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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY KMH DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

10	UNITED STATES OF AMERICA,	)	Criminal Case No. <u>06CR1806-W</u>
11)	
12	Plaintiff,	)	<u>I N D I C T M E N T</u>
13		)	(2nd Superseding)
14	v.)	
15	STERLING WAYNE PIRTLE (1),	)	Title 18, U.S.C., Sec. 371 -
16	RONALD ALLEN FISHER (2),	)	Conspiracy; Title 18, U.S.C.,
17	MARK EDWARD FISHER (3),	)	Sec. 1344 - Bank Fraud; Title 26,
18	NANCY FISHER (5),	)	U.S.C., Sec. 7201 - Tax Evasion;
19		)	Title 18, U.S.C., Sec. 1343 - Wire
20	Defendants.	)	Fraud; Title 18, U.S.C.,
21		)	Sec. 1957 - Money Laundering;
22		)	Title 18, U.S.C., Sec. 2 - Aiding
23		)	and Abetting; Title 18, U.S.C.,
24		)	Sec. 3147 - Commission of Offense
25		)	While on Pretrial Release

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times material herein unless otherwise noted:

General Background

1. Defendant STERLING WAYNE PIRTLE was a United States citizen who resided in Las Vegas, Nevada.

2. Defendants RONALD ALLEN FISHER and NANCY FISHER were United States citizens who resided in San Diego County, California, and Tierra Verde, Florida.

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1 3. Defendant MARK EDWARD FISHER was a United States citizen who
2 resided in San Diego County, California.

3 4. In or about the calendar years 1999, 2000, and 2001, each
4 of the defendants received substantial sums of money from the
5 operation of a corporation named Commercial Money Center, Inc.
6 (hereinafter "CMC"). Instead of receiving all of their compensation
7 directly from CMC, the defendants paid themselves "commissions" or
8 "management fees" through a variety of separate shell corporations.
9 During the relevant period, the following defendants received income,
10 and/or held assets and property, in the names of the following
11 nominees:

12 a. Defendant STERLING WAYNE PIRTLE through Capital Markets
13 Corp., Sterling Trust, Capital Leasing Corp., and FSBO Inc.;

14 b. Defendant RONALD ALLEN FISHER through Capital Markets
15 Corp., Edward Allen Trust, and Care-Med Centers, Inc.; and

16 c. Defendant MARK EDWARD FISHER through Stegie, Inc.

17 5. The Federal Deposit Insurance Corporation (hereinafter,
18 "FDIC") was an agency of the United States government established, in
19 part, to regulate, supervise, and insure the deposits of financial
20 institutions. During the relevant period, the following financial
21 institutions' deposits were federally insured by the FDIC:

22 a. Lakeland Bank, A State Charter, located in Oak Ridge,
23 New Jersey (hereinafter, "Lakeland Bank");

24 b. Ameriana Bank & Trust of Indiana, located in New
25 Castle, Indiana (hereinafter, "Ameriana Bank");

26 c. Bank of Waukegan, located in Waukegan, Illinois
27 (hereinafter, "Bank of Waukegan");

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1 d. Atlantic Coast Federal, located in Waycross, Georgia
2 (hereinafter, "Atlantic Coast Federal");

3 e. United Security Bank, located in Fresno, California
4 (hereinafter, "United Security Bank");

5 f. The Huntington National Bank, located in Cleveland,
6 Ohio (hereinafter, "Huntington National Bank"); and

7 g. Sky Bank - Mid Am Region, located in Toledo, Ohio
8 (hereinafter, "Sky Bank").

9 CMC's Operations

10 6. CMC was a Nevada corporation registered to do business in
11 the state of California, with offices in Escondido, California,
12 Las Vegas, Nevada, and Tampa, Florida. Defendants STERLING WAYNE
13 PIRTLE and RONALD ALLEN FISHER founded CMC in 1997, with defendant
14 STERLING WAYNE PIRTLE serving as a director and the president of CMC,
15 and defendant RONALD ALLEN FISHER as a director and the secretary and
16 treasurer. Shortly thereafter, defendant MARK EDWARD FISHER became
17 the chief operating officer of CMC.

