

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	CRIMINAL NO.	03-80660
Plaintiff,	FILED:	January 28, 2004
v.	HONORABLE:	NANCY G. EDMUNDS
D-4 BOBBY KEITH MOSER,	VIOLATIONS:	18 U.S.C. § 1956(h) 18 U.S.C. § 1503
Defendant.	OFFENSES:	Conspiracy to Commit Money Laundering Obstruction of Justice
_____ /		

THIRD SUPERSEDING INFORMATION

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

COUNT ONE—CONSPIRACY TO COMMIT MONEY LAUNDERING  
(18 U.S.C. § 1956(h))

I

DEFENDANT AND CO-CONSPIRATORS

1. During the period covered by this Information, Bobby Keith Moser, the defendant, was an attorney licensed to practice in Arkansas and at all times relevant, lived in Little Rock, Arkansas.
2. An executive ("company executive") of an audio-visual company located in Troy, Michigan, which buys licensing rights from television and movie programmers, then packages these properties for retail sale as videotapes and DVDs, willfully devised, along with others, a scheme to defraud which

permitted him to obtain or seek to obtain money by means of false or fraudulent pretenses.

3. The company executive at all times relevant maintained residences in both Little Rock, Arkansas and in Royal Oak, Michigan, which is located within the Eastern District of Michigan.
4. Various individuals and corporations, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance thereof.

## II THE SCHEME TO DEFRAUD

5. At least as early as May 2000, the company executive and others willfully devised a scheme to defraud by obtaining or soliciting to obtain kickbacks from vendors seeking to obtain contracts from the audio-visual company. The company executive conditioned his favorable support in the contract negotiations and the execution of any contract awarded on the payment of a kickback. The company executive demanded the vendors pay him without any authorization from his superiors. In doing so, he sought to obtain money through false or fraudulent pretenses.
6. Beginning in May 2000, the company executive solicited and obtained a kickback from a Michigan vendor ("Vendor One") seeking to do business with the audio-visual company in exchange for the company executive's continued

support during the contract negotiations with the audio-visual company and in fulfilling the contract after its award.

7. Vendor One agreed to pay the company executive the kickback and made payments in excess of \$592,000 prior to the termination of the scheme to defraud.
8. At least as early as July 1, 2001, the company executive solicited a California vendor ("Vendor Two") for a kickback. Vendor Two was seeking to obtain a multi-year, multi-million dollar contract with the audio-visual company. The company executive conditioned his favorable support in the contract negotiations on the payment of a \$1 million kickback.
9. On or about July 5, 2001, the company executive placed an interstate telephone call from Michigan to California to Vendor Two to discuss the kickback. This was one of a series of interstate telephone calls placed by the company executive to Vendor Two in furtherance of the scheme to defraud.
10. On or about July 9, 2001, the company executive, the defendant and others discussed in Little Rock, Arkansas the scheme to defraud.
11. On or about July 13, 2001, Vendor Two rejected the solicitation for the \$1 million kickback and informed the conspirator that conditioning the award of the multi-year, multi-million dollar contract award on the \$1 million kickback payment was illegal. The rejection was sent certified

- mail through the United States Postal Service from California to Arkansas.
12. After being rejected by Vendor Two, the company executive solicited Vendor Three, located in Michigan, in September 2001, for a \$2 million kickback in exchange for the company executive's favorable support in ongoing contract negotiations between Vendor Three and the audio-visual company for a multi-year, multi-million dollar contract.
  13. On or about October 9, 2001, the defendant flew from Arkansas to Michigan to meet with Vendor Three in furtherance of the scheme to defraud. During the meeting, the defendant explained that if Vendor Three paid the \$2 million kickback, Vendor Three would receive the multi-year, multi-million dollar contract from the audio-visual company and conversely Vendor Three understood that if it did not pay, it would not obtain the contract.
  14. Vendor Three refused to pay the \$2 million and reported the illegal conduct to the audio-visual company in early November 2001, which led to the termination of the company executive and the end of the scheme to defraud.

