

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

11-20131 CR-MARTINEZ/

18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 1341
15 U.S.C. § 77e(a)
18 U.S.C. § 1512(c)(2)
18 U.S.C. § 2
18 U.S.C. § 981

LW
MAGISTRATE JUD
BROWN

UNITED STATES OF AMERICA

vs

JONATHAN RANDALL CURSHEN,
MICHAEL SIMON KROME,
RONNY SALAZAR MORALES,
a/k/a "Ronny Salazar"
ROBERT LLOYD WEIDENBAUM,
ERIC ARIAV WEINBAUM, and
IZHACK ZIGDON,
a/k/a "Ytzhak Zigdon,"

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The United States Securities and Exchange Commission ("SEC") was an independent agency of the United States charged with enforcing the federal securities laws, which are designed to provide the investing public with full disclosure of all material facts regarding matters involving the offer, purchase, and sale of securities, among other things. These laws protect the investing

public in the purchase of stock that is publicly distributed by maintaining fair and honest securities markets and eliminating manipulative practices that tend to distort the fair and just price of stock. The SEC regulated, among other things, the offers and sales of securities. In order for a company to offer or sell its securities to the public, federal securities laws, specifically section 5 of the Securities Act of 1933, required that the company first file a registration statement with the SEC or that the transaction be exempt from registration. The requirement of a registration statement was designed, in part, to protect the general investing public by requiring detailed disclosures about a company's actual operations and financial condition.

2. The National Association of Securities Dealers ("NASD") was an industry organization representing persons and companies involved in the securities industry in the United States. It was a self-regulatory organization ("SRO") responsible for the regulation of its industry, with oversight from the SEC. NASD licensed individuals and admitted firms to the industry, wrote rules to govern their behavior, examined them for regulatory compliance, and was sanctioned by the SEC to discipline registered representatives and member firms that failed to comply with the federal securities laws and NASD's rules and regulations.

3. The Over-the-Counter ("OTC") securities market was the equity market for securities not listed on a United States stock exchange or the NASDAQ Stock Market. The OTC market was linked by computer networks, and quotations for OTC securities may have been quoted on listing services such as Pink Sheets.

4. The Pink Sheets was an inter-dealer electronic quotation and trading system in the OTC securities market.

5. A pump-and-dump scheme involves the artificial manipulation of the price and trading volume of a particular stock in order to sell that stock at an artificially inflated price. As part of the pump-and-dump scheme, an individual or group of individuals obtains control over a substantial portion of the free trading shares of a company. Free trading shares are shares of stock that the owner can trade without restriction on a national exchange, e.g., the New York Stock Exchange, or are traded in an over-the-counter market, e.g., the Pink Sheets.

6. The “pump” involves artificially inflating a company's stock price by engaging in coordinated trading of the stock to create the appearance of a more active market for that stock – usually by controlling both the buying and selling activity of the stock. The pump also involved disseminating false and misleading promotional materials – press releases purportedly from the company or advertisements touting the prospects of a company’s stock, to encourage innocent investors to purchase the stock.

7. After pumping up the stock price in the manner described above, the stock is “dumped,” meaning large quantities of the shares owned and controlled are sold to unsuspecting investors. The dump usually occurs soon after the dissemination of the promotional materials touting the particular company. A pump-and-dump scheme also involves “parking” shares by depositing or transferring them into different accounts, including accounts in the names of nominees, to conceal the manipulative trading of the stock. Nominee bank accounts are also often used to conceal the dissipation of the proceeds of the fraud.

8. A “nominee” is someone who owns an asset merely on paper, in order to disguise the true owner of the property. Nominee owners are also used in connection with the formation of shell

companies. Bank and brokerage accounts opened in the name of a shell company with a nominee owner are often referred to as “nominee accounts.”

9. A “shell company” or “shell corporation” is a company with no significant assets or business operation.

10. A “beneficial owner” is the true owner of a nominee account or shell company.

11. “Restricted” securities are securities acquired in an unregistered, private sale from an issuer or from an affiliate of the issuer. They typically bear a “restricted legend” clearly stating that the shares may not be resold in the public marketplace unless the sale is exempt from the SEC’s registration requirements.

12. “Coordinated Trades” are securities transactions, i.e., buying and selling a security, to create the appearance of increased volume and volatility in a stock. Generally, the individual(s) behind “Coordinated Trading” will simultaneously buy and sell shares in one company through two different brokerage firms in order to create the appearance of substantial trading activity that will draw in other unsuspecting investors.

13. Rule 144 of the Securities Act of 1933, 17 C.F.R. § 230.144 *et seq.* (2005) (“Rule 144”) permitted, under certain circumstances, without registration, the public sale of limited amounts of securities by persons who had acquired restricted securities of the issuer. Among its other requirements, Rule 144 mandated a one-year holding period from the date that the restricted securities were bought and fully paid for.