18 7. CMC was engaged in the business of leasing equipment such
19 as trucks, pumps, and, allegedly, medical kiosk equipment (purportedly
20 interactive computer terminals for use in doctors' offices and
21 pharmacies; hereinafter, "kiosks") to lessees. The lease agreements
22 between CMC and the lessees required CMC to purchase the equipment and
23 make it available for the lessees' use in return for monthly lease
24 payments (hereinafter, the "lease payment streams").

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1 8. Defendants RONALD ALLEN FISHER and MARK EDWARD FISHER
2 controlled and directed the departments within CMC that were
3 responsible for the equipment leases, including the requirement to
4 purchase equipment.

5 9. After a number of lease agreements were signed by lessees,
6 CMC would gather them together into a lease pool and then cause
7 sureties or insurance companies to guarantee the lease payment streams
8 through bonds or insurance policies. Defendants STERLING WAYNE
9 PIRTLE, RONALD ALLEN FISHER, and MARK EDWARD FISHER were responsible
10 for the pooling, and bonding or insuring of leases at CMC.

11 10. After assembling a lease pool, CMC "sold" the lease pool by
12 either directly or indirectly assigning rights associated with that
13 pool to a financial institution for money provided directly or
14 indirectly by those financial institutions. The rights CMC assigned
15 to the financial institutions included the right to receive the lease
16 payment streams and the rights to the bonds or insurance policies on
17 those leases. The financial institutions also were granted a security
18 interest in the equipment underlying the pooled leases. CMC entered
19 into a "Sale and Servicing Agreement" (hereinafter, "SSA") documenting
20 the sale, assignment, and granting of these rights and interests.
21 Defendants STERLING WAYNE PIRTLE and MARK EDWARD FISHER signed the
22 SSAs with consultation from defendant RONALD ALLEN FISHER.

23 11. The financial institutions paid between \$2 million and
24 \$50 million to buy lease pools. The Las Vegas, Nevada office of CMC,
25 controlled by defendant STERLING WAYNE PIRTLE, received the payments
26 from the financial institutions for the purchases of lease pools. In
27 consultation with defendants RONALD ALLEN FISHER and/or MARK EDWARD
28 FISHER, defendant STERLING WAYNE PIRTLE determined the amount of money

1 that was sent from CMC's Las Vegas office to CMC's Escondido office
2 for, among other things, purchasing the equipment underlying the
3 leases in the pools CMC sold to the financial institutions.

4 12. Beginning in or about July 2001, CMC also caused the rights
5 and security interests associated with lease pools to be used as
6 collateral for loans on a revolving line of credit with Sky Bank
7 (hereinafter, the "Credit Line").

8 13. Through its servicing department, then later through its
9 wholly-owned subsidiary Commercial Servicing Corporation ("CSC"), CMC
10 serviced the leases by collecting lessees' monthly payments and
11 providing reports of its servicing efforts on the leases to the
12 financial institutions (hereinafter "servicing reports"). Defendant
13 MARK EDWARD FISHER, in consultation with defendants RONALD ALLEN
14 FISHER and STERLING WAYNE PIRTLE, directed CMC's servicing operations
15 through the head of CMC's servicing department (who later became CSC's
16 President) who sent the servicing reports to the financial
17 institutions on a monthly basis.

18 14. The defendants caused CMC to obtain over \$300 million
19 dollars from financial institutions for their purchases of lease pools
20 and then declare bankruptcy in May 2002.

21 Defendants' Roles At CMC

22 15. Defendant STERLING WAYNE PIRTLE directed CMC's operations
23 in Las Vegas, Nevada, made and participated in decisions regarding
24 CMC's operations in Escondido, California, and was responsible for
25 locating financial institutions to purchase lease pools, sometimes
26 through the use of investment brokers. He also communicated with
27 financial institutions and sureties/insurance companies, described the
28 CMC lease program to them, and closed most of the lease pool sales.

1 The financial institutions paid money as consideration for the lease
2 pools to CMC bank accounts in Las Vegas under the control of defendant
3 STERLING WAYNE PIRTLE who directed the transfer of those funds to the
4 Escondido office of CMC as needed.

5 16. Defendant RONALD ALLEN FISHER directed CMC's operations in
6 Escondido with his son, defendant MARK EDWARD FISHER. Both defendants
7 RONALD ALLEN FISHER and MARK EDWARD FISHER were responsible for the
8 equipment leases and pooling leases for sale to financial
9 institutions. Like defendant STERLING WAYNE PIRTLE, defendants RONALD
10 ALLEN FISHER and MARK EDWARD FISHER communicated with the financial
11 institutions and sureties/insurance companies, and described the CMC
12 lease program to them. Defendant MARK EDWARD FISHER also closed lease
13 pool sales, directed the payment of funds from the Escondido office,
14 and caused money to be paid by financial institutions to CMC bank
15 accounts in Las Vegas.

