NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California

United States Attorney
Laura E. Duffy

For Further Information, Contact: Assistant U. S. Attorney Timothy C. Perry (619) 546-7966

For Immediate Release

Former CEO-President of San Diego-Based Company Charged in $28 Million Stock Fraud

Mark Lopez also accused of obstructing SEC investigation by hiding emails in manila folders marked "Files Deleted" and "Not Released to SEC Subpoena (Delete)."

NEWS RELEASE SUMMARY – January 22, 2013

United States Attorney Laura E. Duffy announced today the unsealing of an indictment charging Mark Anthony Lopez – the former President and CEO of Unico, Inc. ("Unico") – with one count of conspiracy to commit securities fraud and two counts of obstructing justice. Unico is a San Diego-based mining company whose stock is publically traded. Lopez was arrested on January 17, 2013, by Special Agents of the FBI.

According to the indictment, Lopez conspired with New Jersey-based stock trader Mark Allen Lefkowitz (who previously pled guilty) to manipulate the share price and volume of Unico's stock to benefit corporate insiders at the expense of shareholders. As a result of the fraud, the company issued approximately 9 billion new shares of its stock that it did not register with the Securities and Exchange Commission ("SEC"). These new, unregistered shares diluted existing shares, causing their value to drop by as much as $7 million. At the same time, Lefkowitz received free-trading shares from Unico worth more than $28 million, which he sold to unsuspecting buyers on the open market.

To carry out the fraud, Lopez and Lefkowitz exploited Section 3(a)(10) of the Securities Act of 1933 — a little-known provision that allows companies to issue unregistered shares of stock to settle "bona fide" debts. Lopez, on behalf of Unico, would enter into purported loan agreements with various shell corporations owned by Lefkowitz, most of which were based in the Turks and Caicos Islands. It was understood by the conspirators that Unico would purposefully default on the loan agreements so that Lefkowitz's companies could initiate sham lawsuits against Unico.

Each and every one of these sham lawsuits would be brought by Florida-based lawyers in a Sarasota, Florida court. The Florida attorneys, even though they represented opposite sides in the lawsuits, would obtain their pleadings from a single Manhattan-based law firm that oversaw the sham lawsuits. Very soon after each lawsuit was filed — and typically within the very same week — Lopez and Lefkowitz would draft a written settlement agreement. The terms of the written settlement agreement would be extremely favorable to Lefkowitz. In short, Lopez would agree to settle Unico's debt by issuing unregistered shares of stock worth on average *seven times* the debt that Unico actually owed. According to a secret side-agreement with Lopez, Lefkowitz would sell the shares on the open market to unsuspecting buyers and kick back a portion of the proceeds to Unico. This kickback would take the form of a new loan — which would have the added benefit of continuing the fraud scheme.

According to the indictment, Lopez also tried to obstruct an SEC probe into his misconduct by refusing to turn over emails, which he printed and concealed in two manila folders marked "Files Deleted" and another marked "Not Released to SEC Subpoena (Delete)." The indictment also alleged that

Lopez redacted portions of an email and tried to delete it from his computer, and later lied to the SEC under oath during deposition testimony.

Lopez faces up to a total of 65 years in prison and $750,000 in fines. According to public filings, Lopez resigned his positions as CEO and President of Unico on June 9, 2012.

United States Attorney Duffy emphasized that this type of fraud attacks the very heart of our financial system. "The leaders of corporations—including and especially CEOs—owe a special duty to their shareholders. When these corporate leaders ignore that duty and use their positions to enrich insiders, it not only harms shareholders, but also threatens to undermine confidence in our financial markets and slows our country's ongoing economic recovery." Duffy added that this investigation was initiated by special agents of the Federal Bureau of Investigation.

Lopez is expected to appear in court before the Honorable Barbara L. Major on January 23, 2013 at 9:30 a.m. for a bond hearing, and before the Honorable Irma E. Gonzalez, United States District Court Judge on February 22, 2013 at 2:00 p.m., for a motion hearing.

DEFENDANT **Case Number: 12CR5236-IEG**

Mark Anthony Lopez

SUMMARY OF CHARGES

Conspiracy to Commit Securities Fraud, in violation of Title 18, United States Code, Section 1349. Maximum penalties: 25 years in prison, 5 years' supervised release, a $250,000 fine and a $100 special assessment.

Destruction, Alteration and Falsification of Records, in violation of Title 18, United States Code, Section 1519. Maximum penalties: 20 years in prison, 5 years' supervised release, a $250,000 fine and a $100 special assessment

INVESTIGATING AGENCY

Federal Bureau of Investigation

An indictment itself is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the United States meets its burden in court of proving guilty beyond a reasonable doubt.