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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF DAVIS, STATE OF UTAH

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THE STATE OF UTAH  
Plaintiff,  
vs.

ANDRES ESQUIVEL  
DOB: 09/08/1970,  
Defendant.

Bail:

**INFORMATION**

Case No. **111701135**  
OTN

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The undersigned prosecutor states on information and belief that the defendant, either directly or as a party, at County of Davis, State of Utah, committed the crimes of:

**COUNT 1**

SECURITIES FRAUD, (941) 61-1-1 UCA, second degree felony, as follows:

That during March 2008 through April 2009 at the place aforesaid the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly, (1)(a) employ a device, scheme, or artifice to defraud; (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and (2)(a) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or (b)(i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and (ii) in connection with that violation, the violator knowingly accepted any money

representing: (A) equity in a person's primary residence; (B) a withdrawal from any individual retirement account; or (C) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

### **COUNT 2**

SECURITIES FRAUD, (940) 61-1-1 UCA, third degree felony, as follows: That during March 2008 through April 2009 at the place aforesaid the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly, (1)(a) employ a device, scheme, or artifice to defraud; (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) engage in an act, practice, or course of business which operated or would operate as a fraud or deceit upon any person; and (2) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000.

### **COUNT 3**

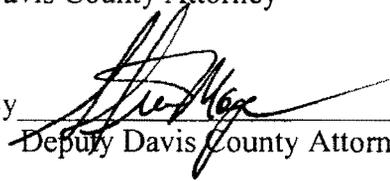
SECURITIES FRAUD, (940) 61-1-1 UCA, third degree felony, as follows: That during March 2008 through April 2009 at the place aforesaid the defendant did, in connection with the offer, sale, or purchase of a security, directly or indirectly, (1)(a) employ a device, scheme, or artifice to defraud; (b) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) engage in an act, practice, or course of business which operated or would operate as a fraud or deceit upon any person; and (2) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000.

This Information is based on evidence obtained from witness Adam Sweet.

Authorized July 14, 2011  
for presentment and filing:

TROY S. RAWLINGS  
Davis County Attorney

By



Deputy Davis County Attorney