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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA v. Plaintiff, THOMAS J. ROBBINS, DOUGLAS L. LISTER, CLAIR W. COX, and RICHARD C. BYBEE, Defendants	VIO.	2:06-CR-00315-DB **SUPERSEDING INDICTMENT** 18 U.S.C. § 371 – Conspiracy 18 U.S.C. §§ 1343, 2 – Wire Fraud 15 U.S.C. §§ 78j(b), 78ff; 17 C.F.R. § 240.10b-5;18 U.S.C. § 2 – Securities Fraud 15 U.S.C. §§ 77e, 77x;18 U.S.C. § 2 – Sale of Unregistered Securities Judge Dee V. Benson

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. § 371)

PARTIES, PERSONS, AND ENTITIES

At all times relevant to this indictment:

1. TEK Corp. (TEK) was a corporation incorporated in Utah. TEK claimed to be a charitable organization in the business of providing funding for the advancement of educational

opportunities in underserviced communities throughout the world. TEK was a closely held corporation.

2. Defendant THOMAS J. ROBBINS, a resident of Fillmore, Utah, was the president, Chief Executive Officer, and a director of TEK. ROBBINS was purportedly responsible for trading stocks and facilitating the purchase of and investment in high yield Eurpoean bank bonds on behalf of TEK and investors in TEK.

3. Defendant DOUGLAS L. LITSTER, a former resident of Wellington, Utah, was a director of TEK. LITSTER was responsible for soliciting investors in TEK and conducting investor relations on behalf of TEK.

4. Defendant CLAIR W. COX, a resident of Ogden, Utah, was the secretary, treasurer, Chief Financial Officer, and a director of TEK. COX, who was a licensed member of the Georgia Bar, also served as TEK's in-house counsel. COX was responsible for drafting the investment contracts and promissory notes signed by TEK investors.

5. Defendant RICHARD C. BYBEE, a resident of Salt Lake City, Utah, was Vice President, Chief Operating Officer, and director of TEK. BYBEE was responsible for designing TEK's Internet site and soliciting investors to invest in TEK.

THE CONSPIRACY

6. From on or about November 15, 1999, and continuing at least until in or about December 2003, within the Central Division of the District of Utah, and elsewhere,

THOMAS J. ROBBINS,
DOUGLAS L. LISTER,
CLAIR W. COX, and
RICHARD C. BYBEE,

DEFENDANTS herein, and others known and unknown to the Grand Jury, did unlawfully,

willfully, and knowingly combine, conspire, confederate, and agree together to commit offenses against the United States, that is:

A. To violate Title 18, United States Code, Sections 1343 (Wire Fraud);

B. To violate Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5 (Securities Fraud); and

C. To violate Title 15, United States Code, Sections 77e and 77x (Sale of Unregistered Securities).

THE OBJECTS OF THE CONSPIRACY

7. It was the object of the conspiracy for the Defendants to obtain money from investors through TEK corp., a sham charitable corporation, which money was purportedly to be invested in an unprofitable day trading program and a bogus European high yield bond investment. It was further the object of the conspiracy for the Defendants to give the illusion of a successful investment program to entice additional investors by making false representations about the profitability of the investments and by using money invested by later investors to make payments to earlier investors.

MANNER AND MEANS OF THE CONSPIRACY

8. Among the means by which the DEFENDANTS and their co-conspirators would and did carry out the conspiracy were the following:

9. It was a part of the conspiracy that the DEFENDANTS represented to investors and potential investors that, in addition to an investment program, TEK was a charitable organization dedicated to the advancement of education, employment, and the self-improvement of underprivileged peoples throughout the world.

The Day Trading Scheme

10. Beginning on or about November 21, 2001, the DEFENDANTS solicited money from investors and potential investors to invest in TEK by representing that their investment funds would be used by TEK to invest in stocks through a software based day trading program.

11. It was further part of the conspiracy that the DEFENDANTS told investors and potential investors that ROBBINS, using a proprietary computer program, could make a guaranteed two percent profit on each stock transaction he completed on behalf of TEK. The DEFENDANTS promised investors and potential investors that they would receive returns of 25 percent per month on each dollar they invested in TEK to be used in this the day trading scheme.

12. It was further part of the conspriacy that the DEFENDANTS caused the investors in the day-trading scheme to sign promissory notes with TEK in which the investors purported to loan money to TEK for twenty-four months.

13. It was further part of the conspiracy that the DEFENDANTS caused the investors' funds to be deposited into an account at Wells Fargo Bank held in the name of "I Trust," which account was controlled by the DEFENDANTS.