16 17. Defendants STERLING WAYNE PIRTLE, RONALD ALLEN FISHER, and
17 MARK EDWARD FISHER oversaw CMC's servicing operations and provided
18 direction to the head of CMC's day-to-day servicing operations.

19 **CONSPIRACY - 18 U.S.C. § 371**

20 (Count 1 - All Defendants)

21 18. The Introductory Allegations contained in paragraphs 1
22 through 17 of this Indictment are realleged and incorporated in this
23 Count as if set forth fully herein.

24 19. Beginning on a date unknown to the grand jury, and
25 continuing until in or about May 2002, within the Southern District
26 of California and elsewhere, defendants STERLING WAYNE PIRTLE, RONALD
27 ALLEN FISHER, and MARK EDWARD FISHER knowingly did conspire with each
28 other, and others known and unknown to the grand jury, to commit

1 offenses against the United States, to wit, to knowingly execute and
2 attempt to execute a material scheme to defraud, and to obtain money
3 and property from financial institutions, by means of materially false
4 and fraudulent representations and promises and the concealment,
5 failure to disclose, and omissions of material facts; in violation of
6 Title 18, United States Code, Section 1344 (bank fraud).

7 Manner and Means

8 20. It was part of the conspiracy that the defendants would not
9 purchase the equipment underlying "leases" that were contained in
10 lease pools sold to financial institutions and used as collateral on
11 the Credit Line (hereinafter, "unfunded leases").

12 21. It was further part of the conspiracy that the defendants
13 would make, and cause others to make, materially false, fraudulent,
14 and misleading representations to financial institutions that
15 equipment had been purchased or promptly would be purchased for the
16 unfunded leases.

17 22. It was further part of the conspiracy that the defendants
18 would conceal from, and fail to disclose to financial institutions,
19 the material fact that the lease pools contained unfunded leases.

20 23. It was further part of the conspiracy that the defendants
21 would make, and cause others to make, materially false, fraudulent,
22 and misleading representations to cause the issuance of bonds or
23 insurance policies on unfunded leases.

24 24. It was further part of the conspiracy that the defendants
25 would cause the transmission of materially false and misleading
26 documents to financial institutions, including false and misleading:

27 a. servicer reports;

28 b. trial balances;

- 1 c. UCC filings;
- 2 d. equipment invoices;
- 3 e. certificates of acceptance;
- 4 f. delivery and acceptance receipts;
- 5 g. schedules of equipment locations;
- 6 h. Quiktrak reports;
- 7 i. promotional materials and offerings;
- 8 j. manuals; and
- 9 k. certificates of insurance.

10 25. It was further part of the conspiracy that the defendants
11 would include and keep "leases" that were "dead," "killed," and
12 incomplete in lease pools.

13 26. It was further part of the conspiracy that the defendants
14 would include and keep "leases" of non-existent kiosks (hereinafter,
15 "kiosk leases") in lease pools.

16 27. It was further part of the conspiracy that the defendants
17 would use companies, including straw kiosk companies, to act as sham
18 lessees on kiosk leases, which were included in lease pools.

19 28. It was further part of the conspiracy that the defendants
20 would conceal defaults on leases from financial institutions.

21 29. It was further part of the conspiracy that the defendants
22 would conceal from financial institutions the extent of delinquencies
23 and shortfalls in the lease payments CMC collected on leases.

24 30. It was further part of the conspiracy that the defendants
25 would misrepresent to financial institutions that CMC was collecting
26 lease payments on "leases" when in reality it was not.

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1 31. It was further part of the conspiracy that the defendants
2 would conceal from the financial institutions and fail to disclose in
3 CMC's promotional materials the United States Securities and Exchange
4 Commission's 1994 complaint and permanent injunction against defendant
5 RONALD ALLEN FISHER.

