

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA. BK
2019 FEB 14 P 3:08
WILLIAM V. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR WIRE FRAUD AND FILING FALSE TAX RETURNS

UNITED STATES OF AMERICA

* CRIMINAL NO. **19-00020**

v.

* SECTION: **SECT. R MAG. 2**

WAYNE TRICHE

* VIOLATIONS: 18 U.S.C. § 1343
26 U.S.C. § 7206(1)

* * *

The Grand Jury charges that:

COUNTS 1-34
(Wire Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. On or about September 12, 2002, **WAYNE TRICHE** and G.R. filed articles of incorporation for American Pension Consultants, LLC (APC). APC was created to work with pension plans to purchase life insurance policies with viatical settlements as investments. Records obtained from the Louisiana Secretary of State indicate that APC is currently owned and operated by **WAYNE TRICHE** in Baton Rouge, Louisiana.

2. On or about March 19, 2003, the New Orleans Firefighters Pension and Relief Fund (NOFPRF) located in New Orleans, Louisiana, signed a Promissory Note with APC. The NOFPR

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NOFPRF provided \$5,000,000 to APC so that APC could purchase life insurance policies. The Promissory Note restricted the use of funds from the NOFPRF to the purchase of life insurance settlements, administrative expenses not to exceed \$119,000.00, and a payment to APC of \$250,000 at the closing of the loan. No other compensation to **WAYNE TRICHE** was allowed per the Promissory Note or the Escrow Agreement. The note was set to run until all life insurance settlements had paid out, or until all life insurance settlements had been sold to third parties. The Promissory Note called for an annual 9.5% interest payment to be paid to NOFPRF quarterly, with the principal to be paid at the end of the Promissory Note.

3. AVS Servicing, a third party company, was hired by **TRICHE** to manage the portfolio of policies purchased for NOFPRF. AVS notified **TRICHE** when premiums were due and how much was due. AVS received payments from **TRICHE** and distributed the funds to the correct insurance providers. AVS also received death benefits upon the death of a policy holder, and forward the funds to APC.

4. On or about December 24, 2007, G.R. passed away. Upon his death, **WAYNE TRICHE** assumed control of APC. Subsequent to **TRICHE** assuming control of APC, several life insurance policies paid out.

5. APC maintained a checking account at Gulf Coast Bank & Trust, account number xxxxx1621, with signature authority held by **WAYNE TRICHE**.

6. **WAYNE TRICHE** maintained a Gulf Coast Bank & Trust checking account in the name of Wayne Triche, A Professional Accounting Corporation, account number xxxxx2238, with signature authority held by **WAYNE TRICHE**.

7. BBTB, LLC, a real estate entity owned by **WAYNE TRICHE** and another individual, maintained two Gulf Coast Bank & Trust checking account numbers xxxxx8150 and xxxxx2477, both with signature authority held by **WAYNE TRICHE**.

8. Double Diamond Rentals, a real estate rental company owned by **WAYNE TRICHE**, maintained a checking account at State Bank and Trust, number xxxxx2146, with signature authority held by **WAYNE TRICHE**.

9. Total BT Properties, a real estate company owned by **WAYNE TRICHE**, maintained a checking account at Midsouth Bank, number xxxxx9969, with signature authority held by **WAYNE TRICHE**.

10. Life insurance benefits received by APC on behalf of NOFPRF from June 28, 2005 to December 19, 2016 were in excess of \$6,000,000.00. Interest payments totaling \$1,187,497.30 were paid to NOFPRF from inception until October 5, 2005. On November 10, 2010, payments totaling \$500,000.00 were paid to NOFPRF. On June 30, 2014, **WAYNE TRICHE** transferred \$958,476.79 to the NOFPRF. Policy payouts totaling \$279,495.84 were sent to the NOFPRF between March 3, 2015 and January 11, 2017. No additional principal, interest or profits were ever paid to the NOFPRF.