14. It was further part of the conspiracy that the DEFENDANTS transferred and caused to be transferred money from the I Trust account into a brokerage account that was controlled by ROBBINS.

15. It was further part of the conspiracy that ROBBINS engaged in day-trading activity using the TEK investors' funds; ROBBINS realized a net loss of more than $50,000 on the trades he performed using this brokerage account.

16. It was further part of the conspiracy that the DEFENDANTS, knowing that

ROBBINS had not made profits through trading stocks, but had in truth and in fact lost money through his day-trading activities, falsely represented to investors and potential investors that TEK had made substantial profits from its day-trading activities.

17. It was further part of the conspiracy that the DEFENDANTS periodically paid investors "returns" on their investments in the day-trading program and falsely represented to investors that these "returns" were profit, whereas in truth and fact, as the DEFENDANTS well knew when they made these representations, the "returns" were derived from the investors' own money or from money obtained from new investors.

18. During the course of the day trading scheme, the DEFENDANTS caused approximately 40 people to invest in TEK by means of false statements and omissions to state material facts, and caused those investors to make deposits totaling at least $781,416.98 in the I Trust account controlled by DEFENDANTS.

The High Yield European Bank Bonds Scheme

19. It was further part of the conspiracy that beginning in August of 2002 the DEFENDANTS told investors that it was becoming difficult to continue making high returns in the stock market; therefore, the DEFENDANTS told investors that their money would be redirected to invest in high yield European bank bonds.

20. It was further part of the conspiracy that the DEFENDANTS told investors that ROBBINS would facilitate and participate in the trading of high yield European bank bonds on behalf of TEK. The DEFENDANTS promised investors and potential investors that they would receive returns of 100 percent per month on each dollar they invested in TEK to be used in this European bank bonds scheme.

21. It was further part of the conspiracy that the DEFENDANTS caused the investors in TEK whose investments were to be used in the European bank bonds scheme to sign Private Transaction Joint Venture Agreements with TEK.

22. It was further part of the conspiracy that the DEFENDANTS caused the investors' funds to be deposited into an account at Wells Fargo Bank held in the name of "I Trust," which account was controlled by the DEFENDANTS.

23. It was further part of the conspiracy that the DEFENDANTS represented to investors and potential investors that the funds they invested in TEK to be used in the European bank bonds program would be placed in a "non-depletion" account at Wells Fargo Bank and that the principal invested in the program would not be subject to risk of loss.

24. It was further part of the conspiracy that the DEFENDANTS did not use the funds collected from investors to invest in European bank bonds but rather converted the funds to their own personal use.

25. It was further part of the conspiracy that the DEFENDANTS created false and fraudulent account statements that were distributed to investors in TEK; these statements were fraudulent in that they represented that the investors had realized profits of 100 percent per month on their investments.

26. It was further part of the conspiracy that the DEFENDANTS occasionally paid investors "returns" on their investments in TEK and falsely represented to investors that these "returns" were profit from the investments in the high yield European bank bonds. In truth and fact, as the DEFENDANTS well knew when they made these representations, the "returns" were derived from the investors' own money or from money obtained from new investors.

27. It was further part of the conspiracy that, having failed to invest the investors' money in the promised investments, and having spent the investors' money on personal expenditures, the defendants continued to use interstate wire communications to make false representations to the investors assuring them that their principal was safely held in non-depletion accounts and that they were continuing to earn returns on their investments.

28. During the course of the High Yield European Bank Bonds Scheme, the DEFENDANTS solicited various individuals to invest in TEK by means of false statements and omissions to state material facts, and caused these investors to make deposits to the I Trust account controlled by the DEFENDANTS totaling $3,033,315.46.

False Representations and Material Omissions

29. It was further part of the conspiracy that the DEFENDANTS made, and caused others to make, untrue statements of material fact and failed to state, and caused others to fail to state, material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; more specifically, the DEFENDANTS made the following material misrepresentations and failed to inform investors of the following material facts:

A. The DEFENDANTS failed to tell investors and potential investors that ROBBINS had previously pleaded guilty to two counts of wire fraud;

B. The DEFENDANTS falsely told numerous investors and potential investors that ROBBINS had a PhD degree;

C. The DEFENDANTS told numerous investors and potential investors that the day-trading scheme was profitable, whereas the DEFENDANTS then and there well

knew that TEK corp.'s day-trading program was not profitable but was losing money;

D. The DEFENDANTS told numerous investors and potential investors that the high yield European bank bond program was profitable, whereas the DEFENDANTS then and there well knew that there were no investments made in high yield European bank bonds from the investors' money;

E. The DEFENDANTS guaranteed numerous investors and potential investors that their investments in TEK's day-trading activities would earn them 25 percent profits per month;

F. The DEFENDANTS guaranteed numerous investors and potential investors that their investments in the high yield European bank bonds would earn them 100 percent profits per month; and

G. The DEFENDANTS told investors that their investments in the high yield European bank bonds would be placed in a "non-depletion" account and that the principal would never be placed at risk.

