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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROBERT CAPUTO,)
)
Defendant)

Case No.: 2:17-cr-00078-KJD-PAL
CRIMINAL INFORMATION

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

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE

(Conspiracy to Commit Mail Fraud and Wire Fraud)

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

ROBERT CAPUTO,

defendant herein, did agree and conspire together with D.M.B., also known as "Wolf," P.M.M., S.M.S., D.A.L., A.M.Y., A.Z., A.At., B.N., B.S.L., C.T.B., D.R.T., H.R.P., J.A.L., J.Y.F., L.L., L.C.G., M.P., R.I.M., T.T., and others known and unknown:

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

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

9 The Objective of the Conspiracy and Scheme to Defraud

10 B. The objective of the conspiracy and scheme was for defendant and his
11 coconspirators to obtain money and property from persons whom they enticed to provide advance
12 fees to fund expenses for the sale of the victims' time share properties, sales which never occurred,
13 a criminal scheme commonly known as "the buyer's pitch." Through this conspiracy and scheme
14 defendant and his coconspirators fraudulently obtained more than \$3,330,000.

15 Manner and Means

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

18 1. Defendant and his coconspirators operated a continuous fraudulent scheme
19 under the business names Holiday Advertising, Professional Concepts LLC, TeleTeton
20 Corporation, Redline Funding LLC, Great West Funding Incorporated, Equity Financial Services
21 LLC, First Capital Financial Services Corporation, Beneficial Business Solutions, Eastern
22 Enterprises LLC, and Community Funding Corporation, among others. Defendant and his
23 coconspirators changed the names, mailing and shipping addresses, and physical locations of the
24 scheme's businesses in order to dissociate the scheme from complaints made to consumer

1 protection and law enforcement agencies and other entities and to evade detection and apprehension
2 by law enforcement.

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

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

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

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

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1 **FORFEITURE ALLEGATION ONE**
2 **(Conspiracy to Commit Mail Fraud and Wire Fraud)**

3 1. The allegations contained in Count One of this Criminal Information are hereby
4 realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to
5 Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section
6 2461(c).

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

9 **ROBERT CAPUTO,**

10 defendant herein, shall forfeit to the United States of America, any property, real or personal, which
11 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
12 Sections 1341 and 1343, specified unlawful activities as defined in Title 18, United States Code,
13 Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1349, conspiracy
14 to commit such offenses, an in personam criminal forfeiture money judgment including, but not
15 limited to, at least \$271,282 (property).

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

- 19 a. cannot be located upon the exercise of due diligence;
20 b. has been transferred or sold to, or deposited with, a third party;
21 c. has been placed beyond the jurisdiction of the court;
22 d. has been substantially diminished in value; or
23 e. has been commingled with other property which cannot be divided without
24 difficulty;

1 it is the intent of the United States of America, pursuant to Title 21, United States Code, Section
2 853(p), to seek forfeiture of any properties of the defendant for the in personam criminal forfeiture
3 money judgment including, but not limited to, at least \$271,282.

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

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

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

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

14 **ROBERT CAPUTO,**

15 defendant herein, shall forfeit to the United States of America, any real or personal property
16 constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a
17 result of violations of Title 18, United States Code, Sections 1341 and 1343, or of Title 18, United
18 States Code, Section 1349, conspiracy to commit such offenses, an in personam criminal forfeiture
19 money judgment including, but not limited to, at least \$271.282 (property).

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

- 22 a. cannot be located upon the exercise of due diligence;
23 b. has been transferred or sold to, or deposited with, a third party;
24 c. has been placed beyond the jurisdiction of the court;

- 1 d. has been substantially diminished in value; or
- 2 e. has been commingled with other property which cannot be divided without
- 3 difficulty;

4 it is the intent of the United States of America, pursuant to Title 21, United States Code, Section
5 853(p), to seek forfeiture of any properties of the defendant for the in personam criminal forfeiture
6 money judgment including, but not limited to, at least \$271,282.

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

9 DATED this March 10, 2017

10 DANIEL G. BOGDEN
11 United States Attorney

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13 DANIEL J. COWHIG
14 Assistant United States Attorney

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