

02569948

208

THE STATE OF TEXAS
VS.
LELAND ALAN DYKES

02569948

D.A. LOG NUMBER: 1768779
CJIS TRACKING NO.: 9166802032-A001
BY: RZ DA NO: 002267944
AGENCY: HCDA
O/R NO: 000
ARREST DATE: 07-14-2011

SPN:
DOB: WM 08-04-1946
DATE PREPARED: 7/14/2011

NCIC CODE: 2699 06

RELATED CASES:

FELONY CHARGE: MISAPPLICATION OF FIDUCIARY PROPERTY

CAUSE NO:

HARRIS COUNTY DISTRICT COURT NO:

FIRST SETTING DATE:

1313034

208

BAIL: \$500,000
PRIOR CAUSE NO:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, LELAND ALAN DYKES, hereafter styled the Defendant, heretofore on or about JUNE 15, 2008, did then and there unlawfully On or about June 15, 2007 and continuing through September 20, 2008 did then and there, pursuant to one scheme and continuing course of conduct, while a fiduciary, namely a securities broker and a person acting in a fiduciary capacity, dealing with said property contrary to an agreement under which the Defendant held the property, in a manner that involved substantial risk of loss to

FILED

Chris Daniel
District Clerk

JUL 14 2011

Time: 12:30 PM
Harris County, Texas

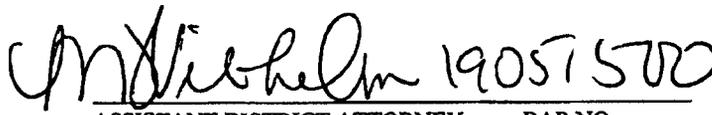
By: DZO
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on July 14, 2011



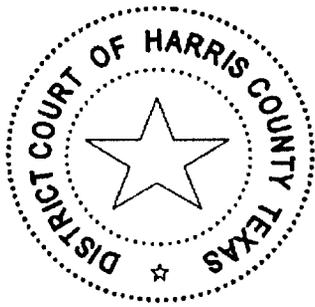
FFIANT



ASSISTANT DISTRICT ATTORNEY BAR NO.
OF HARRIS COUNTY, TEXAS.

COMPLAINT

Certified Document Number: 49324929 - Page 1 of 1



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this July 15, 2011

Certified Document Number: 49324929 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

THE STATE OF TEXAS

AFFIDAVIT FOR ARREST WARRANT

HARRIS COUNTY, TEXAS

I, Affiant, Steven Overby, a Special Agent employed by the Federal Deposit Insurance Corporation, Office of Inspector General, do solemnly swear that I have reason to believe and do believe that Leland Dykes, hereafter Defendant, intentionally and knowingly committed the offense of Misapplication of Fiduciary Property (First Degree Felony) on or about June 15, 2007 and continuing through September 30, 2008 in Harris County, Texas.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

Affiant reviewed a report and spreadsheets prepared by Stephanie Tourk, a credible and reliable witness, who is employed as an attorney for the Texas State Securities Board, and learned the following. According to records obtained by Stephanie Tourk and reviewed by Affiant, in May of 2007, the Defendant, Leland Dykes, created two business entities. One entity was named "First American Acceptance Corp" (hereafter, First American). The Defendant was the registered agent and incorporator of First American. The other entity created by the Defendant was named "Park Capital LLC". The Defendant was the member behind Park Capital LLC.

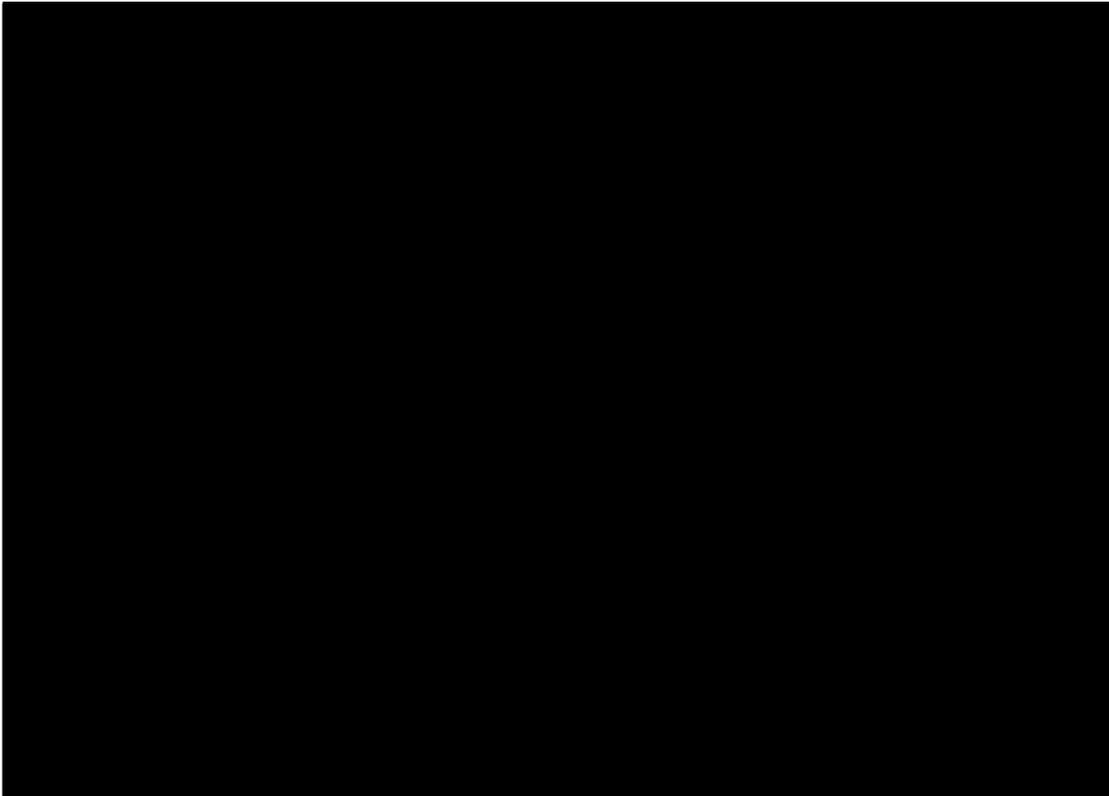
As early as 2005 and continuing through August of 2008, the Defendant leased a suite 1150 at the Galleria Financial Center located at 5075 Westheimer in Houston, Harris County, Texas. Beginning around May 2, 2007, Park Capital LLC placed advertisements in The Houston Chronicle. The ads varied, but generally offered "1 Year FDIC Insured CD's" at 6.10% APY.