6 OVERT ACTS

7 32. In furtherance of this conspiracy and to effect the objects
8 thereof, the following overt acts were committed within the Southern
9 District of California, and elsewhere:

10 a. In or about 2001, defendant RONALD ALLEN FISHER caused
11 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
12 (Countrywide Medical), which leases were used as collateral on the
13 Credit Line, and included in lease pools 2001-6-1 (sold to United
14 Security Bank), 2001-21-12 (sold to Huntington National Bank) and
15 2001-3-3 (sold to Lakeland Bank);

16 b. On or about June 5, 2001, defendant STERLING WAYNE
17 PIRTLE signed an SSA with Ameriana Bank causing the sale of lease pool
18 2001-4-1 to Ameriana Bank for \$6,002,405.77 that contained unfunded
19 leases;

20 c. On or about June 5, 2001, defendant STERLING WAYNE
21 PIRTLE signed an SSA with Lakeland Bank causing the sale of lease pool
22 2001-3-2 to Lakeland Bank for \$5,000,015.34 that contained unfunded
23 leases;

24 d. On or about June 22, 2001, defendant STERLING WAYNE
25 PIRTLE signed an SSA with Bank of Waukegan causing the sale of lease
26 pool 2001-2-2 to Bank of Waukegan for \$2,500,000.00 that contained
27 unfunded leases;

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1 e. In or about 2001, defendant RONALD ALLEN FISHER caused
2 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
3 (Commercial Advertising Agency) in the Southern District of
4 California, which leases were used as collateral on the Credit Line,
5 and included in lease pool 2001-6-1 (sold to United Security Bank);

6 f. In or about 2001, defendant RONALD ALLEN FISHER caused
7 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
8 (National Kiosk Advertising) in the Southern District of California,
9 which leases were used as collateral on the Credit Line, and included
10 in lease pool 2001-4-2 (sold to Ameriana Bank);

11 g. On or about August 3, 2001, defendant STERLING WAYNE
12 PIRTLE signed an SSA with Atlantic Coast Federal causing the sale of
13 lease pool 2001-5-1 to Atlantic Coast Federal for \$2,011,449.86 that
14 contained unfunded leases;

15 h. On or about August 28, 2001, defendant STERLING WAYNE
16 PIRTLE signed an SSA with Bank of Waukegan causing the sale of lease
17 pool 2001-2-3 to Bank of Waukegan for \$2,497,884.32 that contained
18 unfunded leases;

19 i. On or about September 4, 2001, defendant MARK EDWARD
20 FISHER signed an SSA with United Security Bank causing the sale of
21 lease pool 2001-6-1 to United Security Bank for \$6,135,492.50 that
22 contained unfunded leases;

23 j. On or about September 4, 2001, defendant STERLING WAYNE
24 PIRTLE signed an SSA with Ameriana Bank causing the sale of lease pool
25 2001-4-2 to Ameriana Bank for \$6,000,908.83 that contained unfunded
26 leases;

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1 k. On or about September 7, 2001, defendant MARK EDWARD
2 FISHER signed an SSA causing the sale of lease pool 2001-21-12 to
3 Huntington National Bank for \$5,000,000.00;

4 l. In or about 2001, defendant RONALD ALLEN FISHER caused
5 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
6 (Countrywide Medical), which leases were used as collateral on the
7 Credit Line, and included in lease pool 2001-21-14 (sold to Sky Bank);

8 m. In or about 2001, defendant RONALD ALLEN FISHER caused
9 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
10 (National Kiosk Advertising) in the Southern District of California,
11 which leases were used and remained as collateral on the Credit Line;

12 n. In or about 2001, defendant STERLING WAYNE PIRTLE
13 caused his step-daughter to sign kiosk leases on behalf of a sham
14 kiosk lessee (Visual Communications), which leases were used as
15 collateral on the Credit Line;

16 o. In or about 2001, defendant RONALD ALLEN FISHER caused
17 a CMC employee to sign kiosk leases on behalf of a sham kiosk lessee
18 (Commercial Advertising Agency) in the Southern District of
19 California, which leases were used and remained as collateral on the
20 Credit Line;

21 p. On or about November 16, 2001, defendant STERLING WAYNE
22 PIRTLE signed an SSA with Lakeland Bank causing the sale of lease pool
23 2001-3-4 to Lakeland Bank for \$3,090,263.24 that contained unfunded
24 leases;

25 q. On or about November 30, 2001, defendant MARK EDWARD
26 FISHER signed an SSA causing the sale of lease pool 2001-21-14 to
27 Sky Bank for \$5,000,000.00 that contained unfunded leases.

