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3:06-CR-01262 USA V. SUVERKRUBBE

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2005 Grand Jury **'06 CR 1262 W**

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
)	
Plaintiff,	)	INDICTMENT
)	
v.	)	Title 18, U.S.C., Sec. 371 - Conspiracy;
	)	Title 18, U.S.C., Sec. 1341- Mail Fraud;
MICHAEL ROBERT SUVERKRUBBE (1),	)	Title 18, U.S.C., Sec. 1343 - Wire Fraud;
WENDY LEE HIXSON (2),	)	Title 18, U.S.C., Sec. 1344(1) - Bank Fraud;
	)	Title 18, U.S.C., Sec. 1029(a)(5) - Credit
Defendants.	)	Card Fraud; Title 18, U.S.C., Sec. 1956 -
	)	Money Laundering; Title 18, U.S.C.,
	)	Sec. 1957 - Engaging in a Monetary
	)	Transaction Derived from a Specified
	)	Unlawful Activity; Title 18, U.S.C.,
	)	Sec. 2 - Aiding & Abetting

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS COMMON TO ALL COUNTS

1. At all times material to this Indictment, defendant MICHAEL ROBERT SUVERKRUBBE was an attorney licensed to practice law in the State of California and operated a law firm in San Diego, California. Prior to July 2004, defendant MICHAEL ROBERT SUVERKRUBBE was associated with xélan, Inc. (The Economic Association of Healthcare Professionals) (hereinafter "xélan"), a financial and tax planning firm specializing in "tax strategies" for its members.

FAD:nlv(4):San Diego
6/8/06

1 way

1 MEANS BY WHICH OBJECTS OF THE CONSPIRACY WERE TO BE ACCOMPLISHED

2 6. It was part of the conspiracy that defendants MICHAEL ROBERT SUVERKRUBBE
3 and WENDY LEE HIXSON devised a material scheme to defraud in which it was reasonably
4 foreseeable that mail and wire communications would be used to further the scheme, and the objects
5 of the conspiracy were to be accomplished, in substance as follows:

6 a. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
7 HIXSON would induce former xélan clients to send money and property to them by false and
8 misleading representations concerning distributions they would be receiving from Doctor's Benefit
9 Insurance Corporation (hereinafter "DBIC").

10 b. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
11 HIXSON would induce former xélan clients to send money and property to them by false, fraudulent,
12 and misleading representations that 8% of their DBIC distributions were required by law to be placed
13 into an Interest on Lawyers Trust Account (hereinafter "IOLTA").

14 c. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
15 HIXSON would induce former xélan clients to send money and property to them by false, fraudulent,
16 and misleading representations that the funds in the IOLTA account were to be used only for legal
17 expenses.

18 d. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
19 HIXSON would obtain more than \$423,651 from former xélan clients on the basis of the foregoing
20 false representations.

21 e. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
22 HIXSON would convert funds that they represented had been deposited into IOLTA accounts of the
23 former xélan clients for their own personal use and benefit.

24 f. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
25 HIXSON obtained the credit card numbers of several hundred individuals who were clients of xélan.
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1 g. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
2 HIXSON used the credit card numbers of xélan clients and billed the credit card companies for
3 charges that were unauthorized by the credit card holders.

4 h. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
5 HIXSON altered a stolen check which was deposited into an account created by WENDY LEE
6 HIXSON under the fictitious business name L& T Precision Sheet Metal Co. at Union Bank of
7 California.

8 i. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
9 HIXSON withdrew all funds from the L& T Precision Sheet Metal Co. account at Union Bank of
10 California and converted the funds for their own personal use causing a financial loss to Union Bank
11 of California.

12 j. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
13 HIXSON prepared checks on an account at First Republic Bank, knowing there were insufficient
14 funds to cover these checks and deposited them into an account at Wells Fargo Bank causing this
15 account to reflect a substantial balance.

16 k. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
17 HIXSON withdrew funds from the Wells Fargo Bank account for their own personal use.

18 l. Defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE
19 HIXSON prepared stop payments on the checks from the First Republic Bank after withdrawing the
20 funds from the Wells Fargo Bank account causing a financial loss to Wells Fargo Bank.

21 OVERT ACTS

22 7. In furtherance of the said conspiracy and to effect and accomplish the objects thereof,
23 the following overt acts, among others, were committed within the Southern District of California,
24 and elsewhere:

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1 Fraud Against Former Xélan Clients

2 a. On or about December 9, 2004, defendants MICHAEL ROBERT
3 SUVERKRUBBE and WENDY LEE HIXSON obtained \$1,249,506 from
4 Dr. Mark Sawusch which was then deposited into a For the Benefit Of
5 (hereinafter "FBO") account at First Republic Bank located in San Diego,
6 California controlled by defendants MICHAEL ROBERT SUVERKRUBBE
7 and WENDY LEE HIXSON .

8 b. On or about December 10, 2004, defendants MICHAEL ROBERT
9 SUVERKRUBBE and WENDY LEE HIXSON caused \$90,000 to be
10 transferred from Dr. Mark Sawusch's FBO account at First Republic Bank
11 to MICHAEL ROBERT SUVERKRUBBE's general business account
12 #xxxx3259 at First National Bank.