14. Section 4(1) of the Securities Act of 1933 (“Section 4(1)”) permitted, under certain circumstances, an exemption from registration requirements for transactions by persons other than

an issuer, underwriter or dealer. Transactions by control persons and underwriters intended to distribute securities to the public were not exempt from registration under Section 4(1).

Defendants

15. The defendant, **JONATHAN RANDALL CURSHEN**, was a dual citizen of the United States and United Kingdom who resided in Florida and Costa Rica. **CURSHEN** was the principal of Red Sea Management Ltd. and Sentry Global Securities Limited.

16. The defendant, **RONNY SALAZAR MORALES, a/k/a Ronny Salazar**, was a dual citizen of the United States and Costa Rica who resided in Costa Rica. **SALAZAR** was a stock trader at Sentry Global Securities Limited.

17. The defendant, **ERIC ARIAV WEINBAUM** was a dual citizen of the United States and Israel who resided in Boca Raton, Florida, in the Southern District of Florida. **WEINBAUM** was an attorney who acted as a stock promoter and stock trader.

18. Defendant **IZHACK ZIGDON, a/k/a Ytzhak Zigdon**, was a citizen of Israel who resided in Israel and acted as a stock promoter.

19. Defendant **ROBERT LLOYD WEIDENBAUM** was a citizen of the United States and stock promoter who resided in Key Biscayne and Miami, Florida, in the Southern District of Florida, and was the principal of CLX and Associates, Inc., in Miami, Florida.

20. Defendant **MICHAEL SIMON KROME** was a citizen of the United States who resided in New York, and was licensed as an attorney in New York. **KROME** represented CO2 Tech Ltd., and worked with **WEINBAUM, ZIGDON**, and others on the creation of CO2 Tech Ltd. and the issuance of its free trading shares.

Relevant Individuals

21. Joseph Marshall Francis, Jr. was a citizen of the United States who resided in Tennessee and Costa Rica. Francis was a nominee on bank and brokerage accounts established by Red Sea Management Ltd. and Sentry Global Securities Limited. Francis also was a stock trader for Sentry Global Securities Limited.

22. Coconspirator 1 was a citizen of Israel who resided in Israel and New York, and was a stock trader for WEINBAUM.

23. Coconspirator 2 was a citizen of Costa Rica who resided in Costa Rica, and was the office manger of Red Sea Management Ltd.

24. Coconspirator 3 was a citizen of the United Kingdom who was a nominee owner on behalf of Red Sea Management Ltd. and Sentry Global Securities Limited.

25. Coconspirator 4 was a citizen of Canada who resided in Costa Rica and was a stock trader for Sentry Global Securities Limited.

Relevant Entities

26. Red Sea Management Ltd. (“Red Sea”) was an entity located in San Jose, Costa Rica, that specialized in offshore company incorporation, offshore asset protection, and offshore investments.

27. Sentry Global Securities Limited (“Sentry Global”) was an entity that was co-located with Red Sea in San Jose, Costa Rica, that specialized in trading micro-cap securities.

28. CO2 Tech Ltd. (“CO2 Tech”) was created through a reverse merger with a Nevada shell company. CO2 Tech was publicly traded on the Pink Sheets under the ticker symbol “CTTD.”

CO2 Tech was purportedly located in London, United Kingdom and provided solutions to mitigate global warming by reducing emissions of carbon dioxide and other pollutants.

29. Kinross Investments LLC (“Kinross”) was a Delaware shell corporation used by Red Sea and Sentry Global to establish brokerage accounts. The nominee who purportedly controlled the company was actually a computer specialist at Red Sea and Sentry Global. Kinross listed, as its business address, an address for a mail forwarding service located in the Southern District of Florida.

30. Market Maven Management LLC (“Market Maven-DE”) was a Delaware corporation used by Red Sea and Sentry Global to establish bank and brokerage accounts. Francis was the original nominee who purportedly controlled the company. Francis was replaced as the nominee director by Coconspirator 3. Market Maven-DE listed, as its business address, an address for a mail forwarding service located in the Southern District of Florida.

31. Market Maven Management LLC (“Market Maven-Nevis”) was an island of Nevis corporation used by Red Sea and Sentry Global to establish an account at American International Depository and Trust. Coconspirator 3 was the original nominee who purportedly controlled the company. Market Maven-Nevis listed, as its business address, an address for a mail forwarding service located in the Southern District of Florida.

32. American International Depository and Trust changed its name to American Intercapital Depository and Trust (“AIDT”). AIDT was a Colorado institution in which individuals, who were not citizens of the United States, and their business entities could deposit assets. AIDT purported to offer financial anonymity by using minimal identifiers for transactions and by keeping account holder information confidential.