B. THE SCHEME:

From on or about December 24, 2007 and continuing to on or about January 20, 2016, in the Eastern District of Louisiana and elsewhere, the defendant, **WAYNE TRICHE**, devised and intended to devise a scheme to defraud the New Orleans Firefighters Pension and Relief Fund (NOFPRF), and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

C. MANNER AND MEANS:

It was part of the scheme that:

1. **WAYNE TRICHE** converted to his own use, without authority, funds belonging to the NOFPRF by withdrawing funds and transferring money held in APC bank accounts to accounts controlled by **TRICHE**. This money was used to fund personal expenditures of **TRICHE**, to include the payment of a civil judgement, gambling, home improvements, credit card payments, and living expenses.

2. On or about each of the dates set forth below, in the Eastern District of Louisiana and elsewhere, the defendant, **WAYNE TRICHE**, for the purpose of executing the scheme described above, caused to be transmitted to or from Gulf Coast Bank & Trust, APC checking account number xxxxx1621, by means of wire communication in interstate commerce the signals and sounds described below, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION OF WIRE
1	December 6, 2013	\$620,745.79 deposit from DS policy payout
2	December 6, 2013	Deposit \$18,622.37 to Wayne Triche, APAC account number xxxxx2238
3	December 18, 2013	\$23,575.07 check paid to East Baton Rouge Parish Sheriff's Office
4	December 18, 2013	\$960.69 check paid to East Baton Rouge Parish Sheriff's Office
5	December 27, 2013	\$7,000.00 transfer to Wayne Triche, APAC account number xxxxx2238
6	February 14, 2014	\$16,991.00 check paid to TNT Spa Franchise Systems
7	February 14, 2014	\$24,000.00 internet transfer to Wayne Triche, APAC account number xxxx2238

COUNT	DATE	DESCRIPTION OF WIRE
8	March 17, 2014	\$814,052.08 deposit from MS policy payout
9	March 20, 2014	\$14,052.08 internet transfer to Wayne Triche, APAC account number xxxxx2238
10	April 7, 2014	\$24,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
11	May 8, 2014	\$144,935.50 cashier's check issued to Clerk of Court, U.S. District Court, Middle District of Louisiana
12	May 23, 2014	\$3,880.00 cash withdrawal by Wayne Triche
13	June 13, 2014	\$10,000.00 internet transfer to BBTB account number xxxxx8150
14	June 13, 2014	\$10,000.00 internet transfer to BBTB account number xxxxx2477
15	June 13, 2014	\$10,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
16	July 8, 2014	\$15,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
17	July 18, 2014	\$4,000.00 internet transfer to BBTB account number xxxxx8150
18	August 1, 2014	\$45,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
19	August 29, 2014	\$13,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
20	September 22, 2014	\$1,000.00 internet transfer to BBTB account number xxxxx2477
21	September 23, 2014	\$3,000.00 internet transfer to BBTB account number xxxxx2477
22	October 14, 2014	\$15,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
23	October 27, 2014	\$1,500.00 internet transfer to BBTB account number xxxxx2477

COUNT	DATE	DESCRIPTION OF WIRE
24	November 10, 2014	\$10,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
25	November 21, 2014	\$500.00 internet transfer to BBTB account number xxxxx2477
26	November 28, 2014	\$1,500.00 internet transfer to BBTB account number xxxxx2477
27	December 12, 2014	\$1,500.00 internet transfer to BBTB account number xxxxx2477
28	December 17, 2014	\$1,000.00 internet transfer to BBTB account number xxxxx2477
29	December 26, 2014	\$1,000.00 internet transfer to BBTB account number xxxxx2477
30	January 5, 2015	\$1,000.00 internet transfer to BBTB account number xxxxx2477
31	January 14, 2015	\$1,000.00 internet transfer to BBTB account number xxxxx2477
32	January 20, 2015	\$4,000.00 internet transfer to Wayne Triche, APAC account number xxxxx2238
33	February 17, 2015	\$750.00 internet transfer to BBTB account number xxxxx2477
34	January 20, 2016	\$100.00 internet transfer to BBTB account number xxxxx8150

All in violation of Section of Title 18, United States Code, Section 1343.