### III DESCRIPTION OF THE OFFENSE

15. Bobby Keith Moser is made a defendant on the charge stated below.
16. Beginning at least as early as July 9, 2001 and continuing through on or about November 12, 2001, within the Eastern District of Michigan, and elsewhere, the defendant and other unnamed co-conspirators did knowingly

combine, conspire, confederate and agree together and with each other to commit certain offenses under Title 18, United States Code, Section 1956, as follows: to conduct and attempt to conduct such financial transactions affecting interstate commerce, which such transactions involved the proceeds and the anticipated proceeds of a specified unlawful activity, namely, a scheme to commit mail fraud (18 U.S.C. § 1341) and a scheme to commit wire fraud (18 U.S.C. § 1343) more fully described in paragraphs 5-14 above, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity and that while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the anticipated proceeds of some form of unlawful activity, namely, a scheme to commit mail fraud (18 U.S.C. § 1341) and a scheme to commit wire fraud (18 U.S.C. § 1343), in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

IV  
MANNER AND MEANS OF THE CONSPIRACY

17. The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:
  - A. having monies paid or seeking to have monies paid to corporations separate and distinct from the company executive in order to conceal and

disguise the nature, source, ownership, and control of the proceeds of the specified unlawful activity;

B. using phony consulting contracts to conceal and disguise the nature, source, ownership, and control of the proceeds of the specified unlawful activity;

C. meeting to discuss solicitation targets and strategies to conceal and disguise the source, ownership, and control of the proceeds of the specified unlawful activity;

D. discussing over the telephone the progress of the solicitations;

E. purposely misidentifying the president of corporations purportedly doing consulting work to conceal and disguise the ownership and control of the proceeds of the specified unlawful activity;

F. establishing multiple financial accounts to receive and distribute the monies received in order to conceal and disguise the nature, source, ownership, and control of the proceeds of the specified unlawful activity; and

G. establishing phony financial relationships between the company executive and other conspirators to conceal and disguise the distribution of the proceeds of the specified unlawful activity, further concealing the nature, source, ownership, and control of the proceeds.

V  
JURISDICTION AND VENUE

18. The conspiracy charged in this count was devised and carried out, in part, in the Eastern District of Michigan, within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1956(h)

COUNT TWO - OBSTRUCTION OF JUSTICE  
(18 U.S.C. § 1503)

19. Bobby Keith Moser is made a defendant on the charge stated below.
20. Beginning in May 2002 and continuing through at least December 18, 2002, the defendant, Bobby Keith Moser, did corruptly influence, obstruct and impede or endeavor to influence, obstruct and impede the due administration of justice by manufacturing or altering or directing the manufacturing or altering of documents produced in response to a federal grand jury subpoena issued in the Eastern District of Michigan and by falsifying an “Affidavit of Compliance” submitted to a federal grand jury sitting in the Eastern District of Michigan, all in violation of Title 18, United States Code, Section 1503.
21. In May 2002, a grand jury sitting in the Eastern District of Michigan issued a subpoena duces tecum to Company A.
22. The defendant identified himself as the document custodian for Company A and produced documents on behalf of Company A.

23. The defendant corruptly altered several Company A documents after receipt of the grand jury subpoena. These documents, which include a power of attorney falsely executed in favor of the defendant, were altered to conceal and mislead the grand jury in its investigation of the defendant's illegal conduct, including his conduct in Count One of this Information.
24. The defendant corruptly manufactured or directed to be manufactured several other documents called for by the grand jury subpoena issued to Company A after having received it. These documents, which include a number of promissory notes, were manufactured or backdated to conceal and mislead the grand jury in its investigation of the defendant's illegal conduct.
25. The defendant caused these altered and manufactured documents to be mailed from his office in Little Rock, Arkansas to the Department of Justice in Cleveland, Ohio in several stages beginning as early as June 2002, and continuing until at least December 18, 2002.
26. On or about December 18, 2002, the defendant further falsely certified under oath in an "Affidavit of Compliance" that all the documents produced to the grand jury, including those that were altered or manufactured, were authentic in that the documents "were made at or near the time identified on each particular document, were made by, or based on information transmitted from, a person with knowledge, were kept in the course of a



regularly conducted business activity, and were made as part of the regular practice of that business activity.”

27. The defendant submitted this false “Affidavit of Compliance,” along with the altered and manufactured documents, to the grand jury knowing that they were false, for the purpose of influencing, obstructing or impeding the grand jury investigation.

28. The offense charged in this count was devised and carried out, in part, in the Eastern District of Michigan, within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1503

“/s/”  
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“/s/”  
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Dated: January 28, 2004