

MAY 24 2007

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

U.S. DISTRICT COURT  
W. DIST. OF N. C.

UNITED STATES of AMERICA,

Plaintiff,

v.

SAMUEL J. HOFHENKE

Defendant.

DOCKET NO.

3:07CR115-W

BILL OF INFORMATION

Vio: 18 U.S.C. § 371  
18 U.S.C. § 1343  
18 U.S.C. § 2346

**THE UNITED STATES CHARGES:**

**COUNT ONE (Conspiracy)**

At all times material to this information:

1. Defendant, **SAMUEL J. HOFHENKE**, is a United States citizen, and was a resident of or frequent visitor to San Jose, Costa Rica during all times material to this Information.

**BACKGROUND OF THE CONSPIRACY**

2. Since in or about late 2002, the defendant and his co-conspirators operated "call centers" in San Jose, Costa Rica and defrauded United States residents by deceiving them into believing that they had won a large monetary prize in a sweepstakes contest.

3. 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 telemarketers in the call centers all used identical or similar "pitch

sheets” developed and provided to them by the owners or room bosses of the call centers. A “pitch sheet” is a script designed to be read over the telephone to a prospective victim.

4. An “opener” is the telemarketer who has the initial contact with the prospective victim. When victims sent an initial payment because to an “opener,” they were then contacted by a “loader.” A “loader” is the telemarketer who takes over the contact with the victim after the victim has made an initial payment as a result of the misrepresentations made by the “opener.” A “loader” induces the victim to send additional moneys to pay for various bogus fees, duties and insurance to retrieve the sweepstakes prize.

5. The name, address, and telephone number of the victim is known as a “lead.” The name, address, and telephone numbers of the victims were purchased by the owners of the call centers from “lead” or “list” brokers.

6. The defendant and other telemarketers in the call centers frequently 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 victims and law enforcement authorities.

#### **THE CONSPIRACY**

7. Beginning in or about late 2002, the exact date being unknown, and continuing until on or about May 16, 2006, in Mecklenburg County, within the Western District of North Carolina, and elsewhere

**SAMUEL J. HOFHENKE**

together with co-conspirators 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 willfully 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 willfully 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; and

C. To knowingly transport, transmit, and transfer, via Western Union money wire transfers, in interstate and foreign commerce, goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, contrary to Title 18, United States Code, Section 2314; and

D. To knowingly use, affix, and impress a fraudulently made, forged, counterfeited, mutilated, and altered seal of the United States Department of Commerce Bureau of Industry and Security upon letters faxed to victims regarding their non existent sweepstakes winnings, contrary to Title 18, United States Code, Section 506(a)(2).

**PURPOSE OF THE CONSPIRACY - SCHEME TO DEFRAUD**

8. A purpose of the conspiracy was for the defendant and his co-conspirators to unjustly enrich themselves by fraudulently inducing the victims to pay money by creating a false impression that the victims had won a valuable monetary prize.

**MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD**

9. Among the manner and means by which the defendant and his co-conspirators carried out the conspiracy were the following:

A. The defendant and his co-conspirators would target thousands of residents of the United States, typically, although not exclusively, over the age of 55, and would inform them that they had won second prize in a sweepstakes. The defendant and his co-conspirators 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” in Costa Rica. The defendant and his co-conspirators would keep the supposed “refundable insurance fees” for their own personal enrichment.

B. In order to induce their victims to wire money to Costa Rica, the defendant and his co-conspirators would often falsely represent themselves as being agents of the “United States Sweepstakes Security Commission,” or the “United States Sweepstakes Security Bureau,” or a variant thereof. The defendant and his co-conspirators would falsely represent to the victims that this agency was a branch of the Department of Commerce charged with ensuring that sweepstakes winners received their money. Frequently, the defendant and his co-conspirators would inform their victims that it was the job of the “Sweepstakes Security Commission” to see that the victims received their prize money.

C. The defendant and his co-conspirators 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 defendant and his co-conspirators to use recognizable United States area codes, such as the Washington D.C. area code, to make it appear on the victims’ caller identification devices that the calls

were made from somewhere within the United States when, in fact, the defendant and his co-conspirators were calling from Costa Rica.

