

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

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UNITED STATES OF AMERICA

v.

CASE NO. 2:14-cr- 10 -FtM- 36 CM

ALFRED W. LENZ

18 U.S.C. § 1343

18 U.S.C. § 2

18 U.S.C. § 981(a)(1)(C) - forfeiture

INDICTMENT

The Grand Jury charges:

**COUNTS ONE THROUGH THREE
(Wire Fraud, 18 U.S.C. §§ 1343 & 2)**

A. Introduction

At times material to this Indictment:

1. Vineyards Development Company (VDC), was a residential development company that owned and operated Vineyards, an upscale housing development in Naples, in the Middle District of Florida.
2. **ALFRED W. LENZ**, defendant herein, was the Controller of VDC from approximately March 31, 2005 until April 27, 2012. As such, the defendant, **ALFRED W. LENZ**, was in a position of trust and was permitted access to the various financial accounts of VDC. Specifically, the defendant, **ALFRED W. LENZ**, was hired to oversee the accounting department, all aspects of the accounting and bookkeeping, budgets, cash flows and financial statements, payroll and sales tax returns, and to oversee computer operations of VDC, and other affiliated companies.

3. Vintners Cellar of Naples, LLC was a Florida corporation formed on or about November 8, 2001 and dissolved on or about September 23, 2011. The defendant, **ALFRED W. LENZ**, was the manager and chairman of the corporation. According to filings with the Florida Department of State, Division of Corporations, Vintners Cellar of Naples, LLC principal place of business was in Naples. In 2007, corporate filings indicate the mailing address changed from the principal place of business in Naples to a residential address associated with the defendant in Bonita Springs.

4. The FEDWIRE system was an electronic funds transfer and book-entry securities transfer service linking the Federal Reserve Banks with approximately 10,000 depository institutions nationwide. Every funds transfer sent through FEDWIRE automatically triggers an electronic wire communication to the Funds Transfer Host Application located in East Rutherford, New Jersey, for registration before being transferred to its final destination.

B. The Criminal Scheme and Artifice to Defraud

5. Beginning on or about January 11, 2007 and continuing thereafter, through and including at least December 9, 2010, in Collier County, in the Middle District of Florida and elsewhere,

ALFRED W. LENZ,

the defendant herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and

did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing said scheme and artifice.

C. Manner and Means

6. The manner and means by which the defendant sought to accomplish the scheme and artifice included, among other things, the following:

- a. It was a part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises, that defendant, **ALFRED W. LENZ**, would and did maintain the Vintners Cellar of Naples, LLC line of credit and checking accounts at Regions Bank.
- b. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did maintain a personal account at Regions Bank.
- c. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did fraudulently obtain and convert for his own personal use, approximately \$2,380,465.11 in funds belonging to VDC.
- d. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did present 87 VDC checks made out to Regions Bank for approval by the VDC Chairman of the Board and did falsely represent that those checks were regular payments related to the

obligations of VDC.

- e. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did conceal the true nature of those payments from VDC by creating fraudulent entries in the VDC ledger and coding the checks with legitimate VDC ledger entry codes. The defendant, **ALFRED W. LENZ**, hid the checks with incorrect labels which were associated with existing VDC development projects or codes within the Vineyards Community.
- f. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did deposit 87 checks, each for \$24,000, totaling \$2,088,000 in funds stolen from VDC into his Vintners Cellar of Naples, LLC line of credit account at Regions Bank.
- g. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did prepare checks made payable to Regions Bank in the amount of \$24,000.
- h. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did send and cause to be sent, the following seven wire transfers, totaling \$292,465.11, utilizing the FEDWIRE system and thus travelling in and affecting interstate commerce, from the VDC account to the Vintners Cellar of Naples, LLC checking account that the defendant maintained at Regions Bank:
 - i. September 8, 2008, a wire in the amount of \$70,500.00;

- ii. October 27, 2008, a wire in the amount of \$69,965.11;
 - iii. December 2, 2008, a wire in the amount of \$35,000.00;
 - iv. February 3, 2009, a wire in the amount of \$35,000.00;
 - v. December 4, 2009, a wire in the amount of \$35,000.00;
 - vi. January 21, 2010, a wire in the amount of \$12,000.00; and
 - vii. April 27, 2010, a wire in the amount of \$35,000.00.
- i. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did code entries within the VDC Ledger, covering each wire with a label such as, "membership redemption expenses", "monies due from related companies Vista Pointe and Avellino Isles", "sales discounts", and "current liabilities."
- j. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did transfer money and use funds from the Vintners Cellar of Naples, LLC line of credit and checking accounts at Regions bank to convert those funds for his own personal use, including but not limited to, personal expenses, the purchase of real estate in Michigan, utilizing E-Trade, and funding various retirement accounts at Charles Schwab.
- k. It was further part of the scheme and artifice to defraud that defendant, **ALFRED W. LENZ**, would and did make false statements, false entries into the VDC ledger and otherwise take steps to hide and conceal the scheme and artifice to defraud from others.

D. The Wires

7. On or about the dates as set forth below in each Count, in the Middle District of Florida,

ALFRED W. LENZ,

the defendant herein, as set forth below in each Count One through Three, for the purpose of executing the aforesaid scheme and artifice to defraud, did knowingly transmit and cause to be transmitted in interstate and foreign commerce by means of wire communication, certain writings, signs, signals, pictures and sounds, as described and set forth below:

COUNT	DATE	AMOUNT	WIRE TRANSFER
ONE	December 4, 2009	\$35,000.00	From VDC's Wachovia Bank account XXXXXXXXX5632 to Vintners Cellar of Naples, LLC's checking account XXXXXX6759 at Regions Bank
TWO	January 21, 2010	\$12,000.00	From VDC's Wachovia Bank account XXXXXXXXX5632 to Vintners Cellar of Naples, LLC's checking account XXXXXX6759 at Regions Bank
THREE	April 27, 2010	\$35,000.00	From VDC's Wachovia Bank account XXXXXXXXX5632 to Vintners Cellar of Naples, LLC's checking account XXXXXX6759 at Regions Bank

All in violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE

1. The allegations contained in Counts One through Three of this Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of a violation of Title 18, United States Code, Section 1343,

ALFRED W. LENZ,

the defendant herein, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the fraud scheme or artifice to defraud.

3. The property to be forfeited includes, but is not limited to, the following:

- a. 4876 Townsend Court, Montague, Michigan. The legal description for the property is: the City of Montague, County of Muskegon and State of Michigan to wit: Lots 10 and 11, Pleasant Grove Estates No. 2, as recorded in Liber 30 of Plats, Pages 35 and 36. Parcel No. 61-21-506-000-0010-00;
- b. The contents of Charles Schwab account 2404-5786; and
- c. A forfeiture money judgment in the amount of the proceeds of the offense, approximately \$2,380,465.11

4. If any of the property described above, 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 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

Date: 2-5-14

A TRUE BILL,


Foreperson

A. LEE BENTLEY, III
United States Attorney

By: 
David G. Lazarus
Assistant United States Attorney

By: 
Jesus M. Casas
Assistant United States Attorney
Chief, Fort Myers Division

FORM OBD-34
APR 1991

No. _____

UNITED STATES DISTRICT COURT
Middle District of Florida
Fort Myers Division

THE UNITED STATES OF AMERICA
vs.

ALFRED W. LENZ

INDICTMENT

Violations:

- 18 U.S.C. § 1343
- 18 U.S.C. § 2
- 18 U.S.C § 981(a)(1)(C)- Forfeiture

A true bill,

Barth Janner

Foreperson

Filed in open court this 5th day

of February, 2014.

Clerk

Bail \$ _____