28 All in violation of Title 18, United States Code, Section 371.

BANK FRAUD - 18 U.S.C. § 1344

(Counts 2 through 11 - All Defendants)

33. The Introductory Allegations contained in paragraphs 1 through 17, and paragraphs 20 through 32 of this Indictment are realleged and incorporated in these Counts as if set forth fully herein.

34. Beginning on a date unknown to the grand jury, and continuing thereafter until in or about May 2002, within the Southern District of California and elsewhere, defendants STERLING WAYNE PIRTLE, RONALD ALLEN FISHER, and MARK EDWARD FISHER, and others known and unknown to the grand jury, did knowingly execute and attempt to execute a material scheme and artifice to defraud financial institutions, and to obtain money owned by and under the control of financial institutions, by means of materially false and fraudulent pretenses, representations and promises, and the concealment and omission of material facts, by the means described in paragraphs 20 through 31 of this Indictment.

35. On or about the following dates, in the Southern District of California, and elsewhere, defendants STERLING WAYNE PIRTLE, RONALD ALLEN FISHER, and MARK EDWARD FISHER, and their co-schemers, executed and attempted to execute the aforesaid described scheme and artifice to defraud by selling to financial institutions the following lease pools which contained fraudulent unfunded leases:

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Counts	Date SSA Signed	Financial Institution	Amount Financial Institution Paid For Pool
2	June 5, 2001	Ameriana Bank	\$6,002,405.77
3	June 5, 2001	Lakeland Bank	\$5,000,015.34
4	June 22, 2001	Bank of Waukeegan	\$2,500,000.00
5	August 3, 2001	Atlantic Coast Federal	\$2,011,449.86
6	August 28, 2001	Bank of Waukeegan	\$2,497,884.32
7	September 4, 2001	Ameriana Bank	\$6,000,908.83
8	September 4, 2001	United Security Bank	\$6,135,492.50
9	September 7, 2001	Huntington National Bank	\$5,000,000.00
10	November 16, 2001	Lakeland Bank	\$3,090,263.24
11	November 30, 2001	Sky Bank	\$5,000,000.00

All in violation of Title 18, United States Code, Sections 1344 and 2.

TAX EVASION - 26 U.S.C. § 7201

(Count 12 - Defendant STERLING WAYNE PIRTLE)

36. The Introductory Allegations contained in paragraphs 1 and 4 of this Indictment are realleged and incorporated in this Count as if set forth fully herein.

37. From on or about January 1, 1999, up to and through August 15, 2000, within the Southern District of California, and elsewhere, defendant STERLING WAYNE PIRTLE did willfully attempt to evade and defeat individual income taxes due and owing by him to the United States of America for the calendar year 1999, by committing various affirmative acts of evasion, including filing a false United States Individual Income Tax Return for calendar year 1999 wherein he fraudulently reported only \$36,000 in taxable income, utilizing trusts, concealing assets and income by maintaining bank accounts in nominee names, and receiving income in a nominee name.

All in violation of Title 26, United States Code, Section 7201.

1 **TAX EVASION - 26 U.S.C. § 7201**

2 (Count 13 - Defendant STERLING WAYNE PIRTLE)

3 38. The Introductory Allegations contained in paragraphs 1 and 4
4 of this Indictment are realleged and incorporated in this Count as if
5 set forth fully herein.

6 39. From on or about January 1, 2000, up to and through
7 January 19, 2002, within the Southern District of California, and
8 elsewhere, defendant STERLING WAYNE PIRTLE did willfully attempt to
9 evade and defeat individual income taxes due and owing by him to the
10 United States of America for the calendar year 2000, by committing
11 various affirmative acts of evasion, including filing a false United
12 States Individual Income Tax Return for tax year 2000 wherein he
13 fraudulently reported only \$31,700 in taxable income, utilizing
14 trusts, concealing assets and income by maintaining bank accounts in
15 nominee names, and receiving income in a nominee name.
16 All in violation of Title 26, United States Code, Section 7201.

17 **TAX EVASION - 26 U.S.C. § 7201**

18 (Count 14 - Defendant STERLING WAYNE PIRTLE)

19 40. The Introductory Allegations contained in paragraphs 1 and 4
20 of this Indictment are realleged and incorporated in this Count as if
21 set forth fully herein.