D. If an intended victim asked to speak to the sweepstakes company that purportedly had awarded the prize, the defendant and his co-conspirators would give the intended victim telephone numbers with United States area codes, but which actually were routed to Costa Rica at the same call center. The defendant and his co-conspirators in Costa Rica would answer these telephone calls and would falsely reassure the victim that he or she had won a sweepstakes prize.

E. If an intended victim wanted written proof of the existence of the bogus "United States Sweepstakes Security Commission," or the bogus "United States Sweepstakes Security Bureau," the defendant and his co-conspirators would fax the intended victim a document bearing a forged seal of the Bureau of Industry and Security of the Department of Commerce and containing a false history of the "Sweepstakes Security Commission."

F. After a victim had been induced into sending money, the defendant and his co-conspirators would call that victim and would 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 dollars in additional fees to ensure the safe delivery of the winning proceeds. The defendant and his co-conspirators would continue to call each victim with additional

fraudulent reasons as to why the victim had to wire more money. This practice would continue so long as the victim continued to wire money.

G. If a victim did not make the wire transfer to Costa Rica as instructed, the defendant and his co-conspirators would, at times, threaten prosecution of the victim for insurance fraud or defrauding a federal agent.

H. The defendant and his co-conspirators would unjustly enrich themselves by retaining the proceeds of this fraud, which exceeded ten million dollars.

### **OVERT ACTS**

10. In furtherance of the conspiracy and to effect the objects thereof, the defendant,

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and his co-conspirators committed the following overt acts, among others, in the Western District of North Carolina, Charlotte Division, and elsewhere:

A. Between on or about May 4 to May 20, 2004, the defendants and their co-conspirators caused telephone calls to be made to CC, a resident of the United States. During the call CC was told that he had won a lottery prize but had to pay an insurance fee.

B. Between on or about May 4 to May 20, 2004, the defendant and his co-conspirators caused CC to wire money from North Carolina via Western Union to Costa Rica.

C. Between on or about May 4 to May 20, 2004, the defendant and his co-conspirators caused CC to wire a total of \$69,400 from the United States via Western Union to Costa Rica

D. In or about April, 2004, the defendant and his co-conspirators caused telephone calls to be made to LS, a resident of the United States. During the calls LS was told that he had won a lottery prize but had to pay an insurance fee.

E. In or about April, 2004, the defendant and his co-conspirators caused LS to wire money from the United States via Western Union to Costa Rica.

F. In or about April, 2004, the defendant and his co-conspirators caused LS to wire more than \$7,000 from the United States via Western Union to Costa Rica.

All in violation of Title 18, United States Code Sections 371 and 2326.

**COUNT TWO (WIRE FRAUD)**

1. The allegations in paragraphs 1 through 6 and 8 through 10 of Count One of this Information are hereby realleged and incorporated by reference as if fully set forth herein.

2. From at least as early as 2003, to and including December 2005, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant

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knowingly and willfully devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent



pretenses, representations and promises, as described in paragraphs 1 through 6 and 8 through 10 of Count One of this Information.

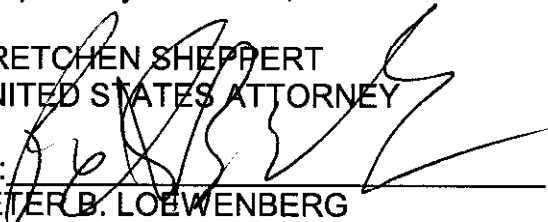
3. On or about October 27, 2004, for the purposes of executing the scheme and artifice and attempting to do so, the defendant transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, specifically, routed through Western Union facilities in Mecklenburg County, a wire communication in the amount of one-thousand and one-hundred dollars (\$1,100) from victim L. R. in Williamsport, Pennsylvania, to San Jose, Costa Rica.

All in violation of Title 18, United States Code, Sections 1343 and 2326.

Dated: April 26, 2007

Respectfully submitted,

GRETCHEN SHEPPERT  
UNITED STATES ATTORNEY

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