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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 PAUL MICHAEL MARCINIAK,

13 Defendant

Case No.: 2:17-cr- 14

CRIMINAL INFORMATION

**VIOLATIONS:**

18 U.S.C. § 1349 – Conspiracy to Commit  
Mail and Wire Fraud;  
Forfeiture Allegations

14 **THE UNITED STATES ATTORNEY CHARGES THAT:**

16 **COUNT ONE**

(Conspiracy to Commit Mail Fraud and Wire Fraud)

17 A. From in or about October 2010, to in or about April 2012, in the State and Federal  
18 District of Nevada and elsewhere,

19 **PAUL MICHAEL MARCINIAK,**

20 defendant herein, did agree and conspire together with D.M.B., also known as "Wolf," S.M.S.,

21 D.A.L., A.M.Y.; A.Ar., A.Ad., A.A., also known as "Eddie," A.D., A.M.C-R., A.Z., A.At., B.S.L.,

22 B.J-G., R.J.C., C.G., C.T.B., C.Z., D.R.T., D.U., D.W.S., D.N.(M.), D.C., E.J.H., K.G., G.A.S.,

23 H.R.P., H.B., H.S., I.R., J.J.S., J.G., J.H., J.K.H., J.Y.F., J.W.M., J.Ri., J.Ra., J.L., J.N., J.A.L.,  
24

1 K.N.M., K.D.B., K.W., K.Q., L.R.L., L.L. (formerly L.D.), L.B.G., L.C.G., R.D.M., also known as  
2 “Patch,” M.St.S., M.H., M.P., M.H., M.R.C., M.U., M.A.R., also known as “Gideon,” M.B., B.N.,  
3 N.D-R., P.E.Q. (formerly P.E.A.), R.G., R.M., S.B.M., S.P.H., S.L.H., S.D.R., S.K.T., S.L., S.D.T.,  
4 T.T., T.M. (formerly T.C.), Y.N., also known as “Zoo,” Y.M., Z.T.A., M.P., J.M.C., R.Ma., and  
5 others known and unknown:

6 1. To use the United States Postal Service and commercial interstate carriers to  
7 send money for purposes of executing a scheme and artifice to defraud and for obtaining money and  
8 property by means of materially false and fraudulent pretenses, representations, and promises, in  
9 violation of Title 18, United States Code, Section 1341; and

10 2. To transmit and cause to be transmitted by means of wire communications in  
11 interstate commerce documents and information for purposes of executing a scheme and artifice to  
12 defraud and for obtaining money and property by means of materially false and fraudulent  
13 pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1343.

14 The Objective of the Conspiracy and Scheme to Defraud

15 B. The objective of the conspiracy and scheme was for defendant and his  
16 coconspirators to obtain money and property from persons whom they enticed to provide advance  
17 fees to fund expenses for the sale of the victims’ time share properties, sales which never occurred,  
18 a criminal scheme commonly known as “the buyer’s pitch.” Through this conspiracy and scheme  
19 defendant and his coconspirators fraudulently obtained more than \$3,330,000.

20 Manner and Means

21 C. The manner and means by which the objective of the conspiracy was accomplished  
22 include, but were not limited to, the following:

23 1. Defendant and his coconspirators operated a continuous fraudulent scheme  
24 under the business names Holiday Advertising, Professional Concepts LLC, TeleTeton

1 Corporation, Redline Funding LLC, Great West Funding Incorporated, Equity Financial Services  
2 LLC, First Capital Financial Services Corporation, Beneficial Business Solutions, Eastern  
3 Enterprises LLC, and Community Funding Corporation, among others. Defendant and his  
4 coconspirators changed the names, mailing and shipping addresses, and physical locations of the  
5 scheme's businesses in order to dissociate the scheme from complaints made to consumer  
6 protection and law enforcement agencies and other entities and to evade detection and apprehension  
7 by law enforcement.