OVERT ACTS

In furtherance of the conspiracy and in order to accomplish its objectives within the District of Utah and elsewhere, the DEFENDANTS and their co-conspirators committed overt acts, including the following:

30. On or about November 15, 1999, the DEFENDANTS caused TEK Corp. to be incorporated in the state of Utah.

31. On or about December 4, 2001, the DEFENDANTS opened a bank account in the

name of I Trust at Wells Fargo Bank.

32. On or about November 21, 2001, the DEFENDANTS opened and caused to be opened a brokerage account at Datek in the name of I Trust with ROBBINS as the named account holder.

33. On or about January 22, 2002, the DEFENDANTS signed and caused to be signed a promissory note between TEK Corp and J. Cooper.

34. On or about February 26, 2002, the DEFENDANTS signed and caused to be signed a promissory note between TEK Corp and R. Danjanovich

35. On or about September 7, 2002, the DEFENDANTS signed and caused to be signed a Private Transaction Joint Venture Agreement between TEK Corp. and Anasazi Cultural Research Foundation, represented by A. Nielsen.

36. On or about September 10, 2002, the DEFENDANTS signed and caused to be signed a Private Transaction Joint Venture Agreement between TEK Corp. and J.C. Coop Investment Corp., represented by J. Cooper.

37. On or about September 13, 2002, the DEFENDANTS signed and caused to be signed a Private Transaction Joint Venture Agreement between TEK Corp. and B. Woodson.

38. On or about September 10, 2002, the DEFENDANTS signed and caused to be signed a Private Transaction Joint Venture Agreement between TEK Corp. and L. Black.

39. On or about September 10, 2002, the DEFENDANTS signed and caused to be signed a Private Transaction Joint Venture Agreement between TEK Corp. and T. Lane.

40. On or about January 25, 2002, the DEFENDANTS, having solicited J. Cooper to invest in TEK by means of false statements and omissions to state material facts, caused J.

Cooper to make a deposit of $5,000 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the day trading scheme.

41. On or about January 25, 2002, the DEFENDANTS, having solicited R. Danjanovich to invest in TEK by means of false statements and omissions to state material facts, caused R. Danjanovich to make a deposit of $5,000 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the day trading scheme.

42. On or about August 28, 2002, the DEFENDANTS, having solicited T. Lane to invest in TEK by means of false statements and omissions to state material facts, caused T. Lane to make a deposit of $76,796.98 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the day trading scheme.

43. On or about September 9, 2002, the DEFENDANTS, having solicited A. Nelson to invest in TEK by means of false statements and omissions to state material facts, caused A. Nelson to make a deposit of $5,000 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the high yield European bank bonds scheme.

44. On or about September 24, 2002, the DEFENDANTS, having solicited L. Black to invest in TEK by means of false statements and omissions to state material facts, caused L. Black to make a deposit of $100,000 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the high yield European bank bonds scheme.

45. On or about November 15, 2002, the DEFENDANTS, having solicited B. Woodson to invest in TEK by means of false statements and omissions to state material facts, caused B. Woodson to make a deposit of $62,000 in the I Trust account controlled by DEFENDANTS, ostensibly to be used by TEK in the high yield European bank bonds scheme.

46. On or about the dates listed below, and as part of the scheme, the DEFENDANTS caused the following funds to be transferred from the accounts identified below into the accounts identified below using interstate wire communications:

Origin Account	Date	Amount	Destination Account
Wells Fargo 7966	1/23/2002	$ 70,000.00	Datek acct.
Wells Fargo 7966	1/24/2002	$11,500.00	Datek acct.
Wells Fargo 7966	1/25/2002	$10,200.00	Datek acct.
Wells Fargo 7966	1/28/2002	$60,000.00	Datek acct.
Wells Fargo 7966	1/30/2002	$60,000.00	Datek acct.
Wells Fargo 7966	2/6/2002	$30,000.00	Datek acct.
Wells Fargo 7966	2/12/2002	$280,000.00	Datek acct.
Datek acct.	3/4/2002	$68,000.00	Wells Fargo 7966
Bank of America 3171	9/24/2002	$100,000.00	Wells Fargo 7966

47. During the course of the scheme to defraud, the DEFENDANTS caused almost 100 investors to invest more than $4,500,000 in the fraudulent investment schemes.

