

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 : Criminal No. 19- *CR-592 (JMV)*
 v. :
 : 18 U.S.C. § 1343
 THOMAS LANZANA : 7 U.S.C. § 13(a)(1)
 : 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNTS ONE and TWO
(Wire Fraud)

Relevant Persons and Entities

1. At times relevant to Counts One and Two of this Indictment:
 - a. Defendant THOMAS LANZANA (“LANZANA”) resided at various times in and around Midland Park and North Bergen, New Jersey, and, since 2015, in South Carolina. LANZANA was registered as a broker with the Financial Industry Regulatory Authority (“FINRA”), a self-regulatory organization responsible for registering securities industry customers, while working at several firms from 1994 to 2011, when his registration lapsed.
 - b. Blackbox Pulse LLC (“Blackbox Pulse”) was a limited liability company formed in New Jersey on approximately April 8, 2011. LANZANA was Blackbox Pulse’s registered agent, member, and manager. Blackbox Pulse purported to be a pooled trading entity that invested in foreign currency, securities, and other financial instruments. LANZANA controlled all aspects of

Blackbox Pulse's operations, solicited and accepted funds from Blackbox Pulse customers, was the sole signatory on Blackbox Pulse's bank accounts, and held himself out as the head trader for Blackbox Pulse. Blackbox Pulse maintained no trading accounts in its name.

c. "Unique Forex" purported to be a commodity pool that invested in foreign currency instruments beginning in approximately 2013. LANZANA represented that Unique Forex was a limited liability company, but Unique Forex was not formally incorporated or formed as a limited liability company in any state. LANZANA solicited and accepted funds from Unique Forex customers, was the sole signatory on Unique Forex's bank account, and held himself out as the head trader for Unique Forex. Unique Forex maintained no trading accounts in its name.

d. "Victim 1" was a resident of New Jersey.

e. "Victim 2" was a resident of Texas.

Overview of the Investment Fraud Scheme

2. From at least as early as 2013 through in or around 2017, in the District of New Jersey and elsewhere, the defendant,

THOMAS LANZANA,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Victim 1, Victim 2, and others, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth more fully below.

Object of the Scheme

3. The object of the scheme was for LANZANA, individually and as the controlling person of Blackbox Pulse and doing business as Unique Forex, to profit unlawfully by fraudulently soliciting and accepting funds from customers for making pooled investments in retail off-exchange foreign currency (“forex”) transactions and other investments at Blackbox Pulse and Unique Forex.

Manner and Means of the Scheme

4. It was part of the scheme that LANZANA marketed himself through social media, websites, and word of mouth as a successful forex trader.

5. It was further part of the scheme that LANZANA kept customers’ trust by sending them phony account statements, links to internet videos showing forex trades that were never made, and tax documents reporting fake gains.

6. It was further part of the scheme that LANZANA created websites that he used to display statements for Blackbox Pulse and Unique Forex accounts that did not exist.

7. It was further part of the scheme LANZANA did not use the customer funds he accepted to make pooled investments in forex or any other instrument, but instead misappropriated those funds to pay other customers who requested the return of their funds, in the manner of a Ponzi scheme, and for LANZANA’s own personal use and benefit.

Execution of the Scheme

8. From at least as early as 2013 through in or around 2017, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, the defendant,

THOMAS LANZANA,

did knowingly and intentionally transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures and sounds, as set forth more fully below, each such wire transmission constituting a separate count of this Indictment:

Count 1	Victim #1	January 27, 2016	Interstate wire transfer of approx. \$8,000
Count 2	Victim #2	August 3, 2015	Interstate wire transfer of approx. \$90,000

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

COUNT THREE
**(Embezzlement, Theft, Purloining, and Intentional Conversion by a
Commodity Pool Operator)**

9. The allegations in paragraph 1 and 3 through 7 of Counts One and Two of this Indictment are re-alleged and incorporated herein.

10. At all times relevant to Count Three of this Indictment:

a. The U.S. Commodity Futures Trading Commission (“CFTC”) was an independent regulatory agency charged by Congress with, among other things, administering and enforcing the Commodity Exchange Act (“CEA”), 7 U.S.C. § 1 *et seq.*, and the regulations promulgated thereunder, 17 C.F.R. § 1.1 *et seq.* (the “CFTC Regulations”). As part of its duties, the CFTC protected market users and their funds, consumers, and the public from fraud, manipulation, and abusive practices related to derivatives and similar products subject to the CEA.

b. Under Title 7, United States Code, Section 1a(11), a “commodity pool operator” (“CPO”) was any person engaged in a business in the nature of an investment trust or similar form of enterprise who solicited, accepted, or received funds from others for the purpose of trading in commodity futures contracts. Typically, the funds received from investors by a CPO were combined in commodity pools and used to trade in commodity futures contracts. Any person acting as a CPO was required to be registered with the CFTC or to comply with the CPO exemption requirements under the CEA and the CFTC Regulations.

c. LANZANA solicited and accepted funds from the public while purporting to engage in a business that was of the nature of an investment trust, syndicate, or similar form of enterprise, for the purpose of trading in forex, commodities, or related instruments and, as such, was a CPO as defined in Title 7, United States Code, Section 1a(11).

d. Title 7, United States Code, Section 6m(1), prohibited a CPO from making use of the mails or any other means or instrumentality of interstate commerce in connection with its business unless and until it registered with the CFTC. LANZANA was required to be, but was not, registered with the CFTC as a CPO, and LANZANA has never been exempt from being registered as a CPO in accordance with the CEA and the CFTC Regulations.

11. From at least as early as 2013 through in or around 2017, in the District of New Jersey and elsewhere, the defendant,

THOMAS LANZANA,

a person required to be registered with the CFTC as a CPO, knowingly and willfully did embezzle, steal, purloin, and with criminal intent convert to his use money and property having a value in excess of \$100, which he received from victim investors for the purpose of investing in his commodity trading pool.

In violation of Title 7, United States Code, Section 13(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

12. The allegations contained in all paragraphs of Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

13. Upon conviction of the offenses charged in Counts One and Two of this Indictment, defendant LANZANA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the violations of Title 18, United States Code, Section 1343, alleged in Counts One and Two of this Indictment.

14. If any of the above-described forfeitable property, 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 person;
- (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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A. TRUE BILL

FOREPERSON



RACHAEL A. HONIG

ATTORNEY FOR THE UNITED STATES

Acting under Authority Conferred by 28 U.S.C. § 515

CASE NUMBER: 19-CR-592(JMV)

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DISTRICT OF NEW JERSEY
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District of New Jersey**

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UNITED STATES OF AMERICA

v.

THOMAS LANZANA

INDICTMENT FOR

18 U.S.C. § 1343

7 U.S.C. § 13(a)(1)

18 U.S.C. § 2

A True Bill,

foreperson

RACHAEL A. HONIG

ATTORNEY FOR THE UNITED STATES

ACTING UNDER AUTHORITY

CONFERRED BY 28 U.S.C. § 515

NEWARK, NEW JERSEY

ANTHONY P. TORNTORE

ASSISTANT U.S. ATTORNEY

973-645-2726

FILED

AUG 27 2019

WILLIAM T. WALSH
CLERK
AT 09:30 AM