

United States District Court
Southern District of Texas
FILED

74

APR - 7 2010

David J. Bradley, Clerk

UNSEALED
4/19/10

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

SEALED

UNITED STATES OF AMERICA

v.

§
§
§
§
§

Criminal No.

M-10-500

ALBERT ANZALDUA

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this Indictment, unless otherwise specified:

1. Defendant **ALBERT ANZALDUA** was a resident of McAllen, Texas and President of InterContinental Commerce, Inc. ("ICC"), a purported investment firm with "offices" in McAllen, Texas and New York City, New York.
2. Defendant **ALBERT ANZALDUA** incorporated ICC in the State of New York in 1985, however, it was dissolved in 1992 for failure to pay taxes. ICC was not incorporated or registered to transact business in the State of Texas.
3. Defendant **ALBERT ANZALDUA** and ICC were not registered with the Texas State Securities Board to sell or offer advice regarding securities as required by the Texas Securities Act.
4. Through ICC, Defendant **ALBERT ANZALDUA** solicited and obtained hundreds of thousands of dollars from investors for investment in the European Asset Management

Program (“EAMP”), a purported high-yield investment program operated by Defendant **ALBERT ANZALDUA**, by making materially false representations concerning the EAMP.

5. The “UK Associate” was a person known to the Grand Jury who resided in London, United Kingdom. The UK Associate was a purported investment advisor who assisted Defendant **ALBERT ANZALDUA** on various matters relating to the EAMP.

COUNT 1
(Conspiracy to Commit Securities Fraud)

A. INTRODUCTION

1. The Grand Jury adopts, realleges, and incorporates herein the allegations in paragraphs one through five of the Introduction of this Indictment as if set out fully herein.

B. THE CONSPIRACY AND ITS OBJECTS

2. Beginning in or about May 2003, and continuing at least through February 2010, in the McAllen Division of the Southern District of Texas, and elsewhere, defendant,

ALBERT ANZALDUA

did knowingly, combine, conspire, confederate and agree with others known and unknown to the Grand Jury to commit an offense against the United States, specifically, in connection with the offer and sale of securities, by the use of a means of transportation and communication in interstate commerce, and by the use of the mails, directly and indirectly, to employ a scheme and artifice to defraud; to obtain money by means of untrue statements of material facts and omissions of material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; and to engage in a transaction, practice, and course of business that operated as a fraud and deceit upon the purchasers, all in violation of Title 15, United States Code, Sections 77q(a) and 77x (Securities Fraud).

C. THE MANNER AND MEANS OF THE CONSPIRACY

3. Among other deceitful and dishonest means by which the defendant and co-conspirators sought to accomplish and did accomplish the purpose of the conspiracy were:

(a) Defendant **ALBERT ANZALDUA** would and did offer to prospective investors participation in the EAMP which, according to Defendant **ALBERT ANZALDUA**, would result in returns of approximately \$3 for each U.S. dollar invested over a 40-week period.

(b) Defendant **ALBERT ANZALDUA** would and did fraudulently represent to prospective investors that the EAMP consisted of money management, currency trading, project development and other investment activities by international investment banks including Barclays, Deutsche Bank, and Societe Generale.

(c) Defendant **ALBERT ANZALDUA** would and did emphasize to prospective investors that the EAMP was an “exclusive and unique investment opportunity” and that the “confidentiality of the transaction must be carefully protected.”

(d) Defendant **ALBERT ANZALDUA** would and did fraudulently represent to prospective investors that well-known people were associated with the investment including a national political figure and a retired judge who, according to Defendant **ALBERT ANZALDUA**, would act as a trustee for the investment.

(e) Defendant **ALBERT ANZALDUA** would and did fraudulently induce investors into signing investment contracts that purportedly memorialized the terms of their investments. Defendant **ALBERT ANZALDUA** would and did stamp ICC’s invalid State of New York corporate seal on the investment contracts.

(f) Over time, in accordance with the investment contracts and as a result of Defendant

ALBERT ANZALDUA's fraudulent representations and material omissions, investors sent hundreds of thousands of dollars to Defendant **ALBERT ANZALDUA** and ICC for investment in the EAMP.

(g) Unbeknownst to the investors, the EAMP did not exist and Defendant **ALBERT ANZALDUA** spent the vast majority of their investment money on personal expenses including residential property taxes, home maintenance, credit card bills, and utility bills, among other expenses that were not related to the investment.

(h) As years passed, Defendant **ALBERT ANZALDUA** would and did deceptively calm investors' concerns over not receiving investment returns by forwarding them letters and emails written and signed by his UK Associate falsely representing that returns were forthcoming.

