

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-60183-CR-COHN/SELTZER

18 U.S.C. § 1349

18 U.S.C. § 1343

18 U.S.C. § 1341

18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

**ANDREW LEVINSON,
a/k/a "Andrew Kennedy,"**

**CORINA GUILLOTT,
a/k/a "Cori Lee,"
a/k/a "Corina Mirabal,"**

**EDWARD PERL,
a/k/a "Eddie Marx,"**

**ALAN PERL,
a/k/a "Alan Peters," and**

ADRIANA MIRABAL,

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

1. Creative Concepts of America Inc. ("Creative Concepts") was a Florida corporation.

Creative Concepts was originally incorporated in or around January 2003 under the name "Baltimore

Financial Services, Inc.” In or around January 2005, Creative Concepts changed its name from “Baltimore Financial Services, Inc.” to “Creative Concepts of America Inc.”

2. From in or around March 2005, Creative Concepts’ principal place of business was at 4300 N. University Drive, Suite A-106, Ft. Lauderdale, Florida 33351.

3. Creative Concepts offered a business opportunity that included Red Bull energy drink vending machines and on-going customer assistance. Creative Concepts began selling Red Bull energy drink vending machine business opportunities in approximately June 2005, and continued to do so until approximately June 2006. Defendants and their co-conspirators falsely told potential purchasers that those who bought Red Bull energy drink vending machine business opportunities from Creative Concepts would earn substantial profits from the sales of Red Bull energy drink out of the vending machines.

4. Defendant **ANDREW LEVINSON, a/k/a “Andrew Kennedy,”** was a Creative Concepts owner, operator, and salesman.

5. Defendants **CORINA GUILLOT, a/k/a “Cori Lee,” a/k/a “Corina Mirabal;” EDWARD PERL, a/k/a “Eddie Marx;”** and **ALAN PERL, a/k/a “Alan Peters,”** were Creative Concepts references who held themselves out as successful owners of Red Bull energy drink vending machine business opportunities.

6. Defendant **ADRIANA MIRABAL** worked at Creative Concepts in office operations. She was the sister of reference **CORINA GUILLOTT**, and lived with reference **EDWARD PERL**, the brother of reference **ALAN PERL**.

7. On or about September 15, 2006, Creative Concepts was dissolved as a Florida corporation.

COUNT 1
Conspiracy
(18 U.S.C. § 1349)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From at least as early as in or around June 2005 through in or around June 2006, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

ANDREW LEVINSON,
a/k/a “Andrew Kennedy,”
CORINA GUILLOTT,
a/k/a “Cori Lee,”
a/k/a “Corina Mirabal,”
EDWARD PERL,
a/k/a “Eddie Marx,”
ALAN PERL,
a/k/a “Alan Peters” and
ADRIANA MIRABAL,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

(a) to knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and knowingly cause to be delivered certain mail matter by a private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1341;

(b) to knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent

pretenses, representations, and promises, knowing that they were false and fraudulent when made, and transmit and cause to be transmitted certain wire communications in interstate commerce, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by obtaining money from potential business opportunity purchasers by making materially false and fraudulent representations, and omitting to state and concealing material facts concerning, among other things, expected profits, the authenticity of Creative Concepts' references, the exclusivity of territories assigned to purchasers, and the services Creative Concepts provided to purchasers.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. **ANDREW LEVINSON** and his co-conspirators began doing business as "Creative Concepts of America Inc." in or around June 2005. **LEVINSON** named a close relative as the firm's president, although he controlled its operations.

5. During the summer of 2005, **ANDREW LEVINSON** negotiated an agreement between Creative Concepts and Red Bull North America, Inc., that allowed Creative Concepts to sell Red Bull energy drink vending machine business opportunities.

6. **ANDREW LEVINSON** and his co-conspirators advertised Red Bull energy drink vending machine business opportunities on the Internet and through sales literature. Creative

Concepts had its own website at www.creativeconceptsofamerica.com. At times during the conspiracy the Creative Concepts website stated in part:

An Opportunity That Offers:

Immediate cash flow

Amazingly high profit margins

Proven profitability

Immediate rewards and profits

Thousands of Great Locations

Phone: 1-800-717-0730

7. Creative Concepts' website also stated: "'The favorite beverage of office workers is Red Bull and other energy drinks.' Now for the first time ever, you can profit from these highly popular beverages through vending machines. Creative Concepts of America, Inc. is setting up distributorships across the country. Be the first in your area to profit from these machines" Creative Concepts' website went on to state: "We will show you how from start to finish!"; "Our Pledge: We recognize the need to provide strong support to our clients"; and "High Traffic Locations are Currently Available!"