22 41. From on or about January 1, 2001, up to and through
23 April 15, 2002, within the Southern District of California, and
24 elsewhere, defendant STERLING WAYNE PIRTLE did willfully attempt to
25 evade and defeat individual income taxes due and owing by him to the
26 United States of America for the calendar year 2001, by failing to
27 file a United States Individual Income Tax Return despite earning
28 income of sufficient amount to require the filing of an individual

1 income tax return, and by committing various affirmative acts of
2 evasion, including utilizing trusts, concealing assets and income by
3 maintaining bank accounts in nominee names, and receiving income in
4 a nominee name.

5 All in violation of Title 26, United States Code, Section 7201.

6 **TAX EVASION - 26 U.S.C. § 7201**

7 (Count 15 - Defendant RONALD ALLEN FISHER)

8 42. The Introductory Allegations contained in paragraphs 2 and 4
9 of this Indictment are realleged and incorporated in this Count as if
10 set forth fully herein.

11 43. From on or about January 1, 1999, up to and through
12 April 15, 2000, within the Southern District of California, and
13 elsewhere, defendant RONALD ALLEN FISHER did willfully attempt to
14 evade and defeat individual income taxes due and owing by him to the
15 United States of America for the calendar year 1999, by failing to
16 file a United States Individual Income Tax Return despite earning
17 income of sufficient amount to require the filing of an individual
18 income tax return, and by committing various affirmative acts of
19 evasion, including filing an extension for calendar year 1999 falsely
20 indicating that he had no income taxes due, utilizing trusts,
21 concealing assets and income by maintaining bank accounts in nominee
22 names, and receiving income in a nominee name.

23 All in violation of Title 26, United States Code, Section 7201.

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1 **TAX EVASION - 26 U.S.C. § 7201**

2 (Count 16 - RONALD ALLEN FISHER)

3 44. The Introductory Allegations contained in paragraphs 2 and 4
4 of this Indictment are realleged and incorporated in this Count as if
5 set forth fully herein.

6 45. From on or about January 1, 2000, up to and through
7 April 15, 2001, within the Southern District of California, and
8 elsewhere, defendant RONALD ALLEN FISHER did willfully attempt to
9 evade and defeat individual income taxes due and owing by him to the
10 United States of America for the calendar year 2000, by failing to
11 file a United States Individual Income Tax Return despite earning
12 income of sufficient amount to require the filing of an individual
13 income tax return, and by committing various affirmative acts of
14 evasion, including filing an extension for calendar year 2000 falsely
15 indicating that he had no income taxes due, utilizing trusts,
16 concealing assets and income by maintaining bank accounts in nominee
17 names, and receiving income in a nominee name.

18 All in violation of Title 26, United States Code, Section 7201.

19 **TAX EVASION - 26 U.S.C. § 7201**

20 (Count 17 - Defendant RONALD ALLEN FISHER)

21 46. The Introductory Allegations contained in paragraphs 2 and 4
22 of this Indictment are realleged and incorporated in this Count as if
23 set forth fully herein.

24 47. From on or about January 1, 2001, up to and through
25 April 15, 2002, within the Southern District of California, and
26 elsewhere, defendant RONALD ALLEN FISHER did willfully attempt to
27 evade and defeat individual income taxes due and owing by him to the
28 United States of America for the calendar year 2001, by failing to

1 file a United States Individual Income Tax Return despite earning
2 income of sufficient amount to require the filing of an individual
3 income tax return, and by committing various affirmative acts of
4 evasion, including filing an extension for calendar year 2001 falsely
5 indicating that he had no income taxes due, utilizing trusts,
6 concealing assets and income by maintaining bank accounts in nominee
7 names, and receiving income in a nominee name.

8 All in violation of Title 26, United States Code, Section 7201.

9 **TAX EVASION - 26 U.S.C. § 7201**

10 (Count 18 - Defendant MARK EDWARD FISHER)

11 48. The Introductory Allegations contained in paragraphs 3 and 4
12 of this Indictment are realleged and incorporated in this Count as if
13 set forth fully herein.

