

Oct 13, 2021

ANGELA E. NOBLE
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
21-20514-CR-WILLIAMS/MCALILEY

CASE NO. _____
18 U.S.C. § 1349
18 U.S.C. § 981(a)(1)(C)

UNITED STATES OF AMERICA

v.

TIMOTHY ATKINSON,

Defendant.

INFORMATION

The United States of America charges:

GENERAL ALLEGATIONS

At all times material to this Information:

1. Affiliate marketing was a form of performance-based marketing conducted via email solicitations and promotional materials made available on internet websites. An affiliate marketing campaign involved the promotion of a product or service designed to convince the audience to take a specific action, including purchasing a product or service or opening and funding a trading account.

2. A binary option was a type of option contract in which the payout depended on the outcome of a discrete event, typically related to whether the price of a particular asset—such as a stock or commodity—would rise above or fall below a specified amount. Unlike standard options, investors in binary options were not given the opportunity to actually purchase a stock or commodity, but rather, were effectively predicting whether its price would be above or below a certain amount at a certain time of the day. The option holder was typically promised that when

the binary option expired, the option holder would either receive a pre-determined amount of cash or nothing.

3. Company 1 was established as an Arizona limited liability company in or around 2012. On or about February 19, 2014, Company 1 became a Florida limited liability company with a principal place of business in Miami, Florida. Company 1 operated as an affiliate marketing business for binary options services and was paid for developing and distributing marketing campaigns about binary options to customers in the United States and around the world using interstate and foreign wires.

4. Company 2 was a California corporation.

5. Company 3 was an Israeli company that worked as a broker intermediary for Company 1.

6. Defendant **TIMOTHY ATKINSON** was a resident of Miami, Florida. **ATKINSON** served as the owner and president of Company 1 and supervised and controlled all Company 1 business.

7. Individual 1 was a resident of Miami, Florida. Individual 1 was employed by Company 1 as an independent contractor from in or around 2013 through in or around October 2016. Individual 1 held himself/herself out as Company 1's vice president. Individual 1 also worked for Company 3 from in or around December 2016 through in or around May 2018.

8. Individual 2 was a resident of Miami, Florida. Individual 2 owned and controlled Company 2 and used Company 2 to conduct his/her work as an affiliate marketer.

CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)

From in or around 2013 through in or around November 2016, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

TIMOTHY ATKINSON,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Individual 1, Individual 2, and others known and unknown to the United States, to knowingly and with the 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 the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

9. It was the purpose of the conspiracy for the defendant and his co-conspirators to unlawfully enrich themselves by, among other things: (a) inducing investors to deposit money through the use of false and fraudulent statements concerning the profitability of binary options investments, as well as the nature, risks, and suitability of investing in binary options; and (b) fraudulently inducing individuals to deposit funds with binary options brokers, who would then pay commissions to the defendant and his co-conspirators.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the objects and purposes of the conspiracy included, among others, the following:

10. **TIMOTHY ATKINSON** operated Company 1 as an affiliate marketing business for binary options services, disseminating marketing campaigns about binary options to customers in the United States and around the world. Broker intermediaries, including Company 3, and

operators of binary options “brands,” paid **ATKINSON** and co-conspirators, including Individual 1, to funnel traffic to the operators’ websites and platforms.

11. To drive traffic to binary options websites and platforms, **TIMOTHY ATKINSON** and his co-conspirators wrote and procured scripts with fictitious characters and trading results. These scripts contained false and misleading claims about, among other things, the suitability of investments being advertised and the historical performance of other investors. **ATKINSON** and his co-conspirators then hired a contractor to produce sales videos based on the scripts. The Company 1 campaigns created by **ATKINSON** and his co-conspirators falsely and fraudulently claimed that individuals had earned large returns by investing on the advertised binary options websites and featured actors falsely claiming to be investors who had done so.

12. **TIMOTHY ATKINSON** and his co-conspirators also used Company 1 to create written solicitation communications and disseminated them to investors via email, including emails sent through interstate wire. **ATKINSON** and others created these emails, which contained false information, and otherwise actively participated in the dissemination of false information to prospective customers. **ATKINSON** knew that the solicitations and other marketing materials used by Company 1 were fictional and untrue. For example, **ATKINSON** knew that Company 1’s email solicitations to customers contained material misrepresentations about the suitability of investing, the success of other investors, and the expected returns of investing in binary options, but disseminated them to customers anyway.

13. **TIMOTHY ATKINSON** also knew that the vast majority of customers who were funneled to binary options brokers by Company 1’s campaigns lost money, but nonetheless pitched these “scams” to victims. For example, on or about April 12, 2015, **ATKINSON**, Individual 2, and other affiliate marketers discussed in an online chat how to make their “scams” sound believable. The group discussed whether it was more believable to say that investors could make

millions, overnight, weekly or in 30 days. **ATKINSON** commented, “we could call these scams anything and they will buy it.” Individual 2 replied: “we could have a disclaimer below the video saying ‘WARNING: this is a scam’ and they will still buy it”

14. As another example, on or about June 16, 2015, **TIMOTHY ATKINSON**, Individual 2, and other affiliate marketers discussed a binary options campaign launched by **ATKINSON** in an online chat. Individual 2 said: “thanks all you guys for being on board and congrats [**ATKINSON**] on another great launch where many people were ruined but lot of commissions were made.”

15. **TIMOTHY ATKINSON** netted approximately \$12 million in unlawful profits for his work at Company 1 in furtherance of the conspiracy.

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

FORFEITURE
(18 U.S.C. § 981(a)(1)(C))

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **TIMOTHY ATKINSON**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1349, as alleged in this Information, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the offense of conviction.

3. If any of the property subject to forfeiture, 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 which cannot be divided without difficulty.

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

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and the procedures set forth in Title 21, United States Code, Section 853, made applicable through Title 28, United States Code, Section 2461(c).



JOSEPH S. BEEMSTERBOER
ACTING CHIEF
FRAUD SECTION, CRIMINAL DIVISION
UNITED STATES DEPARTMENT OF JUSTICE



KATE T. MCCARTHY
TRIAL ATTORNEY
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UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v.

TIMOTHY ATKINSON,

Defendant. /

CERTIFICATE OF TRIAL ATTORNEY***Superseding Case Information:**

Court Division: (Select One)

☒ Miami ☐ Key West ☐ FTL
☐ WPB ☐ FTPNew defendant(s) ☐ Yes ☐ No

Number of new defendants _____

Total number of counts _____

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 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one) I 0 to 5 days <input checked="" type="checkbox"/> II 6 to 10 days <input type="checkbox"/> III 11 to 20 days <input type="checkbox"/> IV 21 to 60 days <input type="checkbox"/> V 61 days and over <input type="checkbox"/>	(Check only one) Petty <input type="checkbox"/> Minor <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony <input checked="" type="checkbox"/>
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6. Has this case previously been 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 Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No**
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) **No**
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No**


 KATHERINE T. MCCARTHY

DOJ Trial Attorney

Court ID No. A5502801

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: TIMOTHY ATKINSON

Case No: _____

Title 18, United States Code, Section 1349

Conspiracy to Commit Wire Fraud

*Max Penalty: Twenty (20) years' Imprisonment

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

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

)
) Case No.
)
)
)
)

Timothy Atkinson,

Defendant

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

DAVID B. ROTHMAN, ESQ.

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title