

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

WILLIAM BURBANK, :

18 Cr.

Defendant. :

**18 CRIM 700**

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COUNT ONE  
(Wire Fraud)

The Grand Jury charges:

Background

Relevant Entities

1. At all times relevant to this Indictment, AmIraq Fund LP ("AmIraq") was a Delaware limited partnership formed in 2007 with an office in California. WILLIAM BURBANK, the defendant, was AmIraq's Chief Executive Officer, Chief Investment Officer, and Portfolio Analysis Officer.

2. At all times relevant to this Indictment, BB&M One International Corporation ("BB&M") was a Nevada limited liability company with an office in California. BB&M held itself out as a "general partner" in AmIraq and was controlled by WILLIAM BURBANK, the defendant.

3. At all times relevant to this Indictment, an Iraqi Bank (the "Iraqi Bank") was headquartered in Baghdad, Iraq.

## Overview of the Scheme to Defraud

4. From in or about February 2010 through in or about June 2018, WILLIAM BURBANK, the defendant, engaged in a Ponzi-like scheme to defraud more than 150 individual investors, including many U.S. military veterans and their families, of more than \$2 million by soliciting funds through AmIraq and BB&M based on false and fraudulent pretenses. Specifically, BURBANK falsely claimed to potential investors that their funds would be used to trade in off-exchange foreign currency, namely, to purchase quantities of the Iraqi dinar, through the Iraqi Bank. In truth and in fact, upon receiving investor funds, BURBANK used those funds to trade in his own brokerage accounts, to make payments to earlier investors, and for his personal expenses, among other things.

5. Additionally, during the course of his scheme, WILLIAM BURBANK, the defendant, hid from investors the fact that he had misappropriated and lost their funds. In order to conceal the truth from investors, BURBANK provided them false information regarding the status of their investment, and engaged in a Ponzi-like scheme in which he used money obtained from new investors to make redemption payments to previous investors.

## The Scheme to Defraud

### BURBANK's False Representations to Investors

6. In connection with his solicitation of investors, WILLIAM BURBANK, the defendant, sent potential investors a 20-page document regarding AmIraq (the "AmIraq Solicitation Document"), in which he touted his experience as a former Navy SEAL and a day trader. Through the AmIraq Solicitation Document, BURBANK also represented that AmIraq would not charge investors any up-front fees; rather, AmIraq would charge a "2% management fee" and a "20% of profited funds" fee, both of which were to be paid at the time the investor redeemed the investment.

7. WILLIAM BURBANK, the defendant, ultimately entered into investment agreements with his investors, pursuant to which BURBANK was to use investor funds exclusively to purchase Iraqi dinar in separate accounts for each investor at the Iraqi Bank.

### BURBANK Loses Investor Funds Through Unsuccessful Trading

8. Instead of purchasing Iraqi dinar as represented, WILLIAM BURBANK, the defendant, transferred at least approximately \$390,000 of investor funds to brokerage accounts that he held in the name of two shell companies, "Promedio Corporation" and "Robotic Tech." BURBANK then used the comingled investor funds to trade in U.S. exchange-traded funds ("ETFs") and call options. BURBANK's trading was consistently

unsuccessful and he lost nearly all of the investor funds he had transferred to the brokerage accounts. BURBANK never disclosed to investors that he had utilized their funds for purposes other than investing in Dinar and never disclosed to investors that he lost their funds through his unauthorized and unsuccessful trading.

BURBANK Misappropriates Investor Funds for his Own Use

9. WILLIAM BURBANK, the defendant, also used at least approximately \$700,000 of investor funds for his own personal benefit, including through cash withdrawals and using the funds to make payments on his personal credit card. In addition, BURBANK used at least approximately \$400,000 of investor funds for purported business expenses, including payroll for employees of BB&M. At no time did BURBANK disclose to his investors that he was converting investor money to his own use or to pay purported business expenses.

BURBANK Sent Misleading Emails to Investors

10. In furtherance of the scheme to defraud, WILLIAM BURBANK, the defendant, sent emails to investors in which he stated that their investments were safe at the Iraqi Bank and would soon become redeemable. In truth and in fact, BURBANK did not use any of the approximately \$2 million of investor funds he obtained to purchase Iraqi dinar at the Iraqi Bank. On the

basis of these misrepresentations, certain investors made additional investments with BURBANK.

BURBANK's Misrepresentations in Response to  
Investor Redemption Requests

11. In furtherance of the scheme to defraud, WILLIAM BURBANK, the defendant, sent email messages to certain investors in response to these investors' requests to redeem their investments. In these responses, BURBANK falsely claimed that the delay in processing the redemption requests was due to problems at the Iraqi Bank and the Central Bank of Iraq ("CBI"). For example:

a. On or about February 28, 2014, BURBANK sent an email to Investor-1, whose funds BURBANK had never transferred to the Iraqi Bank, stating: "As soon as CBI Iraq sends the money to [the Iraqi Bank] we can send it to you."

b. On or about July 30, 2016, BURBANK sent an email to Investor-2, whose funds BURBANK had never transferred to the Iraqi Bank, stating: "Working on getting funds back now may take two weeks."

c. On or about August 18, 2017, BURBANK sent an email to Investor-3, whose funds BURBANK had never transferred to the Iraqi Bank, stating: "I should have access to our funds soon completely [sic]."

BURBANK Uses Investor Funds to Make Payments to  
Previous Investors in a Ponzi-like Fashion

12. In addition to lying to investors who sought return of their funds, WILLIAM BURBANK, the defendant, also utilized funds solicited from new investors in order to make payments to previous investors who were demanding their money. In total, of the more than \$2 million in investor funds received by BURBANK, BURBANK used at least approximately \$750,000 to make payments to other investors. At no time did BURBANK disclose to his investors that he was using their money to pay back earlier investors.

Statutory Allegation

13. From in or about February 2010 through in or about June 2018, in the Southern District of New York and elsewhere, WILLIAM BURBANK, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, BURBANK, on behalf of AmIraq and BB&M, two entities that he beneficially owned and controlled, solicited more than \$2 million in funds

from investors through the use of false and misleading representations, including through email and telephone communications, misappropriated the investor funds upon receipt, and then lied to investors regarding the status of their investments.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

14. As the result of committing the offense alleged in Count One of this Indictment, WILLIAM BURBANK, the defendant, 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, any property, real and personal, constituting or derived from any proceeds that the defendant obtained, directly or indirectly, as a result of the offense, including but not limited to:

a. A sum of money of at least \$2 million in United States currency.

Substitute Asset Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of WILLIAM BURBANK, 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;

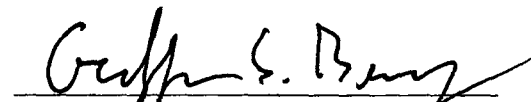
d. has been substantially diminished in value; or

e. has been commingled with other property

which cannot be 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 BURBANK up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982;  
Title 21, United States Code, Section 853;  
Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
GEOFFREY S. BERMAN  
UNITED STATES ATTORNEY



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(18 U.S.C. §§ 1343 and 2.)

FOREPERSON



GEOFFREY S. BERMAN

United States Attorney

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