

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR WIRE FRAUD

UNITED STATES OF AMERICA * CRIMINAL NO.
v. * SECTION:
MICHAEL RICHARD BARK * VIOLATION: 18 U.S.C. § 2
18 U.S.C. § 1343

* * *

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **MICHAEL RICHARD BARK**, a resident of Gretna, Louisiana, was an attorney licensed to practice Louisiana.

2. The defendant, **MICHAEL RICHARD BARK**, in addition to his law practice, also actively sought investors for trading in “FOREX” futures.

3. The term "FOREX" refers to the practice of purchasing foreign currencies and attempting to profit from the daily variable values of the foreign currencies versus the value of the U. S. Dollar.

B. THE SCHEME TO DEFRAUD

Beginning at a time unknown, but sometime during November 2006 and continuing through on or about February, 2009, in the Eastern District of Louisiana and elsewhere, the defendant **MICHAEL RICHARD BARK**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud while marketing FOREX investments, by falsely representing to his clients that he invested their money in FOREX investments returning between twelve and thirty percent profit per month, thus increasing the value of their accounts exponentially.

It was part of the scheme and artifice to defraud that the defendant, **MICHAEL RICHARD BARK**, instead of investing the funds as promised, invested client funds in a variety of other business investments that were not authorized and that were without the knowledge of his clients.

It was further a part of the scheme and artifice to defraud the defendant, **MICHAEL RICHARD BARK**, in order to hide his thefts of monies, created fraudulent FOREX account statements to make it appear that his clients were making a monthly profit on the investment and that the initial investment was growing, when in truth and in fact the defendant was diverting client's monies to other unauthorized investments.

It was further a part of the scheme and artifice to defraud that the defendant, **MICHAEL RICHARD BARK**, stole monies from his clients without the client's knowledge or consent for the defendant's personal benefit. As a result of this fraudulent scheme the defendant, **MICHAEL RICHARD BARK** stole at least \$1,605,942.00 from his clients.

C. THE USE OF THE INTERSTATE WIRE SYSTEM:

On or about March 14, 2007, in the Eastern District of Louisiana and elsewhere, the defendant, **MICHAEL RICHARD BARK**, for the purpose of executing and attempting to execute the scheme and artifice to defraud as described in Parts A and B, did knowingly and willfully cause to be transmitted in interstate commerce certain writings, signs, signals, and sounds by means of wire communications, that is by email, a false and fraudulent FOREX statement between Louisiana and Tennessee, showing the investment making a profit when it was not, in order to hide and conceal his scheme and artifice to defraud, which resulted in a total loss of at least \$1,605,942.00 to his clients.

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

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Count 1, defendant, **MICHAEL RICHARD BARK**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1343, including but not limited to:

- a. At least \$1,605,942.00 in United States Currency and all interest and proceeds traceable thereto.

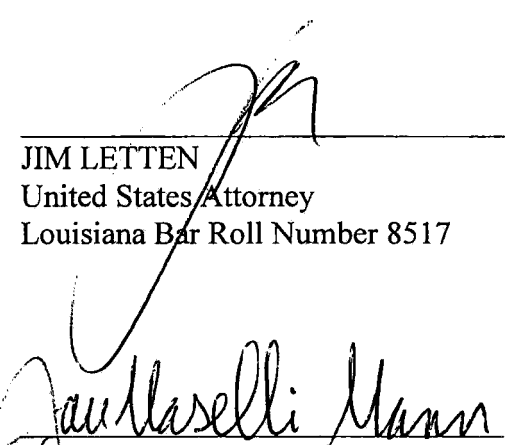
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

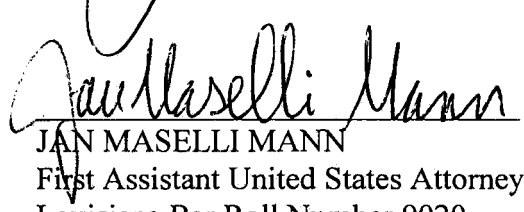
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

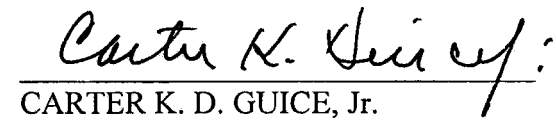
All in violation of Title 18, United States Code, Sections 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.



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