33. CLX & Associates, Inc. (“CLX”) was a stock promotion company controlled by WEIDENBAUM. CLX was incorporated in Florida and maintained its place of business in the Southern District of Florida.

34. JB Investment Enterprises Ltd. (“JB Investments”) was a Delaware shell company incorporated by KROME. JB Investments was purportedly controlled by a nominee owner, was used to obtain free trading shares of CO2 Tech, and was used to open nominee bank and brokerage accounts.

35. “VG” was a brokerage firm, headquartered in New York, through which shares of CO2 Tech were traded.

36. “SS” Corporation was a brokerage firm, headquartered in New Jersey, through which shares of CO2 Tech were traded.

37. “BW” was a stock promotion company doing business in Florida and Texas.

38. “T & C” was a stock promotion company located in California.

39. “SMA” was a stock promotion company located in Miami, in the Southern District of Florida.

40. “WSCF” was a stock promotion company located in Miami, in the Southern District of Florida.

COUNT 1

**Conspiracy to Commit Securities Fraud, Wire Fraud and Mail Fraud
(18 U.S.C. § 371)**

1. Paragraphs 1 through 40 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. From in or around 2003 through in or around 2008, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JONATHAN RANDALL CURSHEN,
MICHAEL SIMON KROME,
RONNY SALAZAR MORALES, a/k/a “Ronny Salazar,”
ROBERT LLOYD WEIDENBAUM,
ERIC ARIAV WEINBAUM,
and
IZHACK ZIGDON, a/k/a “Ytzhak Zigdon,”**

did willfully, that is, with the intent to further the objects 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, namely:

a. securities fraud, that is, to willfully and knowingly, by the use of means and instrumentalities of interstate commerce, the mails, and the facilities of national securities exchanges, directly and indirectly, use and employ manipulative and deceptive devices and contrivances in connection with the purchase and sale of securities, and did (a) employ a device, scheme and artifice to defraud; (b) make untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engage in acts, practices, and courses of business which would and did operate as a fraud and deceit upon others, in connection with the purchase and sale of said securities, in violation of Title 15, United States Code, Sections 78j(b) and 78ff(a), and Title 17, Code of Federal Regulations, Section 240.10b-5;

b. wire fraud, that is, 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 transmitting and causing to be transmitted certain wire communications in interstate and foreign commerce, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343;

c. mail fraud, that is, 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 for the purpose of executing such scheme and artifice, to knowingly cause to be delivered certain mail matter by the United States Postal Service and by private and commercial interstate carrier, according to the directions thereon, in violation of Title 18, United States Code, Section 1341.

Purpose of the Conspiracy

3. It was a purpose of the conspiracy that **WEINBAUM, ZIGDON, KROME, CURSHEN, SALAZAR, WEIDENBAUM**, and their coconspirators would: (a) have free trading shares of CO2 Tech stock issued; (b) engage in the fraudulent manipulation of the stock of CO2 Tech by artificially inflating the market price and demand for CO2 Tech stock; (c) divert the proceeds of the fraud for the personal use and benefit of the defendants and others; and (d) conceal the defendants and their coconspirators' involvement in the fraudulent manipulation of the stock of CO2 Tech.

Manner and Means of the Conspiracy

The manner and means by which the defendants and their coconspirators would and did seek to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. **CURSHEN** would and did take ownership and control of Red Sea and Sentry Global in Costa Rica.

5. **CURSHEN** would and did recruit **SALAZAR**, Coconspirator 4 and Francis to act as stock traders at Sentry Global.

6. **CURSHEN** would and did hire a mail service where letters and packages could be sent to a Miami street address, located in the Southern District of Florida, and then forwarded to Red Sea and Sentry Global in Costa Rica.

7. **CURSHEN** would and did recruit **WEINBAUM** to execute the market manipulation of CO2 Tech stock through Red Sea and Sentry Global.

8. **CURSHEN, SALAZAR**, Coconspirator 4, Francis and their coconspirators would and did establish accounts at brokerage firms in New York and New Jersey using the mail service in Miami as the mailing address for the accounts, and would later use the accounts to facilitate the trading of CO2 Tech stock.

9. **CURSHEN, SALAZAR**, Coconspirator 4, Francis and their coconspirators at Red Sea and Sentry Global would and did cause the creation of a nominee brokerage account for **WEINBAUM** and **ZIGDON** to conceal the identities of the true beneficial owners of the account.

10. **WEINBAUM, ZIGDON, KROME** and their coconspirators would and did use a nominee company and accounts in the name of JB Investments for the purpose of facilitating the issuance of free trading shares of CO2 Tech stock, and to conceal the true owners of JB Investments and the shares of CO2 Tech stock.

