

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2017 MAR 29 AM 11:16
CLARENCE S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY: CWD

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 CR 00178

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK ROSS WEINBERG,

Defendant.

CR No. 17

I N F O R M A T I O N

[18 U.S.C. § 371: Conspiracy to
Commit Wire Fraud; 18 U.S.C.
§ 1343: Wire Fraud; 18 U.S.C.
§2(a): Aiding and Abetting]

The United States Attorney charges:

COUNT ONE

[18 U.S.C. § 371]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Information:

1. Defendant MARK ROSS WEINBERG ("defendant WEINBERG") was a resident of Los Angeles, California, within the Central District of California. Defendant WEINBERG owned and controlled the following accounts:

- a. Citibank checking account with an account number ending in "9473" ("Citibank Account No. 9473"); and
- b. JPMorgan Chase Bank checking account with an account number ending in "3360" ("Chase Account No. 3360").

1 2. Co-Conspirator Dale Washam Talbert ("Co-Conspirator
2 Talbert") was a resident of Beverly Hills, California, within the
3 Central District of California. Co-Conspirator Talbert owned and
4 controlled the following accounts:

5 a. Bank of America account with an account number ending
6 in "8613" ("BofA Account No. 8613") and Bank of America account with
7 an account number ending in "7647" ("BofA Account No. 7647");

8 b. JPMorgan Chase Bank account with an account number
9 ending in "5313" ("Chase Account No. 5313"); and

10 c. TD Ameritrade brokerage account with an account number
11 ending in "5388" ("Ameritrade Account No. 5388") and TD Ameritrade
12 futures trading account with an account number ending in "E769"
13 ("Ameritrade Account No. E769").

14 3. Victim F.V. was a resident of Fort Myers, Florida, and San
15 Diego, California.

16 4. Victims G.K., C.K., S.H., B.S., N.P., and M.T. were
17 residents of Los Angeles County, within the Central District of
18 California.

19 B. THE OBJECT OF THE CONSPIRACY

20 5. Beginning in at the latest in or about June 2013, and
21 continuing through at least in or about December 2015, in Los Angeles
22 County, within the Central District of California, and elsewhere,
23 defendant WEINBERG, together with Co-Conspirator Talbert and others
24 known and unknown to the United States Attorney, knowingly combined,
25 conspired, and agreed to commit wire fraud, in violation of Title 18,
26 United States Code, Section 1343.

27 ///

28 ///

1 C. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE
2 ACCOMPLISHED

3 6. The object of the conspiracy was carried out, and to be
4 carried out, in substance, as follows:

5 a. Defendant WEINBERG and Co-Conspirator Talbert induced
6 F.V. and other victims to provide funds to defendant WEINBERG and Co-
7 Conspirator Talbert by falsely representing, among other things,
8 that:

9 i. Defendant WEINBERG and Co-Conspirator Talbert
10 would use funds provided by F.V. and other victims to lock in and
11 liquidate for substantial profits numerous gold trading contracts
12 that defendant WEINBERG and Co-Conspirator Talbert had previously
13 acquired in an offshore trading account, with resulting profits to be
14 distributed by defendant WEINBERG and Co-Conspirator Talbert to the
15 victims.

16 ii. Defendant WEINBERG and Co-Conspirator Talbert
17 would trade in the gold contracts using an account maintained by Co-
18 Conspirator Talbert at Nomura Securities in Japan (the "Nomura
19 Account").

20 iii. Defendant WEINBERG's and Co-Conspirator Talbert's
21 retention and use of the victims' funds would be short-term,
22 generally ranging from a few weeks to a few months, purportedly
23 because the funds would be needed only for sufficient time for
24 defendant WEINBERG and Co-Conspirator Talbert to perform the
25 necessary trades in the Nomura Account to profitably liquidate the
26 gold trading contracts, after which defendant WEINBERG and Co-
27 Conspirator Talbert would cause the proceeds to be remitted to the
28 United States and used by defendant WEINBERG and Co-Conspirator

1 Talbert to pay to the victims their respective profit shares and
2 return their principal.

3 iv. Defendant WEINBERG and Co-Conspirator Talbert
4 were counseled by a very prominent international law firm ("Law Firm
5 A") and a very prominent international accounting firm ("Accounting
6 Firm A") in connection with their gold contracts trading and related
7 tax, accounting, and regulatory issues.

8 b. Defendant WEINBERG and Co-Conspirator Talbert further
9 induced F.V. and other victims to provide funds to defendant WEINBERG
10 and Co-Conspirator Talbert by falsely representing that:

11 i. Co-Conspirator Talbert owned and possessed
12 numerous purportedly genuine gold bullion bars, each weighing
13 approximately one kilogram and each worth approximately \$38,000 (the
14 "gold bars"), which Co-Conspirator Talbert kept in storage at a
15 secured facility in Los Angeles, California.

