

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2020 NOV 17 PM 4:13
CLERK, US DISTRICT COURT
MIDDLE DISTRICT FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:20-cr-207-T-36JSS

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 1341
26 U.S.C. § 7201
26 U.S.C. § 7206(1)
26 U.S.C. § 7206(2)

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE

(Conspiracy to Commit Wire Fraud and Mail Fraud)

A. Introduction

At times material to this Superseding Indictment:

1. PHILLIP ROY WASSERMAN, a resident of Sarasota, Florida, a former lawyer, and a licensed insurance agent, sold insurance and annuity products through his entity PHILLIP ROY FINANCIAL CONSULTANTS, LLC. WASSERMAN created and controlled other entities, including FASTLIFE, LLC; PHILLIP ROY HEDGE FUND ADVISORS, LLC; FLORIDA REAL ESTATE FUND 1, LP; and FABULOUS WEEKENDS, LLC. WASSERMAN also opened bank accounts, promoted an insurance

business venture called “FastLife,” solicited and caused the solicitation of funds from victim-investors in said venture, and used victim-investors’ funds to perpetuate the scheme, to make supposed interest and other payments to victim-investors, and otherwise for his personal enrichment.

2. KENNETH MURRY ROSSMAN, a resident of Bradenton, Florida, a Florida certified public accountant, and a licensed insurance agent, promoted an insurance business venture called “FastLife” and solicited funds from victim-investors in said venture. In particular, ROSSMAN persuaded some victim-investors to liquidate traditional investments, such as annuities, and/or to borrow funds against existing life insurance policies in order to generate cash to invest in the venture, concealed from said victim-investors the surrender fees and other costs associated with such liquidations and loans, and prepared income tax returns for said victim-investors in a manner designed to conceal the negative personal tax consequences of such liquidations and loans. Further, ROSSMAN received a percentage of the victim-investors’ funds for his role in the conspiracy, and used the funds for his personal enrichment.

3. PHILLIP ROY FINANCIAL CONSULTANTS, LLC, a Florida limited liability company, was created and controlled by WASSERMAN, who used the entity to open a bank account and to operate an insurance and annuity business. Later, WASSERMAN used the entity to register “doing business as”

fictitious names, such as FastLife. WASSERMAN, who did not utilize personal bank accounts held in his own name, also used this entity's bank account to pool victim-investors' funds, commingle said victim-investors' funds with both the insurance business funds and his personal funds, and to finance his lifestyle.

4. FASTLIFE, LLC, formerly known as PHILLIP ROY FINANCIAL SERVICES, LLC, was a Delaware limited liability company, registered to conduct business in Florida and created and controlled by WASSERMAN. WASSERMAN never utilized a bank account in the name of FASTLIFE, LLC.

5. A "Ponzi" scheme was a fraudulent investment program in which funds paid in by later investors are used to pay out non-existent, phantom "profits" to earlier investors, thus creating the illusion that the fraudulent investment program is a successful, profit-generating enterprise which, in turn, attracts new investment funds that are used to sustain the fraudulent program.

6. PHILLIP ROY HEDGE FUND ADVISORS, LLC, formerly known as PHILLIP ROY FINANCIAL, LLC, was a Florida limited liability company, created and controlled by WASSERMAN. WASSERMAN, who had utilized this entity to solicit and receive investments in various securities held in a purported hedge fund, used "FastLife" victim-investors' funds to make Ponzi-style payments to earlier hedge fund investors.

7. FLORIDA REAL ESTATE FUND 1, LP was a Delaware limited partnership created and controlled by WASSERMAN. WASSERMAN used this entity to open a bank account, to solicit and receive investments held in a purported real estate investment fund, and to purchase real property.

WASSERMAN used a vacant parcel of land held in the name of this fund as collateral for a mortgage loan, and used loan proceeds to make purported interest payments to “FastLife” victim-investors, make payments toward the purchase of a waterfront beach house, and otherwise for his personal enrichment—all without the real estate fund investors’ knowledge or consent. Further, WASSERMAN used “FastLife” victim-investors’ funds to make Ponzi-style payments to earlier real estate fund investors and to make property tax payments on the vacant parcel of land used to secure the mortgage loan.

8. FABULOUS WEEKENDS, LLC was a Florida limited liability company created and controlled by WASSERMAN. WASSERMAN assigned a purchase contract to acquire a waterfront beach house in Nokomis, Florida to this entity.