COUNT 35
(Filing False Tax Return)

1. Paragraphs 1-8 of Count 1 are realleged and incorporated by reference as though fully set forth herein.
2. On or about January 11, 2013, in the Eastern District of Louisiana and elsewhere, **WAYNE TRICHE**, a resident of Baton Rouge, Louisiana, did willfully make and subscribe a

U.S. Individual Income Tax Return (Form 1040), for the calendar year 2011, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That Form 1040, which was prepared and signed in the Middle District of Louisiana and which was filed with the Internal Revenue Service, stated that **WAYNE TRICHE** and his spouse had an Adjusted Gross Income (AGI) of \$283,815.00, whereas **WAYNE TRICHE** then and there knew that he understated the AGI and the resulting tax due and owing reported on the return.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 36
(Filing False Tax Return)

1. Paragraphs 1-8 of Count 1 are realleged and incorporated by reference as though fully set forth herein.

2. On or about October 6, 2013, in the Eastern District of Louisiana and elsewhere, **WAYNE TRICHE**, a resident of Baton Rouge, Louisiana, did willfully make and subscribe a U.S. Individual Income Tax Return (Form 1040), for the calendar year 2012, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That Form 1040, which was prepared and signed in the Middle District of Louisiana and which was filed with the Internal Revenue Service, stated that **WAYNE TRICHE** and his spouse had an Adjusted Gross Income (AGI) of \$296,817.00, whereas **WAYNE TRICHE** then and there knew that he understated the AGI and the resulting tax due and owing reported on the return.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 37
(Filing False Tax Return)

1. Paragraphs 1-8 of Count 1 are realleged and incorporated by reference as though fully set forth herein.

2. On or about October 14, 2014, in the Eastern District of Louisiana and elsewhere, **WAYNE TRICHE**, a resident of Baton Rouge, Louisiana, did willfully make and subscribe a U.S. Individual Income Tax Return (Form 1040), for the calendar year 2013, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That Form 1040, which was prepared and signed in the Middle District of Louisiana and which was filed with the Internal Revenue Service, stated that **WAYNE TRICHE** and his spouse had an Adjusted Gross Income (AGI) of \$390,141.00 whereas **WAYNE TRICHE** then and there knew that he understated the AGI and the resulting tax due and owing reported on the return.

In violation of Title 26, United States Code, Section 7206(1).

COUNT 38
(Filing False Tax Return)

1. Paragraphs 1-8 of Count 1 are realleged and incorporated by reference as though fully set forth herein.

2. On or about October 15, 2015, in the Eastern District of Louisiana and elsewhere, **WAYNE TRICHE**, a resident of Baton Rouge, Louisiana, did willfully make and subscribe a U.S. Individual Income Tax Return (Form 1040), for the calendar year 2014, which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That Form 1040, which was prepared and signed in the Middle District of Louisiana and which was filed with the Internal Revenue Service, stated

that **WAYNE TRICHE** and his spouse had an Adjusted Gross Income (AGI) of \$420,229.00, whereas **WAYNE TRICHE** then and there knew that he understated the AGI and the resulting tax due and owing reported on the return.

In violation of Title 26, United States Code, Section 7206(1).

NOTICE OF FORFEITURE

1. The allegations of Counts 1-34 of this Indictment 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, Section 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 Counts 1-34, defendant, **WAYNE TRICHE**, 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 violations of Title 18, United States Code, Sections 1343.

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(c).

A TRUE BILL:



FOREPERSON

PETER G. STRASSER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Tracey N. Knight', written over a horizontal line.

TRACEY N. KNIGHT
Assistant United States Attorney
Louisiana Bar Roll Number 23165

New Orleans, Louisiana
February 14, 2019