(i) Defendant **ALBERT ANZALDUA** would and did also organize conference calls with the investors and his UK Associate during which investment returns were falsely promised to the investors by both Defendant **ALBERT ANZALDUA** and his UK Associate.

D. OVERT ACTS

4. In furtherance of the conspiracy, and to affect the objects thereof, Defendant **ALBERT ANZALDUA** and his co-conspirators performed and caused to be performed, in the McAllen Division of the Southern District of Texas, the following, among other, overt acts:

Overt Act	Date	Description of Overt Act
1	July 7, 2003	Defendant ALBERT ANZALDUA fraudulently induced victim J.W. into signing an investment contract concerning participation in the EAMP.

2	July 15, 2003	Defendant ALBERT ANZALDUA sent correspondence to victim J.W. that included the name of the bank and account number to which investment funds were to be directed.
3	July 22, 2003	Defendant ALBERT ANZALDUA solicited and obtained a \$50,000 wire transfer from victim J.W. for the EAMP.
4	Sept 26, 2003	Defendant ALBERT ANZALDUA solicited and obtained a \$10,000 check from victim J.W. for the EAMP.
5	Oct. 17, 2003	Defendant ALBERT ANZALDUA solicited and obtained a \$40,000 wire transfer from victim J.W. for the EAMP.
6	May 6, 2004	Defendant ALBERT ANZALDUA solicited and obtained an \$8,800 check from victim J.W. for the EAMP.
7	May 11, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$9,200 check from victim J.W. for the EAMP.
8	May 16, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$7,000 check from victim J.W. for the EAMP.
9	June 10, 2004	Defendant ALBERT ANZALDUA fraudulently induced victim J.L. into signing an investment contract concerning participation in the EAMP.
10	June 10, 2004	Defendant ALBERT ANZALDUA solicited and obtained \$15,000 in cash from J.L. for the EAMP.
11	July 8, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$42,000 wire transfer from victim J.W. for the EAMP.
12	Sept. 16, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$25,000 check from victim J.W. for the EAMP.
13	Oct. 20, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$15,000 check from victim J.W. for the EAMP.
14	Nov. 5, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$5,200 wire transfer from victim J.W. for the EAMP.
15	Feb. 2, 2004	Defendant ALBERT ANZALDUA solicited and obtained a \$10,000 check from victim J.W. for the EAMP.
16	Apr. 15, 2005	Defendant ALBERT ANZALDUA solicited and obtained an \$8,000 check from victim J.W. for the EAMP.

17	Aug. 8, 2005	Defendant ALBERT ANZALDUA mailed victim J.W. a letter written by the UK Associate falsely representing that they "are on the verge of some very important and lucrative business" and that successful returns would be forthcoming.
18	Aug. 12, 2005	Defendant ALBERT ANZALDUA falsely represented to victim J.L. that his \$15,000 investment had grown to \$40,000.
19	Dec. 5, 2006	Defendant ALBERT ANZALDUA mailed victim J.W. a letter on ICC letterhead falsely representing that a reimbursement of victim J.W.'s investment would be made to J.W.'s bank account no later than January 10, 2007.
20	Feb. 4, 2007	Defendant ALBERT ANZALDUA mailed victim J.W. a letter falsely representing that reimbursement is "taking longer than expected BUT the job will be done."
21	Mar. 9, 2007	Defendant ALBERT ANZALDUA mailed victim J.W. a letter falsely representing that "I am at this time awaiting written communication of the transfer of funds from Europe, from which I will be utilizing for a total reimbursement in your favor."
22	Sept. 18, 2007	Defendant ALBERT ANZALDUA falsely represented to victim J.L. that his \$15,000 investment in the EAMP had grown to \$55,000, but that funds could not be withdrawn yet.
23	Sept. 24, 2007	Defendant ALBERT ANZALDUA forwarded an email written by his UK Associate to victim J.W. falsely representing that investment returns were forthcoming.
24	Sept. 25, 2009	Defendant ALBERT ANZALDUA falsely represented to victim J.L. over the phone that returns on his \$15,000 investment were forthcoming.
25	Oct. 1, 2009	Defendant ALBERT ANZALDUA falsely represented to victim J.L. over the phone that "things are moving along okay," but that "we are pushing softly so not to antagonize" the banks involved in the investment.

In violation of Title 18, United States Code, Section 371.

COUNTS 2-11
(Securities Fraud)

A. INTRODUCTION

5. The Grand Jury adopts, realleges, and incorporates herein the allegations in paragraphs one through five of the Introduction of this Indictment as if set out fully herein.