9. KEN NICHOLAS AND ASSOCIATES, INC. was a Florida corporation created and controlled by ROSSMAN, who used the entity to open bank accounts.

B. The Conspiracy

10. Beginning on an unknown date, but at least as early as in or about August 2016, and continuing through at least July 16, 2020, in the Middle District of Florida, and elsewhere, the defendants,

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN,

did knowingly and voluntarily combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury:

- a. to commit wire fraud, in violation of 18 U.S.C. § 1343; and
- b. to commit mail fraud, in violation of 18 U.S.C. § 1341.

C. Manner and Means of the Conspiracy

11. The manner and means by which the defendants sought to accomplish the objects of the conspiracy included, among others, the following:

a. It was a part of the conspiracy that conspirators would and did identify long-term clients of a conspirator's insurance business, most of whom were senior citizens and/or retired, to solicit to invest in a new insurance business venture (hereinafter, the "fraudulent insurance venture").

b. It was a further part of the conspiracy that conspirators would and did promote the fraudulent insurance venture in an effort to convince a conspirator's long-term clients to make investments, memorialized in one-year promissory notes, in the venture.

c. It was a further part of the conspiracy that one or both conspirators would and did persuade some victim-investors to liquidate traditional investments, such as annuities, and/or to borrow funds against existing life insurance policies in order to generate cash to invest in the fraudulent insurance venture.

d. It was a further part of the conspiracy that conspirators would and did make false and fraudulent representations to victim-investors and potential investors about the fraudulent insurance venture, including that: (i) investors were guaranteed an annual return of 10 percent or 12 percent per year—a substantially greater return than they were receiving on their existing investments; (ii) investors would receive monthly interest payments or, if they reinvested earned interest into their investments, full payment of principal and interest at maturity; (iii) a conspirator had invested his own money in the fraudulent insurance venture; and (iv) investment funds would be used to pay for expenses incurred in starting up and growing the venture.

e. It was a further part of the conspiracy that conspirators would and did make material omissions and conceal from victim-investors and potential investors in the fraudulent insurance venture that: (i) victim-investors' funds were deposited and commingled in an account used by a conspirator to pay for venture expenses as well as personal and other expenses; (ii) there was no

contemporaneous bookkeeping, tracking, or accounting of the commingled victim-investors' funds, venture revenue, and personal funds; (iii) there were surrender fees and other costs, as well as negative personal tax consequences, associated with some victim-investors' liquidation of traditional investments, such as annuities, and loans taken out against existing life insurance policies in order to generate cash to invest in the venture; (iv) the conspirators each had federal tax liens in substantial amounts filed against them; (v) a conspirator had numerous outstanding civil judgments filed against him related to earlier investment programs he operated, unpaid private loans, unpaid advertising expenses, foreclosures, evictions for unpaid rent, and other civil actions; (vi) the new fraudulent insurance venture had accumulated large, unpaid business debts; (vii) a conspirator used investors' funds to make Ponzi-style payments to some victim-investors in the fraudulent insurance venture as well as other payments to victim-investors in earlier hedge fund and real estate fund investment schemes; and (viii) a conspirator paid his coconspirator a percentage of victim-investors' funds as compensation and paid himself an extravagant amount of compensation.

f. It was a further part of the conspiracy that conspirators would and did cause victim-investors to transmit funds via interstate wire transmissions, the United States mail, and private and commercial interstate carriers, as well as to deliver funds during in-person meetings, to PHILLIP ROY FINANCIAL

CONSULTANTS, LLC and/or FastLife for investment in the fraudulent insurance venture.

g. It was a further part of the conspiracy that conspirators would and did use funds transmitted by victim-investors for the fraudulent insurance venture to: (i) create the illusion that the venture was established, growing, and profitable; (ii) make Ponzi-style payments to some victim-investors in the fraudulent insurance venture; (iii) make other Ponzi-style payments to victim-investors in earlier hedge fund and real estate fund investment schemes; and (iv) finance their lifestyles and otherwise for their personal enrichment.

h. It was a further part of the conspiracy that a conspirator would and did engage and attempt to engage the services of television, radio, and print media outlets, marketing businesses, a sports franchise, an athlete, and entertainers/celebrities in an effort to promote the fraudulent insurance venture, but would not and did not pay, in whole or in part, for the costs of such services.