8           2. Defendant and his coconspirators induced and attempted to induce victims to  
9 send money and property to the fraudulent corporations by making materially false and fraudulent  
10 pretenses, representations, and promises to them, including but not limited to: (1) the names of  
11 defendant and his coconspirators; (2) the geographic location of each of the various companies; (3)  
12 that the various companies were actively engaged in business, were licensed and authorized by law  
13 to arrange the sale of time share properties, and were in fact arranging the sale of timeshare  
14 properties, when in fact the companies were operated primarily as a means to defraud investors;  
15 (4) that a buyer had offered to purchase the victim's timeshare property, when in fact no buyer  
16 existed; and (5) that the various companies would close the sale of the victim's timeshare property  
17 within 90 days of the victim's payment, when in fact each of the fictitious companies was operated  
18 for no more than 90 days in order to dissociate the scheme from complaints made to consumer  
19 protection and law enforcement agencies and other entities and to evade detection and apprehension  
20 by law enforcement.

21           3. Defendant and his coconspirators made and caused to be made interstate wire  
22 communications to customers to induce the victims to part with money and to lull victims into  
23 believing that their investments were sound and that their funds would be recovered.  
24

1           4.     Defendant and his coconspirators sent and caused to be sent victim funds and  
2 documents by means of U.S. Mail, interstate commercial carriers, and interstate wire  
3 communications to complete the transactions.

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

5                           **FORFEITURE ALLEGATION ONE**  
6                           **(Conspiracy to Commit Mail Fraud and Wire Fraud)**

7           1.     The allegations contained in Count One of this Criminal Information are hereby  
8 realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to  
9 Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section  
10 2461(c).

11           2.     Upon conviction of the felony offense charged in Count One of this Criminal  
12 Information,

13                           **PAUL MICHAEL MARCINIAK,**

14 defendant herein, shall forfeit to the United States of America, any property, real or personal, which  
15 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,  
16 Sections 1341 and 1343, specified unlawful activities as defined in Title 18, United States Code,  
17 Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1349, conspiracy  
18 to commit such offenses, an in personam criminal forfeiture money judgment including, but not  
19 limited to, at least \$1,650,000 (property).

20           3.     If any property being subject to forfeiture pursuant to Title 18, United States Code,  
21 Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or  
22 omission of the defendant -

23           a.     cannot be located upon the exercise of due diligence;

24           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;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendant for the in personam criminal forfeiture money judgment including, but not limited to, at least \$1,650,000.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Sections 1341, 1343, and 1349; and Title 21, United States Code, Section 853(p).

**FORFEITURE ALLEGATION TWO**  
**(Conspiracy to Commit Mail Fraud and Wire Fraud)**

1. The allegations contained in Count One of this Criminal Information are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(8)(B).

2. Upon conviction of the felony offense charged in Count One of this Criminal Information,

**PAUL MICHAEL MARCINIAK,**

defendant herein, shall forfeit to the United States of America, any real or personal property constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of violations of Title 18, United States Code, Sections 1341 and 1343, or of Title 18, United States Code, Section 1349, conspiracy to commit such offenses, an in personam criminal forfeiture money judgment including, but not limited to, at least \$1,650,000 (property).

1           3.     If any property being subject to forfeiture pursuant to Title 18, United States Code,  
2 Section 982(a)(8)(B), as a result of any act or omission of the defendant -

- 3           a.     cannot be located upon the exercise of due diligence;  
4           b.     has been transferred or sold to, or deposited with, a third party;  
5           c.     has been placed beyond the jurisdiction of the court;  
6           d.     has been substantially diminished in value; or  
7           e.     has been commingled with other property which cannot be divided without  
8                 difficulty;

9 it is the intent of the United States of America, pursuant to Title 21, United States Code, Section  
10 853(p), to seek forfeiture of any properties of the defendant for the in personam criminal forfeiture  
11 money judgment including, but not limited to, at least \$1,650,000.

12           All pursuant to Title 18, United States Code, Section 982(a)(8)(B); Title 18, United States  
13 Code, Sections 1341, 1343, and 1349; and Title 21, United States Code, Section 853(p).

14           DATED this 10<sup>th</sup> day of January, 2017

15  
16 DANIEL G. BOGDEN  
17 United States Attorney

18   
19 DANIEL J. COWHIG  
20 Assistant United States Attorney