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

COUNTS TWO THROUGH NINE
(18 U.S.C. §§ 1343 and 2)

48. The factual allegations of Count One are realleged and reincorporated herein as the scheme and artifice to defraud.

49. Beginning on or about November 21, 2001, and continuing to on or about October 20, 2003, in the Central Division of the District of Utah and elsewhere, the DEFENDANTS did knowingly devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

50. It was part of this scheme to defraud and to obtain money and property by materially false and fraudulent pretenses, representations, and promises that the DEFENDANTS:

A. Falsely represented to potential investors that their investment funds would be used only for the purposes of making investments the day trading scheme and the European bank bonds scheme;

B. Caused investors to sign either promissory notes or Private Transaction Joint Venture Agreements with TEK;

C. Caused the investors to make deposits in an account held in the name of I Trust, which was owned and controlled by the DEFENDANTS;

D. Did not use the funds so collected for the purpose of making the promised investments but instead used the funds for their own personal expenditures;

E. Falsely represented to investors that the investors' funds had been invested in the specified investment scheme, whereas the DEFENDANTS then and there well knew the funds had not been invested but had been converted to the DEFENDANTS' own personal use;

F. Paid investors "returns" on their investments that were not in fact earnings from the investments but were instead derived from the investors' own investments or from the investments of subsequent investors; and

G. Continued to make false statements to the investors that their funds were safely held in non-depletion accounts and were earning interest, whereas the DEFENDANTS knew that the funds were gone and had been spent.

51. On or about the dates set forth below, in the Central Division of the District of

Utah,

THOMAS J. ROBBINS

DEFENDANT herein, for the purpose of executing and attempting to execute the aforementioned scheme to defraud and to obtain money and property by false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted, in interstate and foreign commerce, by means of wire, radio, and television communication, writings, signs, signals, pictures, and sounds, namely the DEFENDANT, through the use of interstate wire communications, transferred and caused to be transferred funds in the amounts listed below from the accounts of origin identified to the destination accounts identified below on or about the dates identified:

Count	Origin Account	Date	Amount	Destination Account
2	Wells Fargo 7966	1/23/2002	$ 70,000.00	Datek acct.
3	Wells Fargo 7966	1/24/2002	$11,500.00	Datek acct.
4	Wells Fargo 7966	1/25/2002	$10,200.00	Datek acct.
5	Wells Fargo 7966	1/28/2002	$60,000.00	Datek acct.
6	Wells Fargo 7966	1/30/2002	$60,000.00	Datek acct.
7	Wells Fargo 7966	2/6/2002	$30,000.00	Datek acct.
8	Wells Fargo 7966	2/12/2002	$280,000.00	Datek acct.
9	Datek acct.	3/4/2002	$68,000.00	Wells Fargo 7966

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS TEN THROUGH FIFTEEN
(18 U.S.C. §§ 1343 and 2)

52. The factual allegations of Count One and paragraphs 49 and 50 of Counts Two through Nine are realleged and reincorporated herein as the scheme and artifice to defraud.

53. On or about the dates set forth below, in the Central Division of the District of Utah,

THOMAS J. ROBBINS,
DOUGLAS L. LISTER,
CLAIR W. COX, and
RICHARD C. BYBEE,

DEFENDANTS herein, for the purpose of executing and attempting to execute the aforementioned scheme to defraud and to obtain money and property by false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted, in interstate and foreign commerce, by means of wire, radio, and television communication, writings, signs, signals, pictures, and sounds, namely the DEFENDANTS, through the use of interstate wire communications, transferred and caused to be transferred funds in the amounts listed below from the accounts of origin identified to the destination accounts identified below on or about the dates identified:

Count	Origin Account	Date	Amount	Destination Account
10	Bank of America, 3171	9/24/2002	$ 100,000.00	Wells Fargo 7966
11	Wells Fargo 7966	9/3/2002	$50,000.00	UBS AG, Zurich, Switz.
12	Wells Fargo 7966	9/11/2002	$100,000.00	UBS AG, Zurich, Switz.
13	Wells Fargo 7966	9/16/2002	$100,000.00	UBS AG, Zurich, Switz.
14	Wells Fargo 7966	10/11/2002	$200,000.00	UBS AG, New York City
15	Wells Fargo 7966	10/29/2002	$300,000.00	JP Morgan Chase Bank, New York City