i. It was a further part of the conspiracy that a conspirator would and did enter into contracts with or for, among other things, office space, business software, insurance sales agents, administrative staff members, and other employees and independent contractors, and would not and did not pay, in whole or in part, for the costs of same.

j. It was a further part of the conspiracy that a conspirator would and did fabricate false and fraudulent excuses and explanations for the conspirator's delinquent Ponzi-style payments and non-payments in order to convince victim-investors that their investments were safe and secure.

k. It was a further part of the conspiracy that a conspirator would and did use victim-investors' funds to finance a lavish lifestyle that included luxury residences, high-end vehicles, jet skis, jewelry, including a diamond ring, personal celebrity entertainment, gambling, retail shopping, home improvements, personal insurance, and a host of other expenses for his personal benefit and the benefit of family members.

l. It was a further part of the conspiracy that a conspirator would and did prepare victim-investor statements, which falsely and fraudulently reflected account balances and earnings resulting from investment in the fraudulent insurance venture, and would and did deliver, and cause to be delivered, said fraudulent statements to some victim-investors and to third-party administrators of self-directed individual retirement accounts (IRAs) held by other victim-investors.

m. It was a further part of the conspiracy that a conspirator would and did prepare false and fraudulent income tax returns for some victim-investors to conceal from the victim-investors and the Internal Revenue Service

the negative personal tax consequences of the victim-investors having liquidated traditional investments and/or borrowed funds against existing life insurance policies to generate cash to invest in the fraudulent insurance venture.

n. It was a further part of the conspiracy that a conspirator would and did cause to be created false and fraudulent bookkeeping and expense records.

o. It was a further part of the conspiracy that a conspirator would and did respond to a government inquiry by directing and causing changes to be made to the false and fraudulent bookkeeping and expense records in an effort to conceal his use of victim-investors' funds for his personal enrichment.

p. It was a further part of the conspiracy that, in response to a government inquiry, a conspirator would and did prepare or cause to be prepared a so-called "compensation agreement"—outlining his purported entitlement to \$30,000 to \$45,000 per month, plus a percentage of commissions received, as compensation for his work as chief executive officer and president of the fraudulent insurance venture—in an effort to conceal his use of victim-investors' funds for his personal enrichment.

q. It was a further part of the conspiracy that a conspirator would and did make statements and take actions, including making Ponzi-style payments, to lull some victim-investors into a false sense of security concerning

their investments, dissuade other victim-investors from contacting regulators or law enforcement and/or instituting civil lawsuits concerning their investments, and cause others, including victim-investors, to make false or otherwise misleading statements to government investigators.

r. It was a further part of the conspiracy that conspirators would and did misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, acts performed in furtherance of the conspiracy.

All in violation of 18 U.S.C. § 1349.

COUNTS TWO THROUGH SIX
(Wire Fraud)

A. Introduction

1. The Grand Jury hereby realleges Section A of Count One of this Superseding Indictment and incorporates such section by this reference as though fully set forth herein.

B. The Scheme and Artifice

2. Beginning on an unknown date, but at least as early as in or about August 2016, and continuing through at least July 16, 2020, in the Middle District of Florida, and elsewhere, the defendants,

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of material false and fraudulent pretenses, representations, and promises.

C. Manner and Means of the Scheme and Artifice

3. The substance of the manner and means of the scheme and artifice is described in Section C of Count One of this Superseding Indictment, and the Grand Jury hereby realleges and incorporates by reference such section as though fully set forth herein.

D. Execution of the Scheme and Artifice

4. On or about the date set forth below in each count, in the Middle District of Florida, and elsewhere, the defendants,

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN,

knowingly and intentionally executed the aforesaid scheme and artifice, by transmitting and causing to be transmitted by means of wire and radio communication in interstate and foreign commerce, any writings, signs, signals, pictures, and sounds, as detailed below:

COUNT	DATE	NATURE OF WIRE
TWO	May 2, 2017	Defendants WASSERMAN and ROSSMAN caused victim-investor A.R. to transmit, via wire, \$150,000 from a bank account belonging to a third-party administrator of self-directed IRAs at Meridian Bank in Malvern, Pennsylvania, to the bank account ending in #7512 in the name of Phillip Roy Financial Consultants, LLC at SunTrust Bank, Sarasota, Florida.
THREE	August 7, 2017	Defendant WASSERMAN caused to be transmitted, via wire, \$29,000 from the bank account ending in #7512 in the name of Phillip Roy Financial Consultants, LLC at SunTrust Bank, Sarasota, Florida, to an account belonging to an entertainment agency at SunTrust Bank in Nashville, Tennessee.
FOUR	March 30, 2018	Defendants WASSERMAN and ROSSMAN caused victim-investor J.L. to transmit, via wire, \$109,371 from a bank account belonging to a third-party administrator of self-directed IRAs at Meridian Bank in Malvern, Pennsylvania, to the bank account ending in #7512 in the name of Phillip Roy Financial Consultants, LLC at SunTrust Bank, Sarasota, Florida.
FIVE	November 19, 2019	Defendant WASSERMAN caused to be transmitted, via wire, \$960 from the bank account ending in #7512 in the name of Phillip Roy Financial Consultants, LLC at SunTrust Bank, Sarasota, Florida, to an account belonging to victim-investor L.A. at J.P. Morgan Chase Bank, Beverly Hills, California.

COUNT	DATE	NATURE OF WIRE
SIX	December 6, 2019	Defendant WASSERMAN caused to be transmitted, via wire, \$1,300 from the bank account ending in #7512 in the name of Phillip Roy Financial Consultants, LLC at SunTrust Bank, Sarasota, Florida, to an account belonging to victim-investor R.L. at Bank of America, New York, New York.

In violation of 18 U.S.C. § 1343.

COUNTS SEVEN THROUGH TEN
(Mail Fraud)

A. Introduction

1. The Grand Jury hereby realleges Section A of Count One of this Superseding Indictment and incorporates such section by this reference as though fully set forth herein.

B. The Scheme and Artifice

2. Beginning on an unknown date, but at least as early as in or about August 2016, and continuing through at least July 16, 2020, in the Middle District of Florida, and elsewhere, the defendants,

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of material false and fraudulent pretenses, representations, and promises.

C. Manner and Means of the Scheme and Artifice

3. The substance of the manner and means of the scheme and artifice is described in Section C of Count One of this Superseding Indictment, and the Grand Jury hereby realleges and incorporates by reference such section as though fully set forth herein.

D. Execution of the Scheme and Artifice

4. On or about the date set forth below in each count, in the Middle District of Florida, and elsewhere, the defendants,

PHILLIP ROY WASSERMAN and
KENNETH MURRY ROSSMAN,

knowingly and intentionally executed and attempted to execute the aforesaid scheme and artifice, by placing in any post office and authorized depository for mail matter any matter and thing whatever to be sent and delivered by the Postal Service, and depositing and causing to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier, or taking and receiving therefrom any such matter and thing, and knowingly causing to be delivered by mail and such carrier according to the directions thereon any such matter and thing, as detailed below:

COUNT	DATE	NATURE OF MAILING
SEVEN	December 19, 2016	Defendants WASSERMAN and ROSSMAN caused a life insurance company in Des Moines, Iowa, to send, via FedEx, a check in the amount of \$275,000, which represented the full surrender value of victim-investor J.V.'s life insurance policy, to victim-investor J.V., who endorsed said check over to Phillip Roy Financial Consultants, LLC for investment in FastLife.
EIGHT	January 23, 2018	Defendants WASSERMAN and ROSSMAN caused a life insurance company in Des Moines, Iowa, to send, via FedEx, a check in the amount of \$79,408.04, which represented the full surrender value of victim-investor R.C.'s annuity, to victim-investor R.C., who endorsed said check over to Phillip Roy Financial Consultants, LLC for investment in FastLife.
NINE	December 27, 2018	Defendant ROSSMAN caused to be sent, via mail, to a third-party administrator of self-directed IRAs in Malvern, Pennsylvania, a memorandum purporting to report the FastLife promissory note values of victim-investors K.K., P.T., A.R., and J.V.
TEN	July 16, 2020	Defendant WASSERMAN caused to be sent, via FedEx, to victim-investor S.C., a purported interest check in the amount of \$490.

In violation of 18 U.S.C. § 1341.

COUNT ELEVEN
(Evasion of Payment of Income Taxes)

A. Introduction

1. The Grand Jury hereby realleges Section A and Section C of Count One of this Superseding Indictment and incorporates such sections by this reference as though fully set forth herein.

2. The Internal Revenue Service (“IRS”) was an agency of the United States Department of Treasury responsible for administering the federal tax laws of the United States.