11. **KROME** would and did create materially false and misleading documents, including an opinion letter, in order to facilitate the issuance of, and remove trading restrictions on, shares of CO2 Tech stock.

12. **WEINBAUM, ZIGDON, WEIDENBAUM**, and their coconspirators would and did cause the issuance and public dissemination of press releases, emails, and facsimiles through the means of interstate commerce and otherwise that contained materially false and misleading information and failed to disclose material information relating to CO2 Tech.

13. **WEINBAUM, WEIDENBAUM, CURSHEN, SALAZAR**, Coconspirator 4, Coconspirator 1, and their coconspirators would and did manipulate the trading volume and share price of CO2 Tech stock by secretly coordinating their trading in the shares of CO2 Tech.

14. **WEINBAUM** directed the trading of CO2 Tech shares from his home in Boca Raton, in the Southern District of Florida.

15. **CURSHEN, WEINBAUM, SALAZAR**, Coconspirator 1, and Coconspirator 4 would and did place sell orders for hundreds of thousands of shares of CO2 Tech stock, which **WEIDENBAUM**, and his coconspirators would and did arrange to be matched with buy orders placed by **WEIDENBAUM**, and his coconspirators.

16. **WEINBAUM, CURSHEN, SALAZAR**, Coconspirator 4, Coconspirator 1, and their coconspirators would and did conceal their coordinated trading activities through the use of nominee brokerage accounts established and controlled by **CURSHEN, SALAZAR**, Francis, Coconspirator 4 and their coconspirators.

17. **WEIDENBAUM**, and other coconspirators would and did engage in coordinated trades by purchasing shares of CO2 Tech on the open market from **WEINBAUM, SALAZAR**,

CURSHEN, Coconspirator 4, Coconspirator 1 and their coconspirators at artificially inflated prices in order to create the appearance of legitimate buying interest by legitimate investors, when in fact these coordinated buys were being concealed from the investing public.

18. **WEINBAUM, CURSHEN, SALAZAR**, Coconspirator 4 and Coconspirator 1 would and did sell shares of CO2 Tech to unsuspecting victim investors at the artificially inflated prices they had created.

19. **WEINBAUM** and **ZIGDON** would and did cause the payment of cash to **WEIDENBAUM** and their coconspirators for their participation in the CO2 Tech scheme.

20. When the NASD requested documents relating to CO2 Tech, **KROME** would and did provide false and misleading materials in an attempt to cover-up the stock manipulation scheme.

21. When testifying before the SEC, **KROME** would and did provide false testimony in an attempt to conceal the identities of his coconspirators, including **WEINBAUM** and **ZIGDON**.

Overt Acts

In furtherance of the conspiracy and to accomplish its objects and purpose, at least one of the coconspirators committed and caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. In or around 2003, **CURSHEN** caused the rental of a mailbox in Miami, in the Southern District of Florida, to serve as a mailing address for numerous shell companies, including Market Maven-DE, Market Maven-Nevis, and Kinross.

2. In or around May 2006, **CURSHEN, SALAZAR**, Francis and their coconspirators caused the opening of an account at AIDT in the name of Market Maven-Nevis (account number xxxxxx1169), falsely identifying the owner of the account as Coconspirator 3.

3. On or about September 25, 2006, **SALAZAR** sent an email to an employee at AIDT confirming that Market Maven-Nevis was 100% owned and controlled by Coconspirator 3, a citizen of the UK, knowing that the account was in fact owned, controlled, funded and used exclusively by **CURSHEN, SALAZAR, Coconspirator 4, Francis** and their coconspirators.

4. In or around October 2006, **WEINBAUM** traveled to Costa Rica to meet with **CURSHEN, SALAZAR, and their coconspirators, and to examine the operations of Red Sea and Sentry Global.**

5. On or about November 7, 2006, **CURSHEN** sent an email to Coconspirator 2 indicating that **WEINBAUM and ZIGDON** had begun the process of bringing business to Red Sea and Sentry Global, and indicating that **ZIGDON** would be providing the documentation necessary to open accounts for **WEINBAUM and ZIGDON.**

6. On or about December 18, 2006, **KROME** sought the assistance of others in locating a shell company that could be purchased with funds provided by **WEINBAUM and ZIGDON.**

7. On or about December 20, 2006, **CURSHEN** caused **SALAZAR, Coconspirator 4, and Francis** to establish a brokerage account at the VG, in the name of Market Maven-DE, using a mail forwarding service in Miami, in the Southern District of Florida, as the mailing address on the account.

8. On or about December 20, 2006, **CURSHEN** caused **SALAZAR, Coconspirator 4, Francis, and their coconspirators** to establish a brokerage account at SS Corporation in the name of Kinross, using a mail forwarding service in Miami, in the Southern District of Florida, as the mailing address on the account.