8. Creative Concepts' website also mentioned a "business package" that was sent to purchasers: "Receive a complete Business Package to learn more about this great opportunity." Creative Concepts' business package repeated many of the same false and fraudulent claims found on Creative Concepts' website, such as: "AMAZINGLY HIGH PROFIT MARGINS," "PROVEN PROFITABILITY," "IMMEDIATE REWARDS & PROFITS," and "THOUSANDS OF GREAT LOCATIONS." Creative Concepts' business package also stated: "You can start in the vending

business with Creative Concepts for as little as \$9,450 and expand your business using the expansion program” and “[W]e want to assure you that you will have . . . a customer service team unsurpassed in the industry backing you every step of the way.”

9. Potential purchasers who saw Creative Concepts’ website contacted the firm via interstate telephone calls. Upon receiving calls, Creative Concepts’ salespeople made an extended sales pitch. As part of this sales pitch, **ANDREW LEVINSON**, **ADRIANA MIRABAL** and other Creative Concepts salespeople made a number of false and fraudulent representations about the Creative Concepts business opportunity, earnings, and the help and support Creative Concepts provided. Creative Concepts salespeople placed potential purchasers in touch with references, including **CORINA GUILLOTT**, **ALAN PERL**, and **EDWARD PERL**. In interstate telephone calls, the references falsely and fraudulently claimed to be successful Creative Concepts business opportunity owners. Creative Concepts salespeople then finalized the purchasers’ initial investments. Purchasers sent their payments to Creative Concepts by interstate bank wire transfers and other means.

10. To fraudulently induce others to purchase business opportunities, the defendants and their co-conspirators made, and caused others to make, materially false statements, and the defendants and their co-conspirators concealed and omitted to state, and caused others to conceal and omit to state, material facts, including, among others, the following:

Materially False Statements

- a. That the Creative Concepts business opportunity was highly profitable for purchasers when, in truth and in fact, the defendants and their co-conspirators were the only individuals who profited from Creative Concepts;

- b. That purchasers could obtain exclusive territories when, in truth and in fact, no Creative Concepts purchaser could be guaranteed an exclusive territory;
- c. That **CORINA GUILLOTT, ALAN PERL** and **EDWARD PERL** had purchased Red Bull energy drink vending machine business opportunities from Creative Concepts when, in truth and in fact, they had not done so; and
- d. That **CORINA GUILLOTT, ALAN PERL** and **EDWARD PERL** owned highly profitable Creative Concepts business opportunities when, in truth and in fact, the defendants did not own such highly profitable opportunities;

Omissions and Concealments of Material Facts

- e. That **ANDREW LEVINSON** used a false name when speaking with potential Creative Concepts purchasers and others;
- f. That **CORINA GUILLOTT** used a false name when speaking with potential Creative Concepts purchasers;
- f. That **ALAN PERL** used a false name when speaking with potential Creative Concepts purchasers;
- g. That **EDWARD PERL** used a false name when speaking with potential Creative Concepts purchasers; and
- h. That Creative Concepts paid **CORINA GUILLOTT, ALAN PERL** and **EDWARD PERL** for acting as references, and paid them more if the potential Creative Concepts purchasers they spoke to purchased Red Bull energy drink vending machine business opportunities from Creative Concepts than if they did not make such a purchase.

11. After Red Bull ended its relationship with Creative Concepts in April 2006, **ANDREW LEVINSON** offered to falsely and fraudulently buy back Red Bull energy drink vending machines from the purchasers, but then refused to pay those purchasers who in fact returned the machines.

All in violation of Title 18, United States Code Section 1349.

COUNTS 2 - 14
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around June 2005 through in or around June 2006, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

ANDREW LEVINSON,
a/k/a "Andrew Kennedy,"
CORINA GUILLOTT,
a/k/a "Cori Lee,"
a/k/a "Corina Mirabal,"
EDWARD PERL,
a/k/a "Eddie Marx,"
ALAN PERL,
a/k/a "Alan Peters" and
ADRIANA MIRABAL,

did knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted,

by means of wire communications in interstate commerce, certain writings, signs, signals, pictures and sounds.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by obtaining money from potential business opportunity purchasers by making materially false representations, and omitting to state and concealing material facts concerning, among other things, expected profits, the authenticity of Creative Concepts' references, the exclusivity of territories assigned to purchasers, and the services Creative Concepts provided to purchasers.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 11 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

5. On or about the dates listed as to each count below, the defendants, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate commerce, certain writings, signs, signals, pictures, and sounds, as set forth below:

| <u>COUNT</u> | <u>APPROX. DATE</u> | <u>DESCRIPTION OF WIRE TRANSMISSION</u> |
|--------------|---------------------|---|
| 2 | October 25, 2005 | Telephone call from potential purchaser S.B. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 3 | November 3, 2005 | Wire transfer in the amount of \$3,000, from purchaser S.B.'s bank account in Texas, to Creative Concepts' Bank of America account #xxxxxxx6145 in the Southern District of Florida. |
| 4 | October 26, 2005 | Telephone call from potential purchaser N.P. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 5 | November 4, 2005 | Wire transfer in the amount of \$19,418.50, from purchasers N.P. and M.P. in Missouri, to Creative Concepts' Bank of America bank account #xxxxxxx6145 in the Southern District of Florida. |
| 6 | November 8, 2005 | Telephone call from potential purchaser M.C. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 7 | December 6, 2005 | Wire transfer in the amount of \$37,857, from purchaser M.C. in Utah, to Creative Concepts' Bank of America bank account #xxxxxxx6145 in the Southern District of Florida. |
| 8 | December 12, 2005 | Telephone from potential purchaser C.B. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 9 | January 3, 2006 | Telephone call from potential purchaser J.K. from outside Florida to EDWARD PERL in the Southern District of Florida. |

| <u>COUNT</u> | <u>APPROX. DATE</u> | <u>DESCRIPTION OF WIRE TRANSMISSION</u> |
|--------------|---------------------|--|
| 10 | January 10, 2006 | Wire transfer in the amount of \$11,297.50, from purchaser J.K. in Arkansas, to Creative Concepts' Bank of America bank account #xxxxxxxx6145 in the Southern District of Florida. |
| 11 | January 5, 2006 | Telephone call from potential purchaser J.B. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 12 | January 27, 2006 | Wire transfer in the amount of \$22,610, from purchaser J.B. in Oklahoma, to Creative Concepts' Bank of America bank account #xxxxxxxx6145 in the Southern District of Florida. |
| 13 | January 23, 2006 | Telephone call from potential purchasers K.H. and T.K.H. from outside Florida to EDWARD PERL in the Southern District of Florida. |
| 14 | March 6, 2006 | Telephone call from potential purchaser R.M. from outside Florida to EDWARD PERL in the Southern District of Florida. |

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 15 - 16
Mail Fraud
(18 U.S.C. § 1341)

1. Paragraphs 1 through 7 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.
2. From in or around June 2005 through in or around June 2006, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

**ANDREW LEVINSON,
a/k/a “Andrew Kennedy,”
CORINA GUILLOTT,
a/k/a “Cori Lee,”
a/k/a “Corina Mirabal,”
EDWARD PERL,
a/k/a “Eddie Marx,”
ALAN PERL,
a/k/a “Alan Peters” and
ADRIANA MIRABAL,**

did knowingly and with intent to defraud devise, and intend to devise, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and for the purpose of executing such scheme and artifice to defraud, did knowingly cause to be delivered certain mail matter by a private and commercial interstate carrier, according to the directions thereon.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by obtaining money from potential business opportunity purchasers by making materially false representations, and omitting to state and concealing material facts concerning, among other things, expected profits, the authenticity of Creative Concepts’ references, the exclusivity of territories assigned to purchasers, and the services Creative Concepts provided to purchasers.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 11 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE MAILS

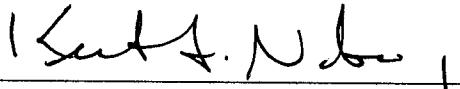
5. On or about the dates listed as to each count below, the defendants, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly cause to be delivered by a private and commercial interstate carrier, according to the directions thereon, the items identified below as to each count:

| <u>COUNT</u> | <u>APPROX. DATE</u> | <u>DESCRIPTION OF MAILING</u> |
|---------------------|----------------------------|---|
| 15 | December 29, 2005 | Payment for purchaser C.B.'s business opportunity sent by commercial interstate delivery service from California to Creative Concepts in the Southern District of Florida |
| 16 | January 30, 2006 | Payment for purchasers K.H.'s and T.K.H.'s business opportunity sent by commercial interstate delivery service from Virginia to Creative Concepts in the Southern District of Florida |

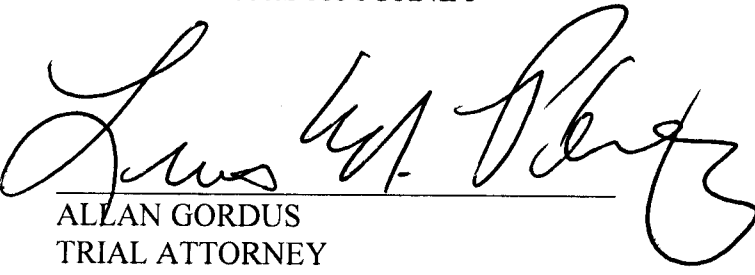
In violation of Title 18, United States Code, Sections 1341 and 2.