13 c. On or about December 28, 2004, defendants MICHAEL ROBERT
14 SUVERKRUBBE and WENDY LEE HIXSON caused check #1156 in the
15 amount of \$241,610 from Dr. Richard Berman to be deposited into an
16 FBO account located at First Republic Bank in San Diego, California
17 controlled by defendants MICHAEL ROBERT SUVERKRUBBE and
18 WENDY LEE HIXSON.

19 d. On or about December 30, 2004, defendants MICHAEL ROBERT
20 SUVERKRUBBE and WENDY LEE HIXSON caused check #1156 in the
21 amount of \$1,022,667 from Dr. James Mellert to be deposited into an
22 FBO account located at First Republic Bank in San Diego, California
23 controlled by defendants MICHAEL ROBERT SUVERKRUBBE and
24 WENDY LEE HIXSON.

25 e. On or about January 5, 2005, defendants MICHAEL ROBERT
26 SUVERKRUBBE and WENDY LEE HIXSON caused check #293 in the
27 amount of \$815,299 from Dr. Waleed Doany to be deposited into an
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1 FBO account located at First Republic Bank in San Diego, California
2 controlled by defendants MICHAEL ROBERT SUVERKRUBBE and
3 WENDY LEE HIXSON.

4 f. On or about January 5, 2005, defendants MICHAEL ROBERT
5 SUVERKRUBBE and WENDY LEE HIXSON caused check #1010 in the
6 amount of \$985,685 from Dr. Patalappa Chandrashekar to be deposited into
7 an FBO account located at First Republic Bank in San Diego, California
8 controlled by defendants MICHAEL ROBERT SUVERKRUBBE and
9 WENDY LEE HIXSON.

10 g. On or about January 13, 2005, defendants MICHAEL ROBERT
11 SUVERKRUBBE and WENDY LEE HIXSON caused \$63,000 to be
12 transferred from Dr. Waleed Doany's FBO account at First Republic Bank
13 to MICHAEL ROBERT SUVERKRUBBE's general business account
14 #xxxx3259 at First National Bank.

15 h. On or about January 13, 2005, defendants MICHAEL ROBERT
16 SUVERKRUBBE and WENDY LEE HIXSON caused \$13,000 to be
17 transferred from Dr. Richard Berman's FBO account at First Republic Bank
18 to MICHAEL ROBERT SUVERKRUBBE's general business account
19 #xxxx3259 at First National Bank.

20 i. On or about January 13, 2005, defendants MICHAEL ROBERT
21 SUVERKRUBBE and WENDY LEE HIXSON caused \$72,000 to be
22 transferred from Dr. Patalappa Chandrashekar's FBO account at First
23 Republic Bank to MICHAEL ROBERT SUVERKRUBBE's general business
24 account #xxxx3259 at First National Bank.

25 j. On or about January 13, 2005, defendants MICHAEL ROBERT
26 SUVERKRUBBE and WENDY LEE HIXSON caused \$75,000 to be
27 transferred from Dr. James Mellert's FBO account at First Republic Bank to
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1 MICHAEL ROBERT SUVERKRUBBE's general business account
2 #xxxx3259 at First National Bank.

3 k. On or about April 19, 2005, defendants MICHAEL ROBERT
4 SUVERKRUBBE and WENDY LEE HIXSON caused a charge of \$10,000
5 to be made to a credit card belonging to Dr. Richard Berman without his
6 authorization.

7 l. On or about May 4, 2005, defendants MICHAEL ROBERT
8 SUVERKRUBBE and WENDY LEE HIXSON caused an email
9 communication to be transmitted to Dr. Mark Sawusch which contained false
10 statements concerning a freeze of bank accounts by the Internal Revenue
11 Service.

12 m. On or about May 5, 2005, defendants MICHAEL ROBERT
13 SUVERKRUBBE and WENDY LEE HIXSON caused a charge of \$10,000
14 to be made to a credit card belonging to Dr. Richard Berman without his
15 authorization.

16 n. On or about May 9, 2005, defendants MICHAEL ROBERT
17 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
18 communication to be transmitted to Dr. Mark Sawusch which contained a
19 fictitiously created Temporary Restraining Order purporting to reflect the
20 Internal Revenue Service had frozen the funds in the IOLTA accounts.

21 o. On or about May 9, 2005, defendants MICHAEL ROBERT
22 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
23 communication to be transmitted to Charles Russo and Ellen Horn at Classic
24 Financial which contained a fictitiously created bank statement purporting to
25 reflect the account balance of Dr. Patalappa Chandrashekar's IOLTA account
26 at First Republic Bank for the statement period March 1, 2005 through
27 March 31, 2005.
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1 p. On or about May 9, 2005, defendants MICHAEL ROBERT
2 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
3 communication to be transmitted to Charles Russo and Ellen Horn at Classic
4 Financial which contained a fictitiously created bank statement purporting to
5 reflect the account balance of Dr. James Mellert's IOLTA account at First
6 Republic Bank for the statement period March 1, 2005 through March 31,
7 2005.