9. On or about December 21, 2006, **KROME** caused a wire transfer from his Bank of America account (account number xxxxxxxx5719) of approximately \$175,000 for the purpose of purchasing a Nevada shell company that would eventually be renamed CO2 Tech.

10. On or about December 26, 2006, **KROME** furnished information to Standard & Poor's CUSIP Service Bureau requesting a new CUSIP number for the shell company that was later renamed CO2 Tech, and identified himself as the company's counsel.

11. On or about January 2, 2007, **KROME** filed information with the Secretary of State for Nevada, changing the name of the shell company to CO2 Tech.

12. On or about January 3, 2007, **KROME** caused the creation of JB Investments in Delaware.

13. On or about January 14, 2007, **WEINBAUM, CURSHEN** and Coconspirator 1 met in Vancouver, British Columbia, to discuss the selling of CO2 Tech stock through Red Sea and Sentry Global.

14. On or about January 16, 2007, **KROME** wrote an opinion letter that caused the issuance of approximately 22.5 million shares of CO2 Tech stock, free of any restrictive legend.

15. On or about January 26, 2007, **WEIDENBAUM** caused an interstate wire transfer of approximately \$50,000 from CLX's bank account (account number xxxxxx2532) in Miami, located in the Southern District of Florida, to T & C's bank account (account number xxxxx9776) in California for the purpose of promoting CO2 Tech stock.

16. On or about January 29, 2007, **CURSHEN, WEINBAUM, SALAZAR**, Coconspirator 1, and Coconspirator 4 sold 458,000 shares of CO2 Tech stock at a per share price of \$.937 resulting in proceeds in the amount of \$424,842.82.

17. On or about January 30, 2007, **ZIGDON**, and his coconspirators caused the dissemination of a press release falsely stating that CO2 Tech “will join Boeing's global commitment to support anti-global warming activities and other environmental efforts,” that “Boeing's interest has been captured by CO2 Tech's new solution to reduce polluting gases emitted from airplanes at high altitudes,” and that “CO2 Tech will proceed in the development of its innovative solution . . . so that Boeing may be the first aircraft manufacturer to implement the new anti-global warming system and successfully reduce air pollution from high-altitude emissions,” when, in fact, CO2 Tech never had any relationship with Boeing.

18. On or about January 30, 2007, **CURSHEN, WEINBAUM, SALAZAR**, Coconspirator 1, and Coconspirator 4 sold 2,778,404 shares of CO2 Tech stock at a per share price of \$1.044616 resulting in proceeds in the amount of \$2,873,276.16.

19. On or about January 31, 2007, **ZIGDON** and his coconspirators caused the dissemination of press releases stating that CO2 Tech was “very pleased with Boeing's encouragement of our work on this innovative product” when, in fact, CO2 Tech never had any relationship with Boeing.

20. On or about January 31, 2007, **CURSHEN, WEINBAUM, SALAZAR**, Coconspirator 1, and Coconspirator 4 sold 45,000 shares of CO2 Tech stock at a per share price of \$1.68333 resulting in proceeds in the amount of \$74,990.52.

21. On or about January 31, 2007, **WEIDENBAUM** caused the interstate wire transfer of approximately \$32,000 from CLX's bank account (account number xxxxxx2532) in Miami, located in the Southern District of Florida, to SMA's bank account (account number xxxxxxxx1683) in New York in order to promote CO2 Tech stock.

22. On or about January 31, 2007, **WEIDENBAUM** caused the interstate wire transfer of approximately \$40,000 from CLX's bank account (account number xxxxxx2532) in Miami, located in the Southern District of Florida, to WSCF's bank account (account number xxxxxxxx3543) in New York in order to promote CO2 Tech stock.

23. On or about February 4, 2007, **WEINBAUM, ZIGDON, and KROME** provided false and misleading information to an accounting firm for the purpose of having the accounting firm prepare CO2 Tech's financial statements, which were subsequently posted on the Pink Sheets website.

24. On or about February 5, 2007, **WEINBAUM, ZIGDON, and KROME** caused the transmission of a facsimile via interstate wire transmission from an accounting firm in Utah to **WEINBAUM'S** home in Boca Raton, located in the Southern District of Florida.

25. On or about February 5, 2007, **WEINBAUM, WEIDENBAUM** and their coconspirators caused the dissemination of a facsimile stating that "TIME IS TICKING! Stand With Boeing," and "If Boeing likes CTTD, so will you," when, in fact, Boeing never had any relationship with CO2 Tech.

26. On or about February 6, 2007, Francis provided false testimony about his knowledge of Red Sea and Sentry Global to the NASD.