Defendant Wasserman’s History of Non-Compliance with Individual Income Tax Responsibilities

3. On or about each date set forth below, the IRS made an assessment against defendant WASSERMAN for the tax year identified, which assessed income tax in the amount specified:

Tax Year	Tax Assessed	Date of Tax Assessment
2004	\$652,464	05/21/2007
2005	\$274,088	05/21/2007
2007	\$393,254	11/03/2008
2009	\$72,296	02/20/2012

4. Despite the IRS’s numerous assessments and notifications as to outstanding tax obligations, defendant WASSERMAN did not to pay his income taxes.

5. On or about each date set forth below, the IRS filed a Notice of Federal Tax Lien against defendant WASSERMAN for the specified unpaid balance of the amount that had been assessed against defendant WASSERMAN for the tax year identified:

Tax Year	Amount of Tax Lien	Date of Tax Lien
2004	\$608,117.59	April 14, 2008
2005	\$377,807.96	June 30, 2009
2007	\$391,132.22	April 14, 2009
2009	\$100,229.01	April 2, 2012

The IRS's Collection Efforts

6. On or about August 4, 2007, the IRS Collections Division opened a case to collect outstanding tax assessments from defendant WASSERMAN. In January 2010, the collections case was suspended while WASSERMAN appealed the IRS Collections Division's enforcement actions. Thereafter, the IRS Appeals Office instituted an installment payment plan; WASSERMAN defaulted. In December 2011, the collections case was reopened. Collections efforts continued until January 2019, when the efforts were stayed, following the initiation of the criminal investigation that gave rise to this case.

7. Due to defendant WASSERMAN's acts of evasion, the IRS was unable to collect unpaid taxes from him for 2004, 2005, and 2007 before the expiration of the time period during which civil tax assessments may be collected. Specifically, the applicable civil collection periods expired and the tax balances

were written off in February 2019 for tax year 2007, in November 2019 for tax year 2004, and in February 2020 for tax year 2005. As a result, the IRS was forced to terminate its collection efforts as to those tax years and write off the following amounts then due and owing:

Tax Year	Balance of Unpaid Tax Written Off
2004	\$82,838.82
2005	\$233,010.30
2007	\$498,504.12

B. Evasion of Payment

8. From an unknown date, but at least as early as in or about December 10, 2011, and continuing through at least September 2019, in the Middle District of Florida, the defendant,

PHILLIP ROY WASSERMAN,

did willfully attempt to evade and defeat the payment of his income taxes due and owing to the United States for the calendar years 2004, 2005, 2007, and 2009 by failing to timely pay his federal income tax liabilities for 2004, 2005, 2007, and 2009, and by committing the following affirmative acts of evasion, among others:

a. From at least as early as January 1, 2013, and continuing through June 23, 2020, defendant WASSERMAN utilized nominee accounts to pay for personal expenses rather than maintaining and using accounts in his own name, including the following nominee accounts: (1) SunTrust Bank account

ending in #7512 in the name of Phillip Roy Financial Consultants, LLC, which WASSERMAN used to pay for, among other assets, goods and services, two luxury residences, personal vehicles, and gambling; (2) JP Morgan Chase account ending in 9517 in the name of D.W.; (3) JP Morgan Chase account ending in 5700 in the name of D.W.; (4) SunTrust Bank account ending in 4338 in the name of M.W.; (5) PNC Bank account ending in 5897 in the name of Phillip Roy Financial Consultants, LLC; and (6) First Home Bank account ending in 6432 in the name of M.W.

b. From at least as early as in or about January 2014, and continuing through in or about September 2018, defendant WASSERMAN caused S.V.H. to create false QuickBooks records for PRFC. The records were false in several respects, including that they (1) did not report any income to WASSERMAN; (2) falsely classified WASSERMAN's personal expenditures as business expenses; and (3) created a bogus equity account on the books named "Diane's Account" which was funded by sales commissions and which funds bypassed PRFC's profit and loss statements, creating the false appearance that PRFC was unprofitable.

c. From in or about September 2015, and continuing through in or about March 2019, defendant WASSERMAN provided the false QuickBooks records to his corporate tax return preparer for use in preparing PRFC's corporate

tax returns. In so doing, WASSERMAN caused the preparation of false corporate tax returns for PRFC—in that the returns reported inflated net operating losses and no income to WASSERMAN—for at least tax years 2014, 2015, 2016, and 2017.

