

JUN - 4 2013

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES of AMERICA,

DOCKET NO. 3:13cr163

v.

BILL OF INDICTMENT

PATRICIA DIANE CLARK (1),
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"
Defendant

Vio: 18 U.S.C. § 1349
18 U.S.C. § 2326
18 U.S.C. § 1343
18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(2)(A)
18 U.S.C. § 982
28 U.S.C. § 2461(c)
18 U.S.C. § 2

THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

COUNT ONE
(CONSPIRACY TO COMMIT WIRE AND MAIL FRAUD - 18 U.S.C. SECTION 1349)

The Defendant

1. Defendant PATRICIA DIANE CLARK, a/k/a "Trisha Forbes," and "Trisha Clark," a United States citizen, worked for one or more of the call centers in Costa Rica as a "runner." A runner picks up the money from the victims after a telemarketer, who is known as the "opener," falsely informed the victims that they had won a prize in a sweepstakes and that in order to receive their prize the victims had to send money. A runner also picks up the money from the victims after a telemarketer, who is known as a "loader" takes over the contact with the victim after the victim has made an initial payment and falsely informs the victims that the prize amount they were previously told they had won had increased, either because of a clerical error

or because another prize winner was disqualified and therefore the victim must send additional money to allegedly pay for various fees, duties and insurance to retrieve the sweepstakes prize. After picking up the money from the victims, defendant **PATRICIA DIANE CLARK** kept some money for herself and forwarded the rest to the telemarketers in Costa Rica.

The Conspiracy

2. Beginning in or about 2007, the exact date being unknown to the Grand Jury, and continuing until in or about February 2013, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

together with other conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together, and with each other, to commit the following offenses:

- A. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and to transmit and cause to be transmitted, by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, specifically, Western Union wire-transfers which were all routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing such scheme and artifice and attempting to do so, contrary to Title 18, United States Code, Section 1343; and
- B. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses,

representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, place and caused to be placed in a post office and authorized depository for mail matter, to be sent and delivered by the Postal Service and deposited matters and things to be delivered by private and commercial interstate carriers, specifically lists of victims' contact information, contrary to Title 18, United States Code, Section 1341.

Purpose of the Conspiracy - Scheme to Defraud

3. A purpose of the conspiracy was to fraudulently induce the victims to pay thousands of dollars to the defendant and her co-conspirators by falsely representing that victims had won valuable sweepstakes prizes, which would be sent to them after they first made a payment to the defendant and her conspirators.

Manner and Means Used in the Conspiracy

4. Among the manner and means by which the defendant and her conspirators carried out the purpose of the conspiracy were the following:

a. Beginning in or about 2007, the defendant and her conspirators operated "call centers" in San Jose, Costa Rica.

b. As used in this indictment, a call center is a business that engages in an illegal telemarketing scheme. These call centers are also commonly referred to as "boiler rooms." The defendant and her conspirators defrauded United States residents by deceiving them into believing that they had won a large monetary prize in a sweepstakes contest, when in fact, they had not.

c. The telemarketers in the call centers often used aliases, concealed and frequently changed the location of the call centers, and did business from Costa Rica for the

purpose of, among other things, avoiding investigation by law enforcement authorities and victims.

d. The defendant and her conspirators would target residents of the United States, at least 10 of which were over the age of 55, and would falsely inform them by telephone that they had won second prize in a sweepstakes. Members of the conspiracy would tell their victims that in order to receive the prize, the victims had to send from one thousand to several thousand dollars for a purported "refundable insurance fee," via Western Union money wire-transfers, to an alleged "insurance entity." Once these wire transfers were made by the victims, the defendant and her conspirators would keep these purported "refundable insurance fees" for their own personal benefit.

5. In order to induce their victims to wire money, members of the conspiracy would often falsely represent themselves as being agents of the "Federal Trade Commission," or another United States government agency. Members of the conspiracy would also falsely represent to the victims that they were employed by a governmental agency charged with ensuring that sweepstakes winners received their money. Frequently, members of the conspiracy would inform their victims that it was the job of the "Federal Trade Commission" or other government agency to see that the victims received their purported prize money.

6. Members of the conspiracy would call their victims from Costa Rica, using Voice over Internet Protocol (VoIP), which utilized computers to make telephone calls over the Internet. This practice permitted the conspirators to use recognizable United States area codes, such as the Washington, D.C. area code, to make it falsely appear on the victims' caller identification devices that the calls were made from somewhere within the United States when, in fact, members of the conspiracy were calling from Costa Rica.

7. When an intended victim asked to validate the legality of the sweepstakes company that purportedly had awarded the prize, members of the conspiracy would give the intended victim telephone numbers with United States area codes, but which actually were answered by the defendant and her conspirators in Costa Rica. Members of the conspiracy, posing as a representative of the non-existent sweepstakes company, would answer these telephone calls and would falsely reassure victims that they had indeed won sweepstakes prizes.