27. On or about February 7, 2007, **WEINBAUM** and **ZIGDON** caused Coconspirator 1 to collect approximately \$1 million in United States currency from numerous persons in and around New York City.

28. On or about February 8, 2007, **WEINBAUM** caused Coconspirator 1 to travel on a private jet chartered by **WEIDENBAUM** from New Jersey to Opa Locka airport in the Southern District of Florida, to deliver approximately \$1 million in United States currency to **WEIDENBAUM** for **WEIDENBAUM**'s and his coconspirators' roles in the scheme.

29. On or about February 8, 2007, **WEIDENBAUM** met with his coconspirators on Key Biscayne, located in the Southern District of Florida, for the purpose of discussing the CO2 Tech scheme.

30. On or about February 12, 2007, **WEIDENBAUM** caused the interstate transfer of approximately \$62,000 from CLX's bank account in Miami, in the Southern District of Florida, to BW's bank account (account number xxxxxxxx6192) in New York to promote CO2 Tech stock.

31. On or about February 13, 2007, **CURSHEN** and **SALAZAR** caused a brokerage statement for Market Maven Management LLC's brokerage account at VG to be mailed to Market Maven-DE in Miami, Florida.

32. On or about February 23, 2007, **WEIDENBAUM** and **WEINBAUM** caused CLX and Associates to send by express mail a check in the amount of \$22,137.62 to an aviation company.

33. On or about March 16, 2007, **CURSHEN** and **SALAZAR** caused a brokerage statement for Market Maven Management LLC's brokerage account at VG to be mailed to Market Maven-DE in Miami, Florida.

34. On or about February 15, 2008, **KROME** provided false and misleading testimony to the SEC regarding the true ownership and control of CO2 Tech.

All in violation of Title 18, United States Code, Section 371.

COUNT 2
Securities Registration Violation
(15 U.S.C. § 77e(a))

1. In or around January 2007, in the Southern District of Florida, and elsewhere, the defendant,

MICHAEL SIMON KROME,

where no registration statement was in effect as to a security, willfully carried and cause to be carried, directly and indirectly, through the mails and in interstate commerce, by any means and instruments of transportation, any such security for the purpose of sale and for delivery after sale, in violation of Title 15, United States Code, Sections 77e(a)(2) and 77x.

2. No valid registration statement was filed with the SEC and in effect with respect to the sales of, and offers to sell, shares of stock in CO2 Tech.

In violation of Title 15, United States Code, Sections 77e(a)(2) and 77x, and Title 18, United States Code, Section 2.

COUNTS 3 – 5
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 14, paragraphs 17 through 20, and paragraphs 26 through 40 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**MICHAEL SIMON KROME,
ROBERT LLOYD WEIDENBAUM,
ERIC ARIAV WEINBAUM,
and
IZHACK ZIGDON, a/k/a “Ytzhak Zigdon,”**

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, and for the purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce any writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

Purpose of the Scheme and Artifice

3. It was a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) having free trading shares of CO2 Tech stock issued; (b) engaging in the fraudulent manipulation of the stock of CO2 Tech by artificially inflating the market price and demand for CO2 Tech stock; (c) diverting the proceeds of the fraud for the personal use and benefit of the defendants and others; and (d) concealing the defendants and others involvement in the fraudulent manipulation of the stock of CO2 Tech.

The Scheme and Artifice

The manner and means by which the defendants and their accomplices sought to accomplish the purpose of the scheme and artifice included, among others, the following:

4. **WEINBAUM, ZIGDON**, and others would establish a nominee brokerage account at Red Sea and Sentry Global to conceal their identities as the true beneficial owners of the account.

5. **WEINBAUM, ZIGDON, KROME**, and others would and did use a nominee company and accounts in the name of JB Investments for the purpose of facilitating the issuance of free trading shares of CO2 Tech stock, and to conceal the true owners of JB Investments and the shares of CO2 Tech stock.

6. **KROME** would and did create materially false and misleading documents, including an opinion letter, in order to facilitate the issuance of, and remove trading restrictions on, shares of CO2 Tech stock.

7. **WEINBAUM, ZIGDON, WEIDENBAUM**, and others would and did cause the issuance and public dissemination of press releases and emails through the means of interstate commerce and otherwise that contained materially false and misleading information and failed to disclose material information relating CO2 Tech.

8. **WEINBAUM, WEIDENBAUM**, and others would and did manipulate the trading volume and share price of CO2 Tech stock by secretly coordinating their trading in the shares of CO2 Tech.

9. **WEINBAUM** directed the trading of CO2 Tech shares from his home in Boca Raton, in the Southern District of Florida.