d. From in or about January 2016 , and continuing through in or about January 2018, defendant WASSERMAN provided the false corporate tax returns for PRFC to his personal tax return preparer for use in preparing WASSERMAN's individual income tax returns. In so doing, WASSERMAN caused the preparation of false individual income tax returns—in that the returns failed to report any income from PRFC to WASSERMAN—for at least tax years 2014, 2015, and 2016.

e. In or about April 2018, defendant WASSERMAN created, or caused to be created, a false and fraudulent “compensation agreement” in response to the OFR's investigation of his expenditure of victim-investors' funds for his personal enrichment.

f. In or about June and July 2018, defendant WASSERMAN caused changes to be made to the false QuickBooks in response to the OFR's investigation of his expenditure of victim-investors' funds for his personal enrichment. Specifically, WASSERMAN caused the (1) elimination of “Diane's Account”; (2) creation in its place of a bogus loan account named “Personal

PWasserman Commissions”; (3) false classification of certain commissions paid to PRFC as his personal commissions; and (4) false reclassification of certain of his personal expenditures as loans against his purported personal commissions.

g. From at least as early as January 1, 2013, through and including December 31, 2018, defendant WASSERMAN did not provide verified financial statements, accurate financial information, and other information requested by the IRS Revenue Officer assigned to handle his collections cases in order to delay the collections process until after the civil collections periods expired.

h. From at least as early as July 31, 2013, through and including December 31, 2018, defendant WASSERMAN made false and misleading statements to the IRS Revenue Officer assigned to handle his collections cases, including, but not limited to, that (1) WASSERMAN was not using the PRFC account for personal purposes or to fund gambling; (2) WASSERMAN could not make tax payments because he was required to first make payments to numerous other creditors; and (3) WASSERMAN was living off of his poker winnings.

i. From on or about March 31, 2017, through and including December 31, 2018, defendant WASSERMAN hid his interest in a beach house from the IRS by putting it in the name of a nominee entity, Fabulous Weekends, LLC.

All in violation of 26 U.S.C. § 7201 and 18 U.S.C. § 2.

COUNTS TWELVE THROUGH FOURTEEN
(Fraud and False Statements)

1. The Grand Jury hereby realleges Section A and Section C of Count One of this Superseding Indictment and incorporates such sections by this reference as though fully set forth herein.

2. On or about the date set forth below in each count, in the Middle District of Florida, the defendant,

PHILLIP ROY WASSERMAN,

did willfully make and subscribe, and cause to be made and subscribed, a U.S. Individual Income Tax Return, IRS Form 1040, for the specified calendar year, which was verified by a written declaration that it was made under the penalties of perjury. WASSERMAN did not believe the IRS Form 1040, which was prepared and signed in the Middle District of Florida and was filed with the IRS, to be true and correct as to every material matter, in that the return reported an amount of total income at Line 22, which WASSERMAN then and there knew and believed, understated his total income.

COUNT	FILING DATE	TAX YEAR	INCOME AMOUNT REPORTED ON LINE 22
TWELVE	December 13, 2016	2014	Loss amount of -\$38,316
THIRTEEN	January 20, 2017	2015	Loss amount of -\$11,934

FOURTEEN	January 31, 2018	2016	Loss amount of -\$1,119,496
----------	------------------	------	-----------------------------

In violation of 26 U.S.C. § 7206(1) and 18 U.S.C. § 2.

COUNTS FIFTEEN THROUGH EIGHTEEN
(Fraud and False Statements)

1. The Grand Jury hereby realleges Section A and Section C of Count One of this Superseding Indictment and incorporates such sections by this reference as though fully set forth herein.

2. On or about the date set forth below in each count, in the Middle District of Florida and elsewhere, the defendant,

PHILLIP ROY WASSERMAN,

did willfully make and subscribe, and cause to be made and subscribed, a U.S. Income Tax Return for an S Corporation, IRS Form 1120S, for Phillip Roy Financial Consultants, LLC, for the specified calendar year, which was verified by a written declaration that it was made under the penalties of perjury.

WASSERMAN did not believe the IRS Form 1120S, which was prepared and signed in the Middle District of Florida and was filed with the IRS, to be true and correct as to every material matter, in that the return failed to disclose that WASSERMAN received compensation, and instead disguised said compensation as other business expenses and loans, which WASSERMAN then and there knew

and believed, he had received compensation from Phillip Roy Financial Consultants, LLC and said income was required to be reported.