B. THE SCHEME TO DEFRAUD

6. Beginning in or about May 2003, and continuing through at least February 2010 in the McAllen Division of the Southern District of Texas and elsewhere, defendant

ALBERT ANZALDUA

in connection with the offer and sale of securities, by the use of a means of transportation and communication in interstate commerce, and by the use of the mails, directly and indirectly, employed a scheme and artifice to defraud; obtained money by means of untrue statements of material facts and omissions of material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading; and engaged in a transaction, practice, and course of business that operated as a fraud and deceit upon the purchasers, in violation of Title 15, United States Code, Sections 77q(a) and 77x.

C. THE MANNER AND MEANS OF THE SCHEME TO DEFRAUD

7. Among the manner and means by which the defendant sought to accomplish and did accomplish the purpose of the scheme to defraud were the acts set forth in paragraphs 3(a)-(i) in Count One of the Indictment, hereby re-alleged and incorporated by the Grand Jury as if fully set forth in this Count of the Indictment.

D. EXECUTION OF THE SCHEME TO DEFRAUD

8. On or about the dates set forth below, in the McAllen Division of the Southern District of Texas, and elsewhere, the defendant executed the aforementioned fraudulent conduct by committing the following acts, among others:

Count	Date	Description of Act
2	Apr. 15, 2005	Defendant ALBERT ANZALDUA solicited and obtained an \$8,000 check from victim J.W. for the EAMP.
3	Aug. 8, 2005	Defendant ALBERT ANZALDUA mailed a letter written by the UK Associate to victim J.W. falsely representing that they "are on the verge of some very important and lucrative business" and that successful returns were forthcoming.
4	Aug. 12, 2005	Defendant ALBERT ANZALDUA falsely represented to victim J.L. that his \$15,000 investment had grown to \$40,000.
5	Dec. 5, 2006	Defendant ALBERT ANZALDUA mailed a letter to victim J.W. on ICC letterhead falsely representing that a reimbursement of victim J.W.'s investment would be made to J.W.'s bank account no later than Jan. 10, 2007.
6	Feb. 4, 2007	Defendant ALBERT ANZALDUA mailed victim J.W. a letter falsely representing that victim J.W.'s reimbursement is "taking longer than expected BUT the job will be done!"
7	Mar. 9, 2007	Defendant ALBERT ANZALDUA mailed victim J.W. a letter falsely representing that he is awaiting "written communication on the transfer of funds from Europe, from which I will be utilizing for a total reimbursement in your favor."
8	Sept. 18, 2007	Defendant ALBERT ANZALDUA falsely represented to victim J.L. that his \$15,000 investment in the EAMP had grown to \$55,000, but that funds could not be withdrawn yet.
9	Sept. 24, 2007	Defendant ALBERT ANZALDUA forwarded an email written by his UK Associate to victim J.W. falsely representing that investment returns were forthcoming.
10	Sept. 25, 2009	Defendant ALBERT ANZALDUA falsely represented to victim J.L. over the phone that returns on his \$15,000 investment were forthcoming.
11	Oct. 1, 2009	Defendant ALBERT ANZALDUA falsely represented to victim J.L. over the phone that "things are moving along okay," but that "we are pushing softly so not to antagonize" the banks involved in the investment.

In violation of Title 15, United States Code, Sections 77(q) and 77x and Title 18, United States Code, Section 2.

COUNTS 12-14
(Wire Fraud)

A. INTRODUCTION

9. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in paragraphs one through five of the Introduction of this Indictment as if set out fully herein.

B. THE SCHEME TO DEFRAUD

10. Beginning in or about May 2003 and continuing through at least February 2010, in the McAllen Division of the Southern District of Texas, and elsewhere, the defendant

ALBERT ANZALDUA

did knowingly devise and intend to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, and in the execution of said scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate or foreign commerce, writings, signs, signals, pictures, or sounds, as more fully set forth below.

C. THE MANNER AND MEANS OF THE SCHEME TO DEFRAUD

11. Among the manner and means by which the defendant sought to accomplish and did accomplish the purpose of the scheme to defraud were the acts set forth in paragraphs 3(a)-(i) in Count One of the Indictment, hereby re-alleged and incorporated by the Grand Jury as if fully set forth in this Count of the Indictment.

D. EXECUTION OF THE SCHEME TO DEFRAUD

12. On or about the dates set forth below, in the McAllen Division of the Southern District of Texas, and elsewhere, for the purpose of executing the scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations

