

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA :
: : INFORMATION
- v. - : : 13 Cr. ____
THOMAS HAMPTON, : :
: :
Defendant. : :
: :
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COUNT ONE

(Commodities Fraud)

The United States Attorney charges:

Relevant Entities And Individuals

1. At all times relevant to this Information, THOMAS HAMPTON, the defendant, was the Managing Director of Hampton Capital Markets, LLC ("Hampton Capital" or the "Fund").

2. Hampton Capital was an Arizona limited liability company that, at all times relevant to this Information, had its principal office in Scottsdale, Arizona.

3. As Managing Director of Hampton Capital, THOMAS HAMPTON, the defendant, was responsible for investment decisions for the Fund, which included buying and selling futures contracts.

4. At certain times relevant to this Information, Hampton Capital had more than \$4 million in assets under management.

The Scheme To Defraud

5. From at least in or about September 2010, up to and including in or about September 2011, THOMAS HAMPTON, the defendant, made false representations to investors concerning the value of their investments in Hampton Capital.

6. During this time period, THOMAS HAMPTON, the defendant, executed trades on behalf of Hampton Capital, including trades in S&P 500 E-mini futures contracts ("S&P 500 E-mini futures"). S&P 500 E-mini futures are futures contracts that are tied to the S&P 500 stock index, and they are traded on the Chicago Mercantile Exchange.

7. As a result of these trades executed by THOMAS HAMPTON, the defendant, the Fund began losing money. Instead of disclosing the losses to investors, HAMPTON provided monthly statements to investors that concealed these losses, and instead falsely reflected a positive return for the Fund for each month. As a result, Hampton Capital investors were led to believe that their investments were earning money, whereas in truth and in fact, and as HAMPTON well knew, the Fund and the investors were suffering severe losses.

8. As a result of the material misrepresentations and omissions made by THOMAS HAMPTON, the defendant, many

investors in Hampton Capital did not seek to redeem or withdraw their investments, indeed investors provided additional investment capital to Hampton Capital. As a result of the scheme, investors lost millions of dollars.

Statutory Allegation

9. From at least in or about September 2010, up to and including at least in or about September 2011, in the Southern District of New York and elsewhere, THOMAS HAMPTON, the defendant, a principal of Hampton Capital and a commodity pool operator and associated person of a commodity pool operator, willfully and knowingly, by use of the mails and of the means and instrumentalities of interstate commerce, directly and indirectly (a) employed devices, schemes, and artifices to defraud clients and participants, and prospective clients and participants; and (b) engaged in transactions, practices, and courses of business that operated as a fraud and deceit upon clients and participants, and prospective clients and participants, to wit, HAMPTON falsely represented to investors that the Fund's investment in S&P 500 E-mini futures, among other instruments, had increased in value, when in fact the Fund's investments had decreased in value.

(Title 7, United States Code, Sections 60(1), 13(a)(1), and 13(a)(5); 18 United States Code, Section 2.)

FORFEITURE ALLEGATION

10. As a result of committing the offense alleged in Count One of this Information, to wit, commodities fraud, in violation of Title 7, United States Code, Sections 60(1), 13(a)(1), and 13(a)(5), and Title 18, United States Code, Section 2, THOMAS HAMPTON, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and (D), and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said offense.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and Title 28, United States Code, Section 2461.)


PREET BHARARA (MAG)
United States Attorney