All of the Complainants (identified below) went to the 5075 Westheimer office and met with a salesperson employed by the Defendant named Bill Moore. Affiant spoke with Bill Moore, who knows the Defendant by name and sight as his employer, and who stated that he sold the notes to the Complainants for Dykes as his employee. According to conversations with the Complainants and records obtained by Stephanie Tourk, as well as conversations between Affiant and Bill Moore, most investors were given a one-page document on First American Acceptance letterhead that was titled "Secured Debt Obligation Account". Among other representations that were made on the note were that they were secured by Lloyds of London and Allianz. The note also promised to pay the investor a principal amount plus a certain rate of interest. The Servicing Agreement included with the notes stated among other things that First American would enter into a "relationship of trust" with the investor, comply with all obligations of a fiduciary, and guarantee the entire principal investment. Following their investment, the complainants received a letter signed by Dykes as President of First American thanks them for choosing First American and verifying the receipt of funds in a "Collateral Debt Obligation".

From approximately June 15, 2007 to July 25, 2007, First American raised \$1,070,127.96 through its sale of the notes. According to bank records obtained and reviewed by Stephanie Tourk and the Affiant, all of the money was initially deposited into Encore bank account

22320592, in the name of First American Acceptance, for which by Leland Dykes was the only signatory (as identified by the signature card on the account).

The Complainants include eight individuals, all of whom are over the age of 60, a small business, and an employee profit sharing plan. Stephanie Tourk spoke with the Complainants, who stated that they invested the following amounts with First American Acceptance. The complainants who invested money with the Defendant are as follows:



Those investors who chose to receive monthly payments from the Defendant received payments in the beginning, but the Defendant later quit making these payments. According to the Defendant's bank records obtained and reviewed by Stephanie Tourk and Affiant, of the \$1,070,127.96 received by the Defendant, \$51,536.18 was paid out to the investors. The Defendant's bank records also showed that he invested a total of \$500,000 of the complainant's money with Allen Stanford on August 2, 2008 and August 6, 2008. The Defendant withdrew a total of \$504,648.95 from Stanford beginning December 20, 2007 and ending August 12, 2008. The money was not reinvested.

A further review of the Defendant's bank records by Stephanie Tourk shows the remaining investment money was spent as follows during the period June 2007 to September 2008:

Legal/Accounting fees: \$272,092.27
House/rent payments and related: \$175,017.32

Car payments: \$28,425.05
Bill Moore commission checks: \$118,024.22
Other employee checks: \$129,660.57
Office rent: \$104,683.42
Miscellaneous: \$157,276.70
Restaurants: \$29,887.29
Cash: \$22,056
Personal Investigator: \$1,333.65
Bank fees: \$4,944.30
Unknown (cannot categorize or identify): \$80,392.52

According to the Complainants, the Defendant and First American did not honor any of the verbal or written demands that have been made to redeem the notes that came due. The Defendant instead closed the office and stopped communicating with investors. Stephanie Tourk learned during her investigation that the notes were not insured through Lloyds of London or Allianz nor guaranteed by a commercial bank, and the Defendant's bank records show that he spent the money contrary to the agreement and in violation of his duties as a fiduciary.

AGAINST THE PEACE AND DIGNITY OF THE STATE



AFFIANT

Sworn to and Subscribed before me on this the 13 day of July
A. D., 2011.



MAGISTRATE
HARRIS COUNTY, TEXAS

W. B. MANNING
County Criminal Law
Clearing Officer
Harris County, Texas