

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts Southern
District of Texas
FILED
07/19/2021

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

KELVIN O. RAMIREZ,
Defendant.

CRIMINAL NO. **4:21-cr-379**

18 U.S.C. §§ 1343 and 2

INFORMATION

The Acting Assistant Attorney General charges:

General Allegations

At all times material to this Information:

1. The foreign exchange market, also known as “forex,” “FX,” and “currency exchange,” was a global marketplace for buying and selling foreign currencies. Forex trading was conducted electronically over the counter, via computer networks between traders around the world, rather than on one centralized exchange.

2. Retail forex trading was a form of trading through which investors who placed funds with traders sought to profit from exchange rates between different currencies.

3. Defendant **KELVIN O. RAMIREZ** was a United States citizen and resident of Houston, Texas. **KELVIN O. RAMIREZ** used Instagram, a social media platform, to promote himself as a successful retail foreign currency or “forex” trader.

COUNT ONE
Wire Fraud
(18 U.S.C. §§ 1343 and 2)

4. From in or around September 2015 through in or around January 2019, the exact

dates being unknown to the United States, in the Houston Division of the Southern District of Texas and elsewhere, the defendant,

KELVIN O. RAMIREZ,

did knowingly and willfully, and with the intent to defraud, having devised and intending 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 such pretenses, representations, and promises were false and fraudulent when made, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice.

Purpose of the Scheme

5. The purpose of the scheme was for **KELVIN O. RAMIREZ** to unlawfully enrich himself by making materially false and fraudulent representations to the victims regarding his prior trading success, the performance of past investments, the use and investment of the victims' funds, the status of the purported investment, **KELVIN O. RAMIREZ**'s management of the purported investment, and the terms of the investment.

The Scheme and Artifice to Defraud

6. Through his Instagram accounts, **KELVIN O. RAMIREZ** attracted investors and potential investors by falsely presenting himself as a successful forex trader and by falsely promising rates of return on investments and low or no-risk returns on investments.

7. **KELVIN O. RAMIREZ** marketed two general types of fraudulent investments that purportedly traded in forex: (a) so-called "investment groups" and (b) so-called "private accounts" purportedly managed by **KELVIN O. RAMIREZ**. For both types of investments, **KELVIN O. RAMIREZ** fraudulently solicited individuals by using false representations about

high returns on investments, and making false promises about the risk associated with the investments and false guarantees about returns on investment.

8. In total, **KELVIN O. RAMIREZ** solicited more than \$650,000 from over 100 investors through the use of false and misleading statements about his prior trading success, the performance of past investments, guaranteed returns on investments, and other material facts.

9. Instead of using investors' funds for trading in forex as promised, **KELVIN O. RAMIREZ** misappropriated investors' funds for his own personal use, including car purchases, dining out, and recreational activities.

Use of the Wires

10. On or about May 31, 2018, for the purpose of executing the aforesaid scheme and artifice to defraud, and in furtherance thereof, **KELVIN O. RAMIREZ** did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, to wit: a WhatsApp message from **KELVIN O. RAMIREZ** in the Southern District of Texas to Victim A, outside of the Southern District of Texas, containing a link to a contract for private account management.

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

FORFEITURE ALLEGATIONS

11. The foregoing paragraphs of this Information are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

12. Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, upon conviction of any offense in violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States any property, real or personal, constituting or traceable to the proceeds of any violation of 18 U.S.C. § 1343.

13. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

JOSPEH BEEMSTERBOER
ACTING CHIEF
FRAUD SECTION, CRIMINAL DIVISION
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