COUNT	FILING DATE	TAX YEAR
FIFTEEN	September 15, 2015	2014
SIXTEEN	September 13, 2016	2015
SEVENTEEN	January 25, 2018	2016
EIGHTEEN	September 14, 2018	2017

In violation of 26 U.S.C. § 7206(1) and 18 U.S.C. § 2.

COUNTS NINETEEN THROUGH TWENTY-ONE
(Fraud and False Statements)

1. The Grand Jury hereby realleges Section A and Section C of Count One of this Superseding Indictment and incorporates such sections by this reference as though fully set forth herein.

2. On or about the date set forth below in each count, in the Middle District of Florida, the defendant,

KENNETH MURRY ROSSMAN,

did willfully make and subscribe, and cause to be made and subscribed, a U.S. Individual Income Tax Return, IRS Form 1040, for the specified calendar year, which was verified by a written declaration that it was made under the penalties of perjury. ROSSMAN did not believe the IRS Form 1040, which was prepared

and signed in the Middle District of Florida and was filed with the IRS, to be true and correct as to every material matter, in that the return reported an amount of total income, which ROSSMAN then and there knew and believed, understated his total income.

COUNT	FILING DATE	TAX YEAR	TOTAL INCOME AMOUNT REPORTED
NINETEEN	October 19, 2017	2016	\$60,321
TWENTY	December 9, 2019	2017	\$144,554
TWENTY-ONE	December 9, 2019	2018	\$128,000

In violation of 26 U.S.C. § 7206(1) and 18 U.S.C. § 2.

COUNTS TWENTY-TWO AND TWENTY-THREE
(Aiding and Assisting Fraud and False Statements)

1. The Grand Jury hereby realleges Section A and Section C of Count One of this Superseding Indictment and incorporates such sections by this reference as though fully set forth herein.

2. On or about the date set forth below in each count, in the Middle District of Florida, the defendant,

KENNETH MURRY ROSSMAN,

did willfully aid and assist in, and procure, counsel, and advise in the preparation and presentation to the IRS, of a U.S. Individual Income Tax Return, IRS Form

1040, for the taxpayer and calendar year specified. The IRS Form 1040 was false and fraudulent as to material matters, in that it excluded from reported income an item of income required to be reported as such.

COUNT	TAXPAYER	FILING DATE	TAX YEAR	FALSELY-EXCLUDED ITEM AND AMOUNT
TWENTY-TWO	D.J.	April 14, 2018	2017	Taxable Gain Excluded from Reported Income - \$203,427.73
TWENTY-THREE	J.V.	April 16, 2019	2017 2018 PDA RR	IRA Funds Withdrawn Excluded from Reported Income - \$86,865.14

In violation of 26 U.S.C. § 7206(2).

FORFEITURES

1. The allegations contained in Counts One through Ten of this Superseding Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. §§ 1341 and/or 1343 or a conspiracy to violate 18 U.S.C. §§ 1341 and/or 1343 (18 U.S.C. § 1349), the defendants,

PHILLIP ROY WASSERMAN, and
KENNETH MURRY ROSSMAN,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

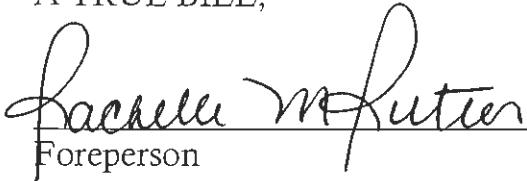
3. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of at least \$6,300,000, which represents proceeds the defendants personally obtained from the offenses.

4. If any of the property described above, as a result of any act or omission of the defendants:


- 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;

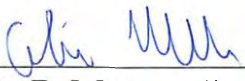
the United States of America shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).


A TRUE BILL,


Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 
Rachelle DesVaux Bedke
Assistant United States Attorney
Deputy Chief, Economic Crimes Section

By: 
Colin P. McDonell
Assistant United States Attorney

By: 
for Jay G. Trezevant
Assistant United States Attorney
Chief, Economic Crimes Section

No. 8:20-cr-207-T-36JSS

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

PHILLIP ROY WASSERMAN and KENNETH MURRY ROSSMAN

SUPERSEDING INDICTMENT

Violations: 18 U.S.C. §§ 1349, 1343, 1341
26 U.S.C. §§ 7201, 7206(1), 7206(2)

A true bill,


Foreperson

Filed in open court this 17th day
of November 2020.

Clerk

Bail \$ _____
