U.S.C. § 1349 – Conspiracy to
) Commit Mail Fraud (Count Two)

16 v.

17 GERNOT SEBASTIAN ZEPERNICK, a/k/a
18 SEBASTIAN ZEPERNICK, a/k/a HENRY
19 ZEPERNICK,
20 Defendant.

21 The United States of America, acting through its attorneys, charges:

22 GERNOT SEBASTIAN ZEPERNICK,

23 the defendant herein, as follows:

24 BACKGROUND

25 1. At all times relevant to this Information, when California homeowners defaulted
26 on their mortgages, mortgage holders could institute foreclosure proceedings and sell the
27 properties through non-judicial public real estate foreclosure auctions (“public auctions”). These
28 public auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a

1 trustee was appointed to oversee the public auctions. These public auctions usually took place at
2 or near the courthouse of the county in which the properties were located. The auctioneer, acting
3 on behalf of the trustee, sold the property to the bidder offering the highest purchase price.
4 Proceeds from the sale were then used to pay the mortgage holders, other holders of debt secured
5 by the property, and, in some cases, the defaulting homeowner (collectively, “beneficiaries”).

6 COUNT ONE: 15 U.S.C. § 1 – Bid Rigging (Contra Costa County)

7 THE COMBINATION AND CONSPIRACY

8 2. Beginning as early as November 2008 and continuing until in or about January
9 2011, the defendant, GERNOT SEBASTIAN ZEPERNICK, and co-conspirators entered into
10 and engaged in a combination and conspiracy to suppress and restrain competition by rigging
11 bids to obtain selected properties offered at public auctions in Contra Costa County in the
12 Northern District of California, in unreasonable restraint of interstate trade and commerce, in
13 violation of the Sherman Act, Title 15, United States Code, Section 1.

14 3. The charged combination and conspiracy consisted of a continuing agreement,
15 understanding, and concert of action among the defendant and his co-conspirators to suppress
16 competition by agreeing to refrain from or stop bidding against each other to purchase selected
17 properties at public auctions in Contra Costa County at non-competitive prices.

18 4. For the purpose of forming and carrying out the charged combination and
19 conspiracy, the defendant and his co-conspirators did those things that they combined and
20 conspired to do, including, among other things:

21 a. agreeing not to compete to purchase selected properties at public auctions
22 in Contra Costa County;

23 b. designating which conspirator would win the selected properties at the
24 public auctions for the group of conspirators; and

25 c. refraining from or stopping bidding for the selected properties at the
26 public auctions.

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1 12. For the purpose of executing the scheme and artifice to defraud and attempting to
2 do so, the defendant and his co-conspirators knowingly used and caused to be used the United
3 States Postal Service and private or commercial interstate carriers. For example, trustees used
4 the United States mail and private or commercial interstate carriers to transmit the Trustee's
5 Deeds Upon Sale and other title documents to participants in the conspiracy. These mailings
6 were foreseeable to the defendant in the ordinary course of business.

7 JURISDICTION AND VENUE

8 13. The combination, conspiracy, and agreement to violate Title 18, United States
9 Code, Section 1341 charged in this Information was carried out, in part, in the Northern District
10 of California, within the five years preceding the filing of this Information.

11 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1349.

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15 Brent Snyder
16 Deputy Assistant Attorney General

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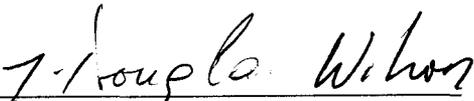
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38 Acting Under Authority Conferred
39 by 28 U.S.C. § 515