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT SIXTEEN
(15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. § 240.10b-5;18 U.S.C. § 2)

54. The factual allegations of Count One are realleged and reincorporated herein as the scheme and artifice to defraud.

55. Beginning November 15, 1999, and continuing at least until in or about February 2003, in the Central Division of the District of Utah,

THOMAS J. ROBBINS

DEFENDANT herein, knowingly and willfully and with the intent to defraud, directly and indirectly, in connection with the purchase and sale of securities: (a) employed a scheme to defraud; (b) made, and caused others to make, untrue statements of material fact and failed to state, and caused others to fail to state, material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaged in, and caused others to engage in, acts, practices, and courses of business that operated as a fraud and deceit upon other persons.

56. On or about January 22, 2002, in the District of Utah and elsewhere, the DEFENDANT, in furtherance of the fraudulent scheme described above, used and caused others to use, the means and instrumentalities of interstate commerce and the mails in connection with the sale of a security, a Promissory Note, to J. Cooper, all in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5 and Title 18, United States Code, Section 2.

COUNTS SEVENTEEN THROUGH TWENTY-ONE
(15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. § 240.10b-5;18 U.S.C. § 2)

57. The factual allegations of Count One are realleged and reincorporated herein as

the scheme and artifice to defraud.

58. Beginning November 15, 1999, and continuing at least until in or about February 2003, in the Central Division of the District of Utah,

THOMAS J. ROBBINS,
DOUGLAS L. LISTER,
CLAIR W. COX, and
RICHARD C. BYBEE,

DEFENDANTS herein, knowingly and willfully and with the intent to defraud, directly and indirectly, in connection with the purchase and sale of securities: (a) employed a scheme to defraud; (b) made, and caused others to make, untrue statements of material fact and failed to state, and caused others to fail to state, material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and (c) engaged in, and caused others to engage in, acts, practices, and courses of business that operated as a fraud and deceit upon other persons.

59. On or about the dates set forth below, in the District of Utah and elsewhere, the DEFENDANTS, in furtherance of the fraudulent scheme described above, used and caused others to use, the means and instrumentalities of interstate commerce and the mails in connection with the following purchases and sales of securities:

Count	Date	Transaction
17	9/7/02	Private Transaction Joint Venture Agreement Anasazi Cultural Research Foundation, A. Nielsen
18	9/10/02	Private Transaction Joint Venture Agreement, J.C. Coop Investment Corp., J. Cooper
19	9/13/02	Private Transaction Joint Venture Agreement, B. Woodson
20	9/23/02	Private Transaction Joint Venture Agreement, L. Black
21	9/27/02	Private Transaction Joint Venture Agreement, T. Lane

All in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5 and Title 18, United States Code, Section 2.

COUNT TWENTY-TWO
(15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. § 240.10b-5;18 U.S.C. § 2)

60. The factual allegations of Count One are realleged and reincorporated herein as the scheme and artifice to defraud.

61. On or about February 26, 2002, in the Central Division of the District of Utah,

THOMAS J. ROBBINS

DEFENDANT herein, having employed a scheme to defraud, made, and caused others to make, untrue statements of material fact and failed to state, and caused others to fail to state, material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and engaged in, and caused others to engage in, acts, practices, and courses of business that operated as a fraud and deceit upon other persons, did knowingly and willfully and with the intent to defraud, in furtherance of the fraudulent scheme described above, use and cause others to use, the means and instrumentalities of interstate commerce and the mails in connection with the purchase and sale of a security, namely a Promissory Note between R. Danjanovich and TEK, all in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2.

COUNT TWENTY-THREE
(15 U.S.C. §§ 77e, 77x;18 U.S.C. § 2)

62. The factual allegations of Count One are realleged and reincorporated herein as the scheme and artifice to defraud.

63. Beginning on or about November 21, 2001, and continuing to on or about October 20, 2003 in the Central Division of the District of Utah and elsewhere,

THOMAS J. ROBBINS
DOUGLAS L. LISTER
CLAIR W. COX and
RICHARD C. BYBEE

DEFENDANTS herein, did willfully, by use of the means and instruments of transportation and communication in interstate commerce, and by use of the mails, sell securities of TEK through the use or medium of any prospectus and otherwise when no registration statement was in effect as to such securities; and to offer to sell securities of TEK, through the use or medium of any prospectus or otherwise, when no registration statement was filed as to such securities, all in violation of Title 15, United States Code, Sections 77e and 77x and Title 18, United States Code, Section 2.

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
United States Attorney

D. LOREN WASHBURN
Assistant United States Attorney