16 ii. Co-Conspirator Talbert would turn over possession
17 of a sufficient quantity of the gold bars to F.V. and other victims
18 to hold as collateral to secure defendant WEINBERG's and Co-
19 Conspirator Talbert's performance of their payment obligations to
20 them.

21 c. To induce F.V. and other victims to provide additional
22 funds to defendant WEINBERG and Co-Conspirator Talbert:

23 i. Co-Conspirator Talbert from time to time, in
24 consultation with defendant WEINBERG, made limited payments to F.V.,
25 G.K., C.K., and M.T. that defendant WEINBERG and Co-Conspirator
26 Talbert falsely represented constituted proceeds derived from gold
27 contracts trading; and

28

1 ii. Defendant WEINBERG and Co-Conspirator Talbert
2 provided purportedly genuine gold bullion bars (that in fact were not
3 real gold) to F.V., G.K., and C.K.

4 d. To obtain control of the victims' funds, defendant
5 WEINBERG and Co-Conspirator Talbert instructed F.V. and other victims
6 to wire transfer their funds into BofA Account No. 8613, or to
7 provide payments that defendant WEINBERG and Co-Conspirator Talbert
8 deposited or caused to be deposited into BofA Account No. 8613, BofA
9 Account No. 7647, and Chase Account No. 5313. Co-Conspirator Talbert
10 transferred and co-mingled victim funds among Co-Conspirator
11 Talbert's bank accounts.

12 e. As part of the conspiracy, to lull F.V. and other
13 victims into a false sense of security, and postpone their inquiries
14 or complaints to law enforcement, particularly after defendant
15 WEINBERG and Co-Conspirator Talbert failed to make profit
16 distributions to the victims within the time frames that defendant
17 WEINBERG and Co-Conspirator Talbert had represented they would be
18 made, defendant WEINBERG and Co-Conspirator Talbert falsely
19 represented that the gold contracts trading was conducted
20 successfully and had generated millions of dollars of profits.
21 Defendant WEINBERG and Co-Conspirator Talbert provided various false
22 and misleading excuses, which varied from victim to victim, as to why
23 the purported profits already obtained could not be distributed to
24 victims, including that:

25 i. Defendant WEINBERG and Co-Conspirator Talbert had
26 substantial outstanding tax liability issues with the Internal
27 Revenue Service ("IRS") and regulatory compliance issues with the
28 Securities and Exchange Commission ("SEC") and Commodities Futures

1 Trading Commission ("CFTC") that needed to be resolved before profit
2 distributions could be made to the victims, which issues were being
3 handled for defendant WEINBERG and Co-Conspirator Talbert by Law Firm
4 A and Accounting Firm A, and were the subject of ongoing negotiations
5 with the IRS, SEC, and CFTC.

6 ii. The proceeds derived from gold contracts trading
7 had been placed in a trust named the "Aunt Gary Trust," and defendant
8 WEINBERG and Co-Conspirator Talbert could not make distributions from
9 the trust to victims due to unresolved legal and tax issues.

10 iii. Additional funds were needed by defendant
11 WEINBERG and Co-Conspirator Talbert to cover various purported
12 expenses that had to be paid before defendant WEINBERG and Co-
13 Conspirator Talbert would be able to make disbursements to victims.
14 Defendant WEINBERG and Co-Conspirator Talbert induced victims to
15 provide additional funds to Co-Conspirator Talbert to pay these
16 purported expenses.

17 f. As a further part of the conspiracy and to lull
18 victims, defendant WEINBERG and Co-Conspirator Talbert falsely
19 represented to victims that Co-Conspirator Talbert owned numerous
20 additional gold bars and a Merrill Lynch account in Ireland that
21 maintained a multi-million-dollar account balance (the "Merrill Lynch
22 Account"), all of which defendant WEINBERG and Co-Conspirator Talbert
23 could and would draw from to raise funds to pay victims.

24 g. Defendant WEINBERG and Co-Conspirator Talbert
25 misappropriated funds they obtained from the victims for their own
26 use, including to pay Co-Conspirator Talbert's personal expenses, to
27 repay various of Co-Conspirator Talbert's creditors, and to supply
28 funds for Co-Conspirator Talbert's TD Ameritrade Account No. E769,

1 which did not trade in gold contracts. Defendant WEINBERG used a
2 portion of the misappropriated funds for his personal expenses, which
3 funds Co-Conspirator Talbert provided to defendant WEINBERG for
4 deposit into the bank accounts of defendant WEINBERG, defendant
5 WEINBERG's mother, defendant WEINBERG's former spouse, and defendant
6 WEINBERG's landlord.