14 49. From on or about January 1, 1999, up to and through
15 April 15, 2000, within the Southern District of California, and
16 elsewhere, defendant MARK EDWARD FISHER did willfully attempt to evade
17 and defeat individual income taxes due and owing by him to the United
18 States of America for the calendar year 1999, by failing to file a
19 United States Individual Income Tax Return despite earning income of
20 sufficient amount to require the filing of an individual income tax
21 return, and by committing various affirmative acts of evasion,
22 including filing an extension for calendar year 1999 falsely
23 indicating his amount of income taxes due, concealing assets and
24 income by maintaining bank accounts in nominee names, and receiving
25 income in a nominee name.

26 All in violation of Title 26, United States Code, Section 7201.

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1 **TAX EVASION - 26 U.S.C. § 7201**

2 (Count 19 - Defendant MARK EDWARD FISHER)

3 50. The Introductory Allegations contained in paragraphs 3 and 4
4 of this Indictment are realleged and incorporated in this Count as if
5 set forth fully herein.

6 51. From on or about January 1, 2000, up to and through
7 April 15, 2001, within the Southern District of California, and
8 elsewhere, defendant MARK EDWARD FISHER did willfully attempt to evade
9 and defeat individual income taxes due and owing by him to the United
10 States of America for the calendar year 2000, by failing to file a
11 United States Individual Income Tax Return despite earning income of
12 sufficient amount to require the filing of an individual income tax
13 return, and by committing various affirmative acts of evasion,
14 including filing an extension for calendar year 2000 falsely
15 indicating his amount of income taxes due, concealing assets and
16 income by maintaining bank accounts in nominee names, and receiving
17 income in a nominee name.

18 All in violation of Title 26, United States Code, Section 7201.

19 **TAX EVASION - 26 U.S.C. § 7201**

20 (Count 20 - Defendant MARK EDWARD FISHER)

21 52. The Introductory Allegations contained in paragraphs 3 and 4
22 of this Indictment are realleged and incorporated in this Count as if
23 set forth fully herein.

24 53. From on or about January 1, 2001, up to and through
25 April 15, 2002, within the Southern District of California, and
26 elsewhere, defendant MARK EDWARD FISHER did willfully attempt to evade
27 and defeat individual income taxes due and owing by him to the United
28 States of America for the calendar year 2001, by failing to file a

1 United States Individual Income Tax Return despite earning income of
2 sufficient amount to require the filing of an individual income tax
3 return, and by committing various affirmative acts of evasion,
4 including filing an extension for calendar year 2001 falsely
5 indicating his amount of income taxes due, concealing assets and
6 income by maintaining bank accounts in nominee names, and receiving
7 income in a nominee name.

8 All in violation of Title 26, United States Code, Section 7201.

9 **Wire Fraud - 18 U.S.C. § 1343**

10 (Count 21 - Defendants RONALD ALLEN FISHER and NANCY FISHER)

11 54. The Introductory Allegation contained in paragraph 2 of this
12 Indictment is realleged and incorporated in this Count as if set forth
13 fully herein. C.K. was a former state Governor who was paid for his
14 services of interceding with public officials.

15 55. Beginning on a date unknown to the grand jury, and
16 continuing until on or about May 31, 2007, within the Southern
17 District of California and elsewhere, defendants RONALD ALLEN FISHER
18 and NANCY FISHER and others known and unknown to the grand jury, did
19 knowingly devise and attempt to devise a material scheme and artifice
20 to defraud, and to obtain money and property by means of materially
21 false and fraudulent pretenses, representations, and promises, and the
22 intentional concealment and omission of material facts.

23 56. A purpose of the scheme to defraud was to raise money to
24 make payments to C.K. for his services that included meeting with the
25 United States Attorney's Office and the Federal Bureau of
26 Investigation on behalf of defendant RONALD ALLEN FISHER in an attempt
27 to help him avoid prosecution on the charges set forth in Counts 1
28 through 11 of this Indictment.

Manner and Means

1
2 57. It was part of the scheme to defraud that defendants RONALD
3 ALLEN FISHER and NANCY FISHER would attempt to refinance the mortgage
4 on their condominium located in Tierra Verde, Florida, by causing a
5 fraudulent home loan application in the name of defendant NANCY FISHER
6 to be submitted to a prospective lender.

7 58. It was further part of the scheme to defraud that defendants
8 RONALD ALLEN FISHER and NANCY FISHER would cause the inclusion of
9 false information on the loan application for the refinancing of their
10 condominium, including false information about defendant NANCY
11 FISHER's gross monthly income and her employment history and status
12 that defendant NANCY FISHER certified as true and correct when she
13 executed the loan application.

