

UNDER SEAL

FILED
CHARLOTTE, NC

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

AUG 21 2012
US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES of AMERICA,

v.

GLEN ADKINS, JR.

a/k/a "Benjamin Walker" and "Robert Hayward,"

WARREN F. TONSING, JR.

a/k/a "Tony Blake"

Defendants

DOCKET NO. 3:12CR259 - RJC

BILL OF INDICTMENT

Vio: 18 U.S.C. § 1349
18 U.S.C. § 2326(2)(A) & (B)
18 U.S.C. § 1343
18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(2)(A)
18 U.S.C. § 982(a)(1) & (a)(8)
18 U.S.C. § 2

THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

COUNT ONE
(CONSPIRACY TO COMMIT WIRE AND MAIL FRAUD - 18 U.S.C. SECTION 1349)

The Defendants

1. Defendant **GLEN ADKINS, JR.**, a/k/a "Benjamin Walker" and "Robert Hayward," is a United States citizen who worked as a "loader" in a telemarketing call center in Costa Rica. A "loader" is the telemarketer who takes over the contact with the victim after the victim has made an initial payment as a result of the misrepresentations made by another telemarketer who known as the "opener." The loader will usually falsely inform such victims that the prize amount they were previously told they won had increased, either because of a clerical error or because another prize winner had been disqualified and therefore the victim must send additional moneys to allegedly pay for various fees, duties and insurance to retrieve the sweepstakes prize.

2. Defendant **WARREN F. TONSING, JR.**, a/k/a "Tony Blake" is a United States citizen who worked as an "opener" in the same telemarketing call center in Costa Rica as Defendant **GLEN ADKINS, JR.** The "opener" falsely informs the victims that they have won a prize in a sweepstakes and that in order to receive the prize the victims had to send money to Costa Rica.

The Conspiracy

3. Beginning in or about 2009, the exact date being unknown to the Grand Jury, and continuing until in or about June 30, 2012, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants

GLEN ADKINS, JR.,
a/k/a "Benjamin Walker" and "Robert Hayward,"
and
WARREN F. TONSING, JR.,
a/k/a "Tony Blake,"

together with other conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together, and with each other, to commit the following offenses:

A. To knowingly and intentionally 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 to transmit and cause to be transmitted, by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, specifically, Western Union wire-transfers which were all routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing such scheme and artifice and attempting to do so, contrary to Title 18, United States Code, Section 1343; and

B. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, place and caused to be placed in a post office and authorized depository for mail matter, to be sent and delivered by the Postal Service and deposited matters and things to be delivered by private and commercial interstate carriers, specifically lists of victims' contact information, contrary to Title 18, United States Code, Section 1341.

Purpose of the Conspiracy - Scheme to Defraud

4. A purpose of the conspiracy was to fraudulently induce the victims to pay thousands of dollars to the defendants and their co-conspirators by falsely representing that said victims had won valuable prizes, which would be sent to them following payment.

Manner and Means Used in the Conspiracy

6. Among the manner and means by which the defendants and their conspirators carried out the purpose of the conspiracy were the following:

7. Beginning in or about 2009, the defendants and their conspirators operated "call centers" in San Jose, Costa Rica.

8. As used in this indictment, a call center is a business that engages in an illegal telemarketing scheme. These call centers are also commonly referred to as "boiler rooms." The defendants and their conspirators defrauded United States residents by deceiving them into believing that they had won a large monetary prize in a sweepstakes contest.

9. The defendants and other telemarketers in the call centers often used aliases, concealed and frequently changed the location of the call centers, and did business from Costa

Rica for the purpose of, among other things, avoiding investigation by law enforcement authorities and victims.

10. The defendants and their conspirators would target residents of the United States, at least 10 of which were over the age of 55, and would inform them by telephone that they had won second prize in a sweepstakes. The defendants and their conspirators would tell their victims that in order to receive the prize, the victims had to send from one thousand to several thousand dollars for a purported "refundable insurance fee," via Western Union money wire-transfers, to an alleged "insurance entity." The defendants and their conspirators would then keep the supposed "refundable insurance fees" for their own personal benefit.