8. After a victim had been induced to send money, members of the conspiracy would call that victim and would thereafter tell the victim that: 1) a mistake had been made; 2) the victim had actually won first prize; and 3) the victim had to wire thousands of additional dollars in further fees to ensure the safe delivery of the winning proceeds. Members of the conspiracy would then continue to contact each victim and provide additional bogus reasons as to why the victim had to wire more money. This practice would continue as long as the victim continued to wire money.

9. If a victim was reluctant to send money directly to Costa Rica, the telemarketers would tell the victim to wire the money to a Western Union or MoneyGram office in California in the name of defendant **PATRICIA DIANE CLARK** or other conspirators. The victims were falsely told that defendant **PATRICIA DIANE CLARK** was an "agent" of the sweepstakes company who would make sure the money would get to the proper person so the victim would be able to receive his or her prize money. In fact, defendant **PATRICIA DIANE CLARK** was a co-conspirator working on behalf of the purported telemarketers, and would send the victim's money to the telemarketers after taking a percentage of the proceeds for herself.

10. If a victim lived close to defendant **PATRICIA DIANE CLARK**, the telemarketers would arrange for the victim to give the money in cash to defendant **PATRICIA**

DIANE CLARK or other conspirators.

11. The defendant and her conspirators would unjustly enrich themselves by retaining the proceeds of this fraud.

Overt Acts

12. In furtherance of the conspiracy and to effect the objects thereof, the defendant and her conspirators committed the following overt acts, among others, in Mecklenburg County, within the Western District of North Carolina, and elsewhere.

13. Members of the conspiracy made telephone calls using VoIP from their call center in Costa Rica to the following victims in the United States on or about the following dates:

Overt Act	Initials of Victim	Date
A	JDM	2/19/2010
B	VL	2/25/2010
C	JAH	3/12/2010
D	EM	3/22/2010
E	EM	3/23/2010
F	JH	3/24/2010

14. On or about the following dates (as well as other dates), the defendant and her conspirators caused the below-listed victims to wire transfer money via MoneyGram, or other similar services to the defendant and her co-conspirators:

Overt Act	Date	Victim Initials	Wire Transfer Sent From	Received	Amount
A	1/27/2010	JAH	Sacramento, CA	Sacramento, CA	\$1,400.00
B	1/28/2010	JAH	Sacramento, CA	Sacramento, CA	\$464.00

Overt Act	Date	Victim Initials	Wire Transfer Sent From	Received	Amount
C	1/29/2010	JAH	Sacramento, CA	Sacramento, CA	\$441.00
D	2/2/2010	JAH	Sacramento, CA	Sacramento, CA	\$3,578.00

15. In or about February 2010 victim JAH gave cash to conspirator SM in a RiteAid parking lot in Sacramento, California.

16. In or about February 2010 conspirator SM gave the money she had received from victim JAH to defendant **PATRICIA DIANE CLARK**.

17. On or about March 12, 2010 victim JAH gave \$3,800 in cash to conspirator JZ in a RiteAid parking lot in Sacramento, California.

18. On or about March 12, 2010 conspirator JZ gave the money he had received from victim JAH to defendant **PATRICIA DIANE CLARK**.

19. The wire transfers set forth in Counts 2 through 6 of the Indictment are incorporated by reference as if fully restated herein as further overt acts of the conspiracy.

All in violation of Title 18, United States Code, Sections 1349 and 2326(2)(A) & (B).

**COUNTS TWO THROUGH SIX
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

20. The allegations in paragraph 1 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

The Scheme

21. The allegations in paragraphs 4 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein, as describing the defendant's scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

22. On or about the dates set forth below, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant,

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

knowingly transmitted and caused to be transmitted, by means of wire and radio communication in interstate and foreign commerce the following signals and sounds, specifically Western Union wire-transfers which were all electronically routed to and processed in Charlotte, Mecklenburg County, North Carolina prior to being sent to their ultimate destination in Costa Rica, for the purpose of executing the scheme and artifice and attempting to do so on or about the dates indicated and in the approximate amounts indicated:

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
2	JM	Cayce, SC	Sacramento, CA	2/19/2010	\$3,500.00
3	VL	Ft. Walton Beach, FL	Sacramento, CA	2/25/2010	\$3,500.00
4	EM	Euclid, OH	Sacramento, CA	3/22/2010	\$1,125.00
5	EM	Euclid, OH	Sacramento, CA	3/23/2010	\$2,375.00

Count	Victim Initials	Wire Transfer Sent From	Received	Date	Amount
6	JH	Nashville, TN	Sacramento, CA	3/24/2010	\$1,225.00

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2.

COUNT SEVEN
(CONSPIRACY TO COMMIT MONEY LAUNDERING - 18 U.S.C. Section 1956(h))

23. The allegations in paragraphs 1, and 3 through 9 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

24. In or about 2007 and continuing until in or about February 2013, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

did unlawfully, willfully and knowingly combine, conspire, confederate and agree together and with each other, and with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to transport, transmit, and transfer monetary instruments and funds from a place in the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, namely, wire fraud, in violation of Title 18 United States Code, Section 1956(a)(2)(A).