14 59. It was further part of the scheme to defraud that defendants
15 RONALD ALLEN FISHER and NANCY FISHER would cause false and fraudulent
16 verification of employment letters to be submitted to a mortgage
17 lender, falsely verifying the employment of defendant NANCY FISHER.

18 60. It was further part of the scheme to defraud that defendants
19 RONALD ALLEN FISHER and NANCY FISHER would cause a mortgage lender to
20 transmit the fraudulently obtained loan proceeds to a title agency in
21 Clearwater, Florida, from which defendants RONALD ALLEN FISHER and
22 NANCY FISHER would cause the disbursement of the fraudulently acquired
23 funds.

24 //

25 //

26 //

27 //

28 //

1 61. It was further part of the scheme to defraud that after the
2 existing mortgage had been paid off by the title agency, defendants
3 RONALD ALLEN FISHER and NANCY FISHER would cause \$119,601.08 of
4 fraudulent loan proceeds to be transferred by check (made out to
5 defendants RONALD ALLEN FISHER and NANCY FISHER) into a bank account
6 in the name of defendant NANCY FISHER.

7 EXECUTION OF THE SCHEME

8 62. On or about May 30, 2007, within the Southern District of
9 California, and elsewhere, defendants RONALD ALLEN FISHER and NANCY
10 FISHER, for the purpose of executing and attempting to execute the
11 aforesaid material scheme to defraud, knowingly transmitted and caused
12 to be transmitted by means of a wire communication in interstate
13 commerce certain writings, signs, signals, and sounds, that is, a wire
14 transfer of \$454,730 from Clearwater, Florida to San Diego,
15 California, to pay off the existing mortgage on their Tierra Verde,
16 Florida, condominium.

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

18 **Money Laundering - 18 U.S.C. § 1957**

19 (Count 22 - Defendants RONALD ALLEN FISHER and NANCY FISHER)

20 63. The Introductory Allegation contained in paragraph 2 and the
21 allegations contained in paragraphs 54 through 62 of this Indictment
22 are realleged and incorporated in this Count as if set forth fully
23 herein. Mercantile Bank and Colonial Bank were financial institutions
24 with deposits insured by the FDIC.

25 64. On or about June 1, 2007, within the Southern District of
26 California and elsewhere, defendants RONALD ALLEN FISHER and NANCY
27 FISHER did knowingly engage and attempt to engage in a monetary
28 transaction by, through, and to a financial institution, affecting

1 interstate commerce, in criminally derived property of a value
2 greater than \$10,000, that is, the transfer by check of \$30,000 from
3 defendant NANCY FISHER's account at Mercantile Bank to C.K.'s account
4 at Colonial Bank, such property having been derived from specified
5 unlawful activity, that is, wire fraud in violation of Title 18,
6 United States Code, Section 1343, as described in paragraphs 54
7 through 62 of this Indictment.

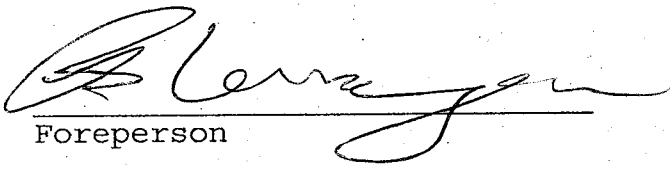
8 All in violation of Title 18, United States Code, Sections 1957
9 and 2.

10 PRETRIAL RELEASE ALLEGATION

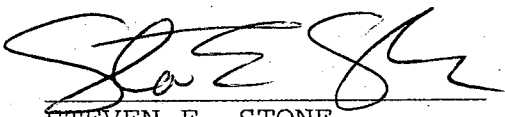
11 It is further alleged that defendant RONALD ALLEN FISHER
12 committed the offenses alleged in Counts 21 and 22 while he knowingly
13 was on pretrial release from the United States District Court,
14 Southern District of California, for the offenses charged in
15 Counts 15, 16 and 17, and, therefore, is subject to an enhanced
16 penalty of up to ten years imprisonment, pursuant to Title 18, United
17 States Code, Section 3147.

18 DATED: November 4, 2008.

19 A TRUE BILL:

20 
21
22 Foreperson

23 KAREN P. HEWITT
24 United States Attorney

25 By: 
26 STEVEN E. STONE
27 Assistant U.S. Attorney
28