7 h. Defendant WEINBERG and Co-Conspirator Talbert failed
8 to disclose to, and concealed from, F.V. and other victims the
9 following material facts, among others:

10 i. The Nomura Account did not exist.

11 ii. The Aunt Gary Trust did not exist.

12 iii. The Merrill Lynch Account did not exist.

13 iv. Defendant WEINBERG and Co-Conspirator Talbert did
14 not own or control a brokerage account that held gold contracts.

15 v. Defendant WEINBERG and Co-Conspirator Talbert did
16 not use victim funds to purchase or liquidate gold contracts.

17 vi. Defendant WEINBERG and Co-Conspirator Talbert did
18 not obtain profits derived from gold contracts trading.

19 vii. The gold bars that defendant WEINBERG and Co-
20 Conspirator Talbert offered to provide and provided to F.V. and other
21 victims as security were fake and of nominal value.

22 viii. Defendant WEINBERG and Co-Conspirator Talbert
23 were not counseled by Law Firm A or Accounting Firm A. Law Firm A
24 and Accounting Firm A did not represent defendant WEINBERG or Co-
25 Conspirator Talbert in any matters involving the IRS, SEC, or CFTC.

26 i. Defendant WEINBERG and Co-Conspirator Talbert also
27 failed to disclose to, and concealed from, F.V. and other victims the
28 material facts that victim funds were primarily used:

1 i. To pay defendant WEINBERG's and Co-Conspirator
2 Talbert's personal expenses.

3 ii. To pay defendant WEINBERG's mother, defendant
4 WEINBERG's former spouse, and defendant WEINBERG's landlord.

5 iii. To pay other victims who had provided funds to
6 defendant WEINBERG and Co-Conspirator Talbert.

7 iv. To pay creditors who had provided funds to Co-
8 Conspirator Talbert.

9 v. To supply trading funds for Co-Conspirator
10 Talbert's Ameritrade Account No. E769.

11 j. While fraudulently inducing victim F.V. to provide net
12 payments totaling approximately \$2,337,000 to Co-Conspirator Talbert
13 between June 2013 and November 2013, defendant WEINBERG and Co-
14 Conspirator Talbert also failed to disclose to, and concealed from,
15 victim F.V. the material facts that defendant WEINBERG had been
16 previously convicted of felony fraud offenses, served time in prison
17 on those convictions, and was on supervised release during 2013.

18 k. While fraudulently inducing victims G.K., C.K., S.H.,
19 B.S., N.P., and M.T. to provide net payments totaling approximately
20 \$645,000 to Co-Conspirator Talbert between May 2014 and May 2015,
21 defendant WEINBERG and Co-Conspirator Talbert also failed to disclose
22 to, and concealed from, these victims the material facts that in or
23 about April 2014, funds were seized by the Federal Bureau of
24 Investigation pursuant to federal seizure warrants, as property
25 constituting or derived from proceeds traceable to violations of
26 federal criminal law, from defendant WEINBERG's Citibank Account No.
27 9473, and from Co-Conspirator Talbert's BofA Account No. 8613, BofA
28

1 Account No. 7647, and Ameritrade Account No. 5388, which seizures
2 neither defendant WEINBERG nor Co-Conspirator Talbert contested.

3 D. OVERT ACTS

4 7. In furtherance of the conspiracy and to accomplish its
5 object, defendant WEINBERG, together with Co-Conspirator Talbert and
6 others known and unknown to the United States Attorney, committed and
7 willfully caused others to commit the following overt acts, among
8 others, within the Central District of California and elsewhere:

9 Overt Act No. 1: On or about June 2, 2013, defendant WEINBERG
10 and Co-Conspirator Talbert met with F.V. in Los Angeles, California,
11 to induce F.V. to provide funds to Co-Conspirator Talbert.

12 Overt Act No. 2: On or about June 11, 2013, defendant WEINBERG
13 and Co-Conspirator Talbert caused 13 purported gold bars Co-
14 Conspirator Talbert claimed to own to be delivered to F.V. to induce
15 F.V. to provide funds to defendant WEINBERG and Co-Conspirator
16 Talbert.

17 Overt Act No. 3: On or about June 12, 2013, Co-Conspirator
18 Talbert provided to F.V. the account number and routing number to
19 enable F.V. to wire transfer funds from a brokerage account in Omaha,
20 Nebraska that F.V. controlled to Co-Conspirator Talbert's BofA
21 Account No. 8613 in California.

22 Overt Act No. 4: On or about October 23, 2013, Co-Conspirator
23 Talbert provided F.V. a purported screenshot of Co-Conspirator
24 Talbert's accounts at Bank of America, created by defendant WEINBERG,
25 that showed current account balances in excess of \$4.4 million, when
26 in fact the actual account balances totaled substantially less than
27 \$50,000.