10. **WEINBAUM** and others would and did place sell orders for hundreds of thousands of shares of CO2 Tech stock, which **WEIDENBAUM** and others would and did arrange to be matched with buy orders placed by **WEIDENBAUM** and others.

11. **WEINBAUM** and others would and did conceal their coordinated trading activities through the use of nominee brokerage accounts.

12. **WEIDENBAUM** and others would and did engage in coordinated trades by purchasing shares of CO2 Tech on the open market from **WEINBAUM** and others at artificially inflated prices in order to create the appearance of legitimate buying interest by legitimate investors, when in fact these coordinated buys were being concealed from the investing public.

13. **WEINBAUM** and others would and did sell shares of CO2 Tech to unsuspecting victim investors at the artificially inflated prices they had created.

14. **WEINBAUM** and **ZIGDON** would and did cause the payment of cash to **WEIDENBAUM** and others for their participation in the CO2 Tech scheme.

15. When the NASD requested documents relating to CO2 Tech, **KROME** would and did provide false and misleading materials in an attempt to cover-up the stock manipulation scheme.

16. When testifying before the SEC, **KROME** would and did provide false testimony in an attempt to conceal the identities of **WEINBAUM** and **ZIGDON**.

Acts in Execution or Attempted Execution of the Scheme and Artifice

17. On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, as set forth below, 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, and for the purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce any writings, signs, signals, pictures and sounds, including:

COUNT	DEFENDANTS	APPROXIMATE DATE	FROM/ TO	DESCRIPTION OF WIRE COMMUNICATION
3	WEIDENBAUM, WEINBAUM and ZIGDON	01/31/2007	Miami, FL to New York, NY	T r a n s f e r o f approximately \$32,000 from CLX's bank account to SMA's bank account in order to promote CO2 Tech's stock.
4	KROME, WEINBAUM, and ZIGDON	02/05/2007	Cedar City, UT to Boca Raton, FL	Facsimile of CO2 Tech's false financial statements for posting on Pink Sheets.
5	WEINBAUM, ZIGDON, and WEIDENBAUM	02/12/2007	Miami, FL to Carrollton, TX	T r a n s f e r o f approximately \$62,000 from CLX's bank account to BW's bank account in order to promote CO2 Tech's stock.

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

COUNTS 6 – 8
Mail Fraud
(18 U.S.C. § 1341)

1. Paragraphs 1 through 17, paragraph 19, paragraphs 26 through 32, and paragraphs 35 through 40 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about the dates set forth below, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

JONATHAN RANDALL CURSHEN,

**RONNY SALAZAR MORALES, a/k/a “Ronny Salazar,”
ROBERT LLOYD WEIDENBAUM, and
ERIC ARIAV WEINBAUM,**

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, and for the purpose of executing such scheme and artifice, and for attempting to do so, did knowingly cause to be delivered by United States mail and private and commercial interstate carrier, according to the directions thereon, certain mail matters and things, in violation of Title 18, United States Code, Section 1341.

Purpose of the Scheme and Artifice

3. It was a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) having free trading shares of CO2 Tech stock issued; (b) engaging in the fraudulent manipulation of the stock of CO2 Tech by artificially inflating the market price and demand for CO2 Tech stock; (c) diverting the proceeds of the fraud for the personal use and benefit of the defendants and others; and (d) concealing the defendants and others involvement in the fraudulent manipulation of the stock of CO2 Tech.

The Scheme and Artifice

The manner and means by which the defendants and their accomplices sought to accomplish the purpose of the scheme and artifice included, among others, the following:

4. **CURSHEN** would and did take ownership and control of Red Sea and Sentry Global in Costa Rica.

5. **CURSHEN** would and did recruit **SALAZAR** and others to act as stock traders at Sentry Global.

6. **CURSHEN** would and did hire a mail service where letters and packages could be sent to a Miami street address, located in the Southern District of Florida, and then forwarded to Red Sea and Sentry Global in Costa Rica.

7. **CURSHEN** would and did recruit **WEINBAUM** to execute the market manipulation of CO2 Tech stock through Red Sea and Sentry Global.

8. **CURSHEN, SALAZAR**, and others would and did establish accounts at brokerage firms in New York and New Jersey using the mail service in Miami as the mailing address for the accounts, and would later use the accounts to facilitate the trading of CO2 Tech stock.

9. **CURSHEN, SALAZAR**, and others would and did cause the creation of a nominee brokerage account for **WEINBAUM** and others to conceal the identities of the true beneficial owners of the account.

10. **WEINBAUM** and others would and did use a nominee company and accounts in the name of JB Investments for the purpose of facilitating the issuance of free trading shares of CO2 Tech stock, and to conceal the true owners of JB Investments and the shares of CO2 Tech stock.