All in violation of Title 18, United States Code, Section 1956(h).

**COUNTS EIGHT THROUGH TEN
(MONEY LAUNDERING – INTERNATIONAL - 18 U.S.C. Section 1956(a)(2)(A))**

25. The allegations in paragraphs 1, and 3 through 9 of Count 1 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

26. On or about the dates set forth below, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant,

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

together with others known and unknown to the Grand Jury, did transport, transmit and transfer monetary instruments and funds from and through a place in the United States to a place outside of the United States with the intent to promote the carrying on of specified unlawful activity, specifically, wire fraud, on or about the dates indicated and in the approximate amounts indicated:

Count	Wire Transfer Sent From	Received	Date	Amount
8	Sacramento, California	San Jose, Costa Rica	2/16/2010	\$5,945.00
9	Sacramento, California	Parque De La Paz, Costa Rica	2/19/2010	\$3,045.00
10	Sacramento, California	San Pedro, Costa Rica	2/24/2010	\$3,045.00

All in violation of Title 18, United States Code, Section 1956(a)(2)(A), and 2.

**NOTICE OF FORFEITURE
18 U.S.C. SECTION 982(a)(8)**

1. The allegations in paragraphs 1 and 4 through 19 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

I. Upon commission of the offenses in violation of Title 18, United States Code, Sections 1349 and 1343 set forth in Counts 1 through 6 of this Indictment, which involved telemarketing as that term is used in Title 18, United States Code, Section 2325, the defendant

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(8),

(A) any real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of such offenses;

(B) any real or personal property, constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of the offenses; and

(C) a sum of money representing the amount of proceeds obtained as a result of the offense for which the defendant is convicted up to a value of \$4,133,908.34 four million, one hundred thirty-three thousand, nine hundred and eight dollars and 65 cents.

MONEY JUDGMENT

1. A money judgment up to a value of \$4,133,908.34, four million, one hundred thirty-three thousand, nine hundred and eight dollars and 65 cents in United States currency.

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

- (A) cannot be located upon 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 pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982 (b)(1).

II. Upon the commission one or more of the offense(s) set forth in Counts 7 to 10, in violation of Title 18 United States Code, Section 1956 and subject to forfeiture pursuant to Title 18 United States Code, Section 982(a)(1) defendant,

PATRICIA DIANE CLARK,
a/k/a "Trisha Forbes," and
a/k/a "Trisha Clark"

shall forfeit to the United States any property, real or personal, involved in such offense, or any property any property traceable to such property including but not limited to the following:

MONEY JUDGMENT

1. A money judgment in the amount of \$4,133,908.34, four million, one hundred thirty-three thousand, nine hundred and eight dollars and 65 cents in United States currency, for which the defendant is jointly and severally liable.

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

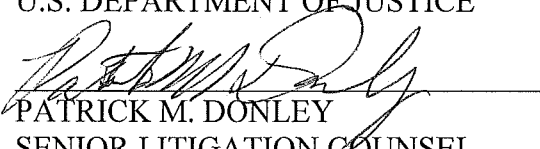
- (A) cannot be located upon exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the Court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982 (b)(1).

GRAND JURY FOREPERSON

ANNE M. TOMPKINS
UNITED STATES ATTORNEY

JEFFREY H. KNOX
CHIEF, FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE


PATRICK M. DONLEY
SENIOR LITIGATION COUNSEL
WILLIAM H. BOWNE
TRIAL ATTORNEY
FRAUD SECTION, CRIMINAL DIVISION

Date

6-4-13

NEW CRIMINAL CASE COVER SHEET
(To be used for all new Bills of Indictments and Bills of Information)

U. S. DISTRICT COURT

CASE SEALED (X) Yes () No

DOCKET NUMBER: 3:13cr163

(If case is to be sealed, a Motion to Seal and proposed Order *must* be attached.)

CASE NAME: U.S. v. Patricia Diane Clark

COUNTY OF OFFENSE : Mecklenburg

RELATED CASE INFORMATION :

Magistrate Judge Case Number : _____

Search Warrant Case Number : _____

Miscellaneous Case Number : _____

Rule 20b : _____

SERVICE OF PROCESS - Arrest Warrant

U.S.C. CITATIONS (Mark offense carrying greatest weight): Petty Misdemeanor Felony

Title 18 U.S.C. Section 1343

JUVENILE : Yes No

ASSISTANT U. S. ATTORNEY : Patrick Donley (CRM) (Patrick.Donley2@usdoj.gov)

(Include Only if there are victims in the case)

VICTIM / WITNESS COORDINATORS : Shirley.Rutledge@usdoj.gov

Ulricia.Kennedy@usdoj.gov

INTERPRETER NEEDED : _____

LIST LANGUAGE AND/OR DIALECT: _____

REMARKS AND SPECIAL INSTRUCTIONS