28 Overt Act No. 5: On or about November 2, 2013, defendant

1 WEINBERG met with F.V. in San Diego, California, to discuss F.V.'s
2 providing additional funds to defendant WEINBERG and Co-Conspirator
3 Talbert, at which time defendant WEINBERG provided to F.V. various
4 fabricated documents concerning Co-Conspirator Talbert's financial
5 condition, including fake Nomura Account and Merrill Lynch Account
6 statements showing multi-million-dollar balances and a fake IRS
7 notice to Co-Conspirator Talbert of substantial income tax due for
8 tax year 2009.

9 Overt Act No. 6: On or about May 1, 2014, Co-Conspirator
10 Talbert obtained a check in the amount of \$12,000 issued by G.K. to
11 Co-Conspirator Talbert.

12 Overt Act No. 7: On or about May 23, 2014, Co-Conspirator
13 Talbert obtained a cashier's check in the amount of \$50,000 purchased
14 by M.T. and payable to Co-Conspirator Talbert.

15 Overt Act No. 8: On or about June 17, 2014, Co-Conspirator
16 Talbert obtained a check in the amount of \$30,000 issued by C.K. to
17 Co-Conspirator Talbert.

18 Overt Act No. 9: On or about June 30, 2014, Co-Conspirator
19 Talbert issued a check drawn on BofA Account No. 7647 in the amount
20 of \$9,260 to C.K.

21 Overt Act No. 10: On or about July 1, 2014, Co-Conspirator
22 Talbert obtained and deposited into BofA Account No. 7647 a check for
23 \$50,000 issued by M.T. to Co-Conspirator Talbert.

24 Overt Act No. 11: On or about July 2, 2014, Co-Conspirator
25 Talbert caused funds in the amount of \$10,000 to be wire transferred
26 from BofA Account No. 7647 to a bank account held in the name of
27 defendant WEINBERG's mother.

28 Overt Act No. 12: On or about July 2, 2014, Co-Conspirator

1 Talbert issued a check drawn on BofA Account No. 7647 in the amount
2 of \$10,000 to defendant WEINBERG.

3 Overt Act No. 13: On or about July 30, 2014, Co-Conspirator
4 Talbert obtained a cashier's check in the amount of \$25,000 purchased
5 by B.S. and payable to Co-Conspirator Talbert.

6 Overt Act No. 14: On or about September 11, 2014, Co-
7 Conspirator Talbert obtained a check in the amount of \$20,000 issued
8 by S.H. to Co-Conspirator Talbert.

9 Overt Act No. 15: On or about October 23, 2014, Co-Conspirator
10 Talbert obtained a check in the amount of \$45,000 issued by N.P. to
11 Co-Conspirator Talbert.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT TWO

[18 U.S.C. §§ 1343, 2(a)]

1
2
3 8. The United States Attorney hereby realleges and
4 incorporates by reference paragraphs 1 through 4, 6, and 7 of this
5 Information as though set forth fully herein.

6 9. Beginning in at the latest in or about June 2013, and
7 continuing through at least in or about December 2015, in Los Angeles
8 County, within the Central District of California, and elsewhere,
9 defendant WEINBERG, together with co-schemer Dale Washam Talbert
10 ("Co-Schemer Talbert"), knowingly and with intent to defraud,
11 devised, participated in, and executed a scheme to defraud victim
12 F.V. as to material matters, and to obtain money and property from
13 F.V. by means of false and fraudulent pretenses, representations, and
14 promises, and the concealment of material facts.

15 10. The fraudulent scheme operated, in substance, in the manner
16 described in paragraphs 6 and 7 of this Information.

17 11. On or about June 13, 2013, within the Central District of
18 California and elsewhere, defendant WEINBERG and Co-Schemer Talbert,
19 aiding and abetting each other, for the purpose of executing the
20 scheme to defraud, caused the transmission of an item by means of
21 wire communication in interstate commerce, namely, a wire transfer,
22 via the Federal Reserve Bank's Fedwire system in New Jersey, of
23 \$500,000, from a TD Ameritrade brokerage account in Omaha, Nebraska,

24 ///

25 ///

26 ///

27

28

1 that F.V. controlled to Co-Schemer Talbert's BofA Account No. 8613 in
2 the Central District of California.

3
4
5 SANDRA R. BROWN
6 Acting United States Attorney

7 

8 LAWRENCE S. MIDDLETON
9 Assistant United States Attorney
Chief, Criminal Division

10 GEORGE S. CARDONA
11 Assistant United States Attorney
Chief, Major Frauds Section

12 RICHARD E. ROBINSON
13 Assistant United States Attorney
Major Frauds Section