11. **WEINBAUM, WEIDENBAUM**, and others would and did cause the issuance and public dissemination of press releases, emails, and facsimiles through the means of interstate commerce and otherwise that contained materially false and misleading information and failed to disclose material information relating CO2 Tech.

12. **WEINBAUM, WEIDENBAUM, CURSHEN, SALAZAR**, and others would and did manipulate the trading volume and share price of CO2 Tech stock by secretly coordinating their trading in the shares of CO2 Tech.

13. **WEINBAUM** directed the trading of CO2 Tech shares from his home in Boca Raton, in the Southern District of Florida.

14. **CURSHEN, WEINBAUM, SALAZAR**, and others would and did place sell orders for hundreds of thousands of shares of CO2 Tech stock, which **WEIDENBAUM**, and his coconspirators would and did arrange to be matched with buy orders placed by **WEIDENBAUM**, and his coconspirators.

15. **WEINBAUM, CURSHEN, SALAZAR**, and others would and did conceal their coordinated trading activities through the use of nominee brokerage accounts established and controlled by **CURSHEN, SALAZAR**, and others.

16. **WEIDENBAUM**, and other coconspirators would and did engage in coordinated trades by purchasing shares of CO2 Tech on the open market from **WEINBAUM, SALAZAR, CURSHEN** and others at artificially inflated prices in order to create the appearance of legitimate buying interest by legitimate investors, when in fact these coordinated buys were being concealed from the investing public.

17. **WEINBAUM, CURSHEN, SALAZAR**, and others would and did sell shares of CO2 Tech to unsuspecting victim investors at the artificially inflated prices they had created.

18. **WEINBAUM** and others would and did cause the payment of cash to **WEIDENBAUM** and their coconspirators for their participation in the CO2 Tech scheme.

Acts in Execution or Attempted Execution of the Scheme and Artifice

19. On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, as set forth below, 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, and for the purpose of executing such scheme and artifice, and for attempting to do so, did knowingly cause to be delivered by United States mail and private and commercial interstate carrier, according to the directions thereon, certain mail matters and things, as set forth in each count below:

COUNT	DEFENDANTS	APPROXIMATE DATE	MAILING
6	CURSHEN and SALAZAR	02/13/2007	Brokerage statement sent by U. S. Mail from VG via Penson Financial Services to Market Maven-DE in Miami, FL.
7	WEINBAUM and WEIDENBAUM	02/23/2007	Federal Express Package, Tracking No. 790678664362, sent from CLX in Miami, FL, to an aviation company, containing a check for approximately \$22,137.62.
8	CURSHEN and SALAZAR	03/16/2007	Brokerage statement sent by U. S. Mail from VG via Penson Financial Services to Market Maven-DE in Miami, FL

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

COUNT 9
Obstruction of Justice
(18 U.S.C. § 1512(c)(2))

On February 18, 2008, in Miami-Dade County, the Southern District of Florida, and elsewhere, the defendant,

MICHAEL SIMON KROME,

did corruptly obstruct, influence, and impede an official proceeding, and attempt to do so, that is in a testimonial proceeding before the Securities and Exchange Commission, a Federal Government agency, which is authorized by law, investigating federal securities law violations in connection with the sale and purchase of the stock of CO2 Tech, the defendant provided false and misleading testimony to conceal WEINBAUM's identity, and WEINBAUM's and ZIGDON's involvement in CO2 Tech. In violation of Title 18, United States Code, Section 1512(c)(2).

FORFEITURE ALLEGATION
(18 U.S.C. § 981)

1. The allegations contained in Counts One and Three through Eight of this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants have an interest.

2. Upon conviction of any defendant of Counts One and Three through Eight of the Indictment, defendant shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to any such violation, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. The property subject to forfeiture includes but is not limited to the proceeds of the above-referenced fraud which as of the time of this Indictment is in the amount of \$7,000,000.00.

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

- 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 which cannot be divided without

difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

5. If more than one defendant is convicted of a violation, the defendants so convicted shall be jointly and severally liable for the total amount of proceeds traceable to that violation.


All pursuant to Title 18, United States Code, Section 981(a)(1)(C), as incorporated by Title 28, United States Code, Section 2461(c), and the procedures outlined at Title 21, United States Code, Section 853.

A TRUE BILL


FOR PERSON _____



WIFREDO A. FERRER
UNITED STATES ATTORNEY



DENIS J. McINERNEY, CHIEF
FRAUD SECTION, CRIMINAL DIVISION
UNITED STATES DEPARTMENT OF JUSTICE



N. NATHAN DIMOCK
RINA C. TUCKER HARRIS
TRIAL ATTORNEYS
FRAUD SECTION, CRIMINAL DIVISION
UNITED STATES DEPARTMENT OF JUSTICE