11. In order to induce their victims to wire money, the defendants and their conspirators would often falsely represent themselves as being agents of the "Federal Trade Commission," or another United States government agency. The defendants and their conspirators would then falsely represent to the victims that they were employed by a governmental agency charged with ensuring that sweepstakes winners received their money. Frequently, the defendants and their conspirators would inform their victims that it was the job of the "Federal Trade Commission" to see that the victims received their purported prize money.

12. The defendants and their conspirators would call their victims from Costa Rica, using Voice over Internet Protocol (VoIP), which utilized computers to make telephone calls over the Internet. This practice permitted the defendants and their conspirators to use recognizable United States area codes, such as the Washington, D.C. area code, to make it falsely appear on the victims' caller identification devices that the calls were made from somewhere within the United States when, in fact, the defendants and their conspirators were calling from Costa Rica.

13. When an intended victim asked to validate the legality of the sweepstakes company that purportedly had awarded the prize, the defendants and their conspirators would give the intended victim telephone numbers with United States area codes, but which actually were answered by the defendants and their conspirators. The defendants and their conspirators, posing as a representative of the non-existent sweepstakes company, would answer these telephone calls and would falsely reassure victims that they had indeed won a sweepstakes prize.

14. After a victim had been induced to send money, the defendants and their conspirators would call that victim and would frequently tell the victim that: 1) a mistake had been made; 2) the victim had actually won first prize; and 3) the victim had to wire thousands of additional dollars in further fees to ensure the safe delivery of the winning proceeds. The defendants and their conspirators would then continue to contact each victim and provide additional bogus reasons as to why the victim had to wire more money. This practice would continue so long as the victim continued to wire money.

15. The defendants and their conspirators would unjustly enrich themselves by retaining the proceeds of this fraud.

Overt Acts

16. In furtherance of the conspiracy and to effect the objects thereof, the defendants and their conspirators committed the following overt acts, among others, in Mecklenburg County, within the Western District of North Carolina, and elsewhere.

17. The defendants and their conspirators made telephone calls using VoIP from their call center in Costa Rica to the following victims in the United States on or about the following dates:

Overt Act	Initials of Victim	Date
A	RS	7/6/2010
B	LP	7/12/2010
C	LS	7/13/1010
D	TC	7/22/2010
E	PT	8/3/2010
F	PT	8/5/2010
G	PT	8/6/2010
H	PT	8/9/2010

18. On or about the following dates (as well as other dates), the defendants and their conspirators caused the below-listed victims to wire transfer money via Western Union or other similar services to accounts controlled by the defendants and their co-conspirators:

Overt Act	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
A	RS	Tempe, AZ	Desamparados, Costa Rica	7/6/2010	\$3,500
B	LP	Highland, IL	Desamparados, Costa Rica	7/12/2010	\$700
C	LS	Hemet, CA	San Jose, Costa Rica	7/12/2010	\$4,539

Overt Act	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
D	LS	Temecula, CA	San Jose, Costa Rica	7/13/2010	\$950
E	TC	Greensburg, IN	Desamparados, Costa Rica	7/22/2010	\$500
F	PT	Windsor, NC	San Jose, Costa Rica	8/5/2010	\$3,500

19. The wire transfers set forth in Counts 2 through 9 of the Indictment are incorporated by reference as if fully restated herein as further overt acts of the conspiracy.

All in violation of Title 18, United States Code, Sections 1349 and 2326(2)(A) & (B).

**COUNTS TWO THROUGH NINE
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

20. The allegations in paragraphs 1 through 2 inclusive of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

The Scheme

21. The allegations in paragraphs 3 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein, as describing the defendant's scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

22. On or about the dates set forth below, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants,

GLEN ADKINS, JR.,
a/k/a "Benjamin Walker" and "Robert Hayward,"
and
WARREN F. TONSING, JR.,
a/k/a "Tony Blake,"

knowingly transmitted and caused to be transmitted, by means of wire and radio communication in interstate and foreign commerce the following signals and sounds, specifically Western Union wire-transfers which were all electronically routed to and processed in Charlotte, Mecklenburg County, North Carolina prior to being sent to their ultimate destination in Costa Rica, for the purpose of executing the scheme and artifice and attempting to do so on or about the dates indicated and in the approximate amounts indicated:

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
2	RS	Tempe, AZ	Desamparados, Costa Rica	7/6/2010	\$3,500
3	LS	Hemet, CA	San Jose, Costa Rica	7/12/2010	\$4,450
4	LP	Highland, IL	Desamparados, Costa Rica	7/12/2010	\$700
5	LS	Temecula, CA	San Jose, Costa Rica	7/13/2010	\$950
6	TC	Greensburg, IN	Desamparados, Costa Rica	7/22/2010	\$500
7	TC	Greensburg, IN	Desamparados, Costa Rica	7/26/2010	\$980
8	PT	Windsor, NC	San Jose, Costa Rica	8/5/2010	\$3,500
9	PT	Windsor, NC	San Pedro, Costa Rica	8/6/2010	\$2,230

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

COUNT TEN
(CONSPIRACY TO COMMIT MONEY LAUNDERING - 18 U.S.C. Section 1956(h))

23. The allegations in paragraphs 1 through 15 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

24. In or about 2009 and continuing until about June 2012, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendants

GLEN ADKINS, JR.,
a/k/a "Benjamin Walker" and "Robert Hayward,"
and
WARREN F. TONSING, JR.,
a/k/a "Tony Blake,"

did unlawfully, willfully and knowingly combine, conspire, confederate and agree together and with each other, and with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to transport, transmit, and transfer monetary instruments and funds from a place in the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, namely, wire fraud, in violation of Title 18 United States Code, Section 1956(a)(2)(A).

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS ELEVEN THROUGH FOURTEEN
(MONEY LAUNDERING – INTERNATIONAL - 18 U.S.C. Section 1956(a)(2)(A))

25. The allegations in paragraphs 1 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

26. On or about the dates set forth below, in Mecklenburg County, within the Western

District of North Carolina, and elsewhere, defendants,

GLEN ADKINS, JR.,
a/k/a "Benjamin Walker" and "Robert Hayward,"
and
WARREN F. TONSING, JR.,
a/k/a "Tony Blake,"

together with others known and unknown to the Grand Jury, did transport, transmit and transfer monetary instruments and funds from and through a place in the United States to a place outside of the United States with the intent to promote the carrying on of specified unlawful activity, specifically, wire fraud on or about the dates indicated and in the approximate amounts indicated:

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
11	LS	Temecula, CA	Guadalupe, Costa Rica	7/9/2010	\$3,500
12	TC	Greensburg, IN	Desamparados, Costa Rica	7/27/2010	\$1,200
13	PT	Windsor, NC	San Pedro, Costa Rica	8/6/2010	\$3,750
14	RS	Tempe, AZ	San Jose, Costa Rica	9/15/2010	\$2,150

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and 2.

NOTICE OF FORFEITURE
18 U.S.C. SECTION 982(a)(8)

1. The allegations in paragraphs 1 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.
2. Upon commission of the offenses in violation of Title 18, United States Code,

Sections 1349 and 1343 set forth in Counts 1 through 9 of this Indictment, which involved telemarketing as that term is used in Title 18, United States Code, Section 2325, the defendants

GLEN ADKINS, JR.,
a/k/a "Benjamin Walker" and "Robert Hayward,"
and
WARREN F. TONSING, JR.,
a/k/a "Tony Blake,"

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(8),

(A) any real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of such offenses;

(B) any real or personal property, constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of the offenses; and

(C) a sum of money representing the amount of proceeds obtained as a result of the offense for which defendants are convicted up to a value of \$5,000,000.00.

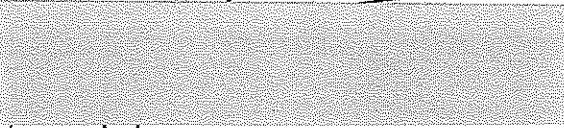
3. A money judgment up to a value of (\$5,000,000) five million dollars in United States currency.

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

- (A) cannot be located upon 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 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982 (b)(1).

A TRUE BILL



ANNE M. TOMPKINS
UNITED STATES ATTORNEY

DENIS J. MCINERNEY
CHIEF, FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

A handwritten signature in cursive script, appearing to read "Patrick M. Donley".

PATRICK M. DONLEY
SENIOR LITIGATION COUNSEL
WILLIAM H. BOWNE
TRIAL ATTORNEY
FRAUD SECTION, CRIMINAL DIVISION