A TRUE BILL

FOR PERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ALLAN GORDUS
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

ANDREW LEVINSON,
a/k/a "Andrew Kennedy," et al.

Defendants.

Superseding Case Information:

Court Division: (Select One)

X Miami FTL Key West WPB FTP

New Defendant(s) Yes No
Number of New Defendants
Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 10 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

| | | |
|-------------------------------|--------------------|--|
| (Check only one) | (Check only one) | |
| I 0 to 5 days <u> </u> | Petty <u> </u> | |
| II 6 to 10 days <u> X </u> | Minor <u> </u> | |
| III 11 to 20 days <u> </u> | Misdem. <u> </u> | |
| IV 21 to 60 days <u> </u> | Felony <u> X </u> | |
| V 61 days and over <u> </u> | | |

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: _____ Case No. _____
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

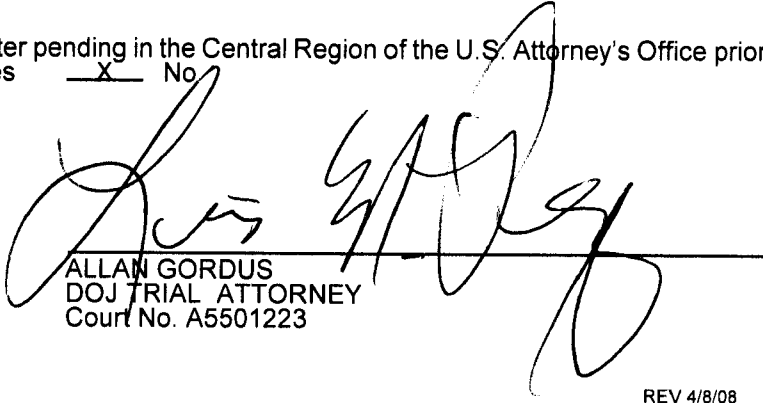
Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



ALLAN GORDUS
DOJ TRIAL ATTORNEY
Court No. A5501223

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Andrew Levinson, a/k/a "Andrew Kennedy"

Case No: _____

Count #: 1

Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1349

***Max Penalty:** 20 years' imprisonment

Counts #: 2 - 14

Wire Fraud

18 U.S.C. § 1343

***Max Penalty:** 20 years' imprisonment

Counts #: 15 - 16

Mail Fraud

18 U.S.C. § 1341

***Max Penalty:** 20 years' imprisonment

Count #:

***Max Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Corina Guillott, a/k/a "Cori Lee," a/k/a "Corina Mirabal"

Case No: _____

Count #: 1

Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1349

***Max Penalty:** 20 years' imprisonment

Counts #: 2 - 14

Wire Fraud

18 U.S.C. § 1343

***Max Penalty:** 20 years' imprisonment

Counts #: 15 - 16

Mail Fraud

18 U.S.C. § 1341

***Max Penalty:** 20 years' imprisonment

Count #:

***Max Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Edward Perl, a/k/a "Eddie Marx"

Case No: _____

Count #: 1

Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1349

***Max Penalty:** 20 years' imprisonment

Counts #: 2 - 14

Wire Fraud

18 U.S.C. § 1343

***Max Penalty:** 20 years' imprisonment

Counts #: 15 - 16

Mail Fraud

18 U.S.C. § 1341

***Max Penalty:** 20 years' imprisonment

Count #:

***Max Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Alan Perl, a/k/a "Alan Peters"

Case No: _____

Count #: 1

Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1349

***Max Penalty:** 20 years' imprisonment

Counts #: 2 - 14

Wire Fraud

18 U.S.C. § 1343

***Max Penalty:** 20 years' imprisonment

Counts #: 15 - 16

Mail Fraud

18 U.S.C. § 1341

***Max Penalty:** 20 years' imprisonment

Count #:

***Max Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Adriana Mirabal Case No: _____

Count #: 1

Conspiracy to Commit Mail and Wire Fraud

18 U.S.C. § 1349

***Max Penalty:** 20 years' imprisonment

Counts #: 2 - 14

Wire Fraud

18 U.S.C. § 1343

***Max Penalty:** 20 years' imprisonment

Counts #: 15 - 16

Mail Fraud

18 U.S.C. § 1341

***Max Penalty:** 20 years' imprisonment

Count #:

***Max Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**