

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2015 NOV 17 P 12: 22

UNITED STATES OF AMERICA,

CR 15 533

SUBSTITUTED
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

RS

**SEALED BY ORDER
OF COURT**

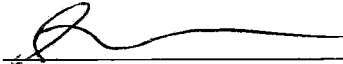
CARY S. COLLINS

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 1957 – Money
Laundering; 26 U.S.C. § 7206(2) – Preparing a False Return; 18 U.
S.C. §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c) – Criminal
Forfeiture

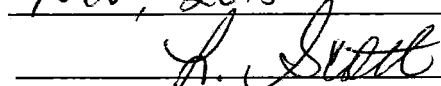
A true bill.



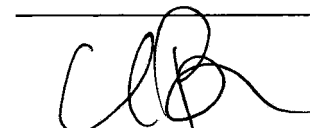
Foreman

Filed in open court this 17th day of

Nov, 2015



Clerk



Bail, \$ No bail arrest warrant



DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1343 - Wire Fraud; 18 U.S.C. § 1957 - Money Laundering; 26 U.S.C. § 7206(2) - Preparing a False Return; 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c) - Criminal Forfeiture

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: 18 U.S.C. § 1343: 20 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment, 18 U.S.C. § 1957: 10 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment, 26 U.S.C. § 7206(2): 3 years imprisonment, \$100,000 fine; 3 years supervised release; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CARY S. COLLINS

DISTRICT COURT NUMBER

CR 15 533 RS

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (How District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes } If "Yes" give date filed No

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

Name and Office of Person Furnishing Information on this form BRIAN J. STRETCH
 U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Hartley M. K. West(AUSA)

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: TBD

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

1 BRIAN J. STRETCH (CABN 163973)
Acting United States Attorney

FILED
2015 NOV 17 P 12:22
SUE M. [unclear] RS
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CAL.

CR 15 533

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

**SEALED BY ORDER
OF COURT**

11
12 UNITED STATES OF AMERICA,) CASE NO.
13 Plaintiff,)
14 v.) VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 18
15 CARY S. COLLINS,) U.S.C. § 1957 – Money Laundering; 26 U.S.C.
16 Defendant.) § 7206(2) – Preparing a False Return; 18 U.S.C.
17) §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c)
18) – Criminal Forfeiture
19)
20) SAN FRANCISCO VENUE
21)

22 INDICTMENT

23 The Grand Jury charges:

24 INTRODUCTORY ALLEGATIONS

25 At all times relevant to this Indictment:

- 26 1. Defendant CARY S. COLLINS was a Certified Public Accountant residing in San
27 Francisco, California.
28 2. COLLINS was the sole proprietor of an accounting and business management firm,
Collins & Associates, located in San Francisco, California.
3. Collins & Associates maintained a checking account ending in -3403 at Metro United
Bank (“Collins & Associates’ account”) in San Francisco, California. COLLINS had signature authority

INDICTMENT

1 over the Collins & Associates' account.

2 4. Metro United Bank is a "financial institution" as defined in Title 31, United States Code,
3 Section 5312(a)(2).

4 The Scheme to Defraud

5 5. From in or about February 2012 through in or about April 2013, in the Northern District
6 of California and elsewhere, the defendant,

7 CARY S. COLLINS,

8 engaged in a scheme to defraud clients of money and property.

9 6. In furtherance of this scheme to defraud, COLLINS advised his client, J.K., to open an
10 investment account at RBC Wealth Management (RBC).

11 7. It was a further part of the scheme to defraud that COLLINS instructed J.K. to wire
12 \$1,325,000 to Collins & Associates' account, which money he falsely represented he would transfer to
13 the investment account on J.K.'s behalf. Based on COLLINS' instructions, J.K. authorized four wires to
14 Collins & Associates' account between February 21 and March 5, 2012, each of which passed through
15 Dallas, Texas.

16 8. It was a further part of the scheme to defraud that, on several occasions in or about and
17 between June 2012 and November 2012, COLLINS falsely represented to J.K. that there were problems
18 transferring J.K.'s funds to the RBC investment account, and that he was fixing these problems. After
19 J.K. requested that COLLINS return the funds, on several occasions in or about and between November
20 2012 and April 2013, it was a further part of the scheme to defraud that COLLINS falsely represented to
21 J.K. that the funds would be returned imminently.

22 9. It was a further part of the scheme to defraud that COLLINS used J.K.'s money for
23 personal expenses, including a rental property in Hawaii, repayment of debts, and payment of taxes and
24 penalties for another of COLLINS' clients, J.S.

25 COUNTS ONE THROUGH FOUR: (18 U.S.C. § 1343 – Wire Fraud)

26 10. Paragraphs 1 through 9 of this Indictment are hereby re-alleged and incorporated by
27 reference as if set forth in full herein.

28 ///

<u>Count</u>	<u>Date</u>	<u>Transaction</u>
5	2/22/2012	\$30,000 check payable to Kumukehu Properties LLC
6	2/22/2012	\$118,083.41 wire transfer to R.G.
7	3/6/2012	\$215,000 wire transfer to G.J.
8	3/7/2012	\$300,000 check payable to the U.S. Treasury

Each in violation of Title 18, United States Code, Section 1957.

COUNT NINE: (26 U.S.C. § 7206(2) – Aiding and Assisting in Preparing a False Return)

14. Paragraphs 1 through 9 of this Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

15. On or about October 13, 2011, in the Northern District of California and elsewhere, the defendant,

CARY S. COLLINS,

did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service of a U.S. Individual Income Tax Return, Form 1040, for taxpayer J.S. and calendar year 2010. The return was false and fraudulent as to material matters, in that it represented that a payment of \$275,000 had been included with a request for extension to file when in truth, as the defendant then knew, no payment was included, all in violation of Title 26, United States Code, Section 7206(2).

FORFEITURE ALLEGATION:

16. Paragraphs 1 through 13 of this Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

17. Upon conviction of any of the offenses alleged in Counts One through Four of this Indictment, the defendant,

CARY S. COLLINS,

1 shall forfeit to the United States of America pursuant to Title 18, United States Code, Section
2 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which
3 constitutes or is derived from proceeds traceable to the offense.

4 18. Upon conviction of any of the offenses alleged in Counts Five through Eight of this
5 Indictment, the defendant,

6 CARY S. COLLINS,

7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any
8 property, real and personal, involved in said violations, or any property traceable to such property.

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

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

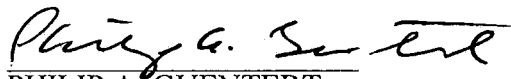
16 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
17 United States Code, Section § 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1)
18 and Title 28, United States Code, Section 2461(c).

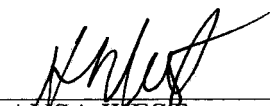
19
20 DATED: November 17, 2015

A TRUE BILL.

21
22 
FOREPERSON

23 BRIAN J. STRETCH
24 Acting United States Attorney

25 
26 PHILIP A. GUENTERT
27 Chief, Criminal Division

28 (Approved as to form: )
AUSA WEST

INDICTMENT

United States District Court
Northern District of California

FILED

CRIMINAL COVER SHEET 2015 NOV 17 P 12: 22

CLERK, U.S. DISTRICT COURT

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. CARY S. COLLINS

Case Number:

RS

Total Number of Defendants:

1 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes _____ No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No

Venue (Per Crim. L.R. 18-1):

SF OAK _____ SJ _____

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No

Assigned AUSA (Lead Attorney):

Hartley M. K. West (AUSA)

Comments:

Date Submitted:

November 17, 2015

SEALED BY ORDER
OF COURT