8 q. On or about May 9, 2005, defendants MICHAEL ROBERT
9 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
10 communication to be transmitted to Charles Russo and Ellen Horn at Classic
11 Financial which contained a fictitiously created bank statement purporting to
12 reflect the account balance of Dr. Richard Berman's IOLTA account at First
13 Republic Bank for the statement period March 1, 2005 through March 31,
14 2005.

15 r. On or about May 9, 2005, defendants MICHAEL ROBERT
16 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
17 communication to be transmitted to Charles Russo and Ellen Horn at Classic
18 Financial which contained a fictitiously created bank statement purporting to
19 reflect the account balance of Dr. Mark Sawusch's IOLTA account at First
20 Republic Bank for the statement period March 1, 2005 through March 31,
21 2005.

22 s. On or about May 12, 2005, defendants MICHAEL ROBERT
23 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
24 communication to be transmitted to Charles Russo and Ellen Horn at Classic
25 Financial which contained a fictitiously created bank statement purporting to
26 reflect the account balance of Dr. Waleed Doany's IOLTA account at First
27 Republic Bank for statement period April 1, 2005 through April 29, 2005.
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- 1 t. On or about May 12, 2005, defendants MICHAEL ROBERT
2 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
3 communication to be transmitted to Charles Russo and Ellen Horn at Classic
4 Financial which contained a fictitiously created bank statement purporting to
5 reflect the account balance of Dr. Richard Berman's IOLTA account at First
6 Republic Bank for the statement period April 1, 2005 through April 29, 2005.
- 7 u. On or about May 12, 2005, defendants MICHAEL ROBERT
8 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
9 communication to be transmitted to Charles Russo and Ellen Horn at Classic
10 Financial which contained a fictitiously created bank statement purporting to
11 reflect the account balance of Dr. Mark Sawusch's IOLTA account at First
12 Republic Bank for the statement period April 1, 2005 through April 29, 2005.
- 13 v. On or about May 12, 2005, defendants MICHAEL ROBERT
14 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
15 communication to be transmitted to Charles Russo and Ellen Horn at Classic
16 Financial which contained a fictitiously created bank statement purporting to
17 reflect the account balance of Dr. Patalappa Chandrashekar's IOLTA account
18 at First Republic Bank for the statement period April 1, 2005 through
19 April 29, 2005.
- 20 w. On or about May 27, 2005, defendants MICHAEL ROBERT
21 SUVERKRUBBE and WENDY LEE HIXSON caused a letter to be sent to
22 the State Bar of California which provided a false explanation to a complaint
23 filed by Dr. Robert Henry for an unauthorized credit card charge.
- 24 x. On or about June 27, 2005, defendants MICHAEL ROBERT
25 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
26 communication to be transmitted to Charles Russo and Ellen Horn at Classic
27 Financial which contained a fictitiously created bank statement purporting to
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- 1 reflect the account balance of Dr. James Mellert's IOLTA account at First
2 Republic Bank for the statement period May 1, 2005 through May 31, 2005.
- 3 y. On or about June 27, 2005, Defendants MICHAEL ROBERT
4 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
5 communication to be transmitted to Charles Russo and Ellen Horn at Classic
6 Financial which contained a fictitiously created bank statement purporting to
7 reflect the account balance of Dr. Richard Berman's IOLTA account at First
8 Republic Bank for the statement period May 1, 2005 through May 31, 2005.
- 9 z. On or about June 27, 2005, Defendants MICHAEL ROBERT
10 SUVERKRUBBE and WENDY LEE HIXSON caused a facsimile
11 communication to be transmitted to Charles Russo and Ellen Horn at Classic
12 Financial which contained a fictitiously created bank statement purporting to
13 reflect the account balance of Dr. Mark Sawusch's IOLTA account at First
14 Republic Bank for the statement period May 1, 2005 through May 31, 2005.

15 Union Bank of California Fraud

- 16 aa. On or about June 13, 2005, defendant WENDY LEE HIXSON caused a
17 Fictitious Business Name Statement to be filed with the San Diego County
18 Recorder in the name of Precision Sheet Metal Co.
- 19 bb. On or about June 13, 2005, defendant WENDY LEE HIXSON deposited a
20 check stolen from L & T Precision Sheet Metal Corporation into account
21 #xxxx7233 located at Union Bank of California which she opened under the
22 fictitious business name L & T Precision Sheet Metal Co.
- 23 cc. On or about June 20, 2005, defendants MICHAEL ROBERT
24 SUVERKRUBBE and WENDY LEE HIXSON caused check #73406788 in
25 the amount of \$3,858.94 drawn on the Union Bank of California account
26 #xxxx7233 to be issued to PHH Mortgage Services for payment of the
27 mortgage on MICHAEL ROBERT SUVERKRUBBE'S personal residence.
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1 dd. On or about September 28, 2005, defendants MICHAEL ROBERT
2 SUVERKRUBBE and WENDY LEE HIXSON caused check #73406801 in
3 the amount of \$12,009.60 drawn on the Union Bank of California account
4 #xxxx7233 to be issued to GLB Aventine, LP for payment of office rent for
5 the law firm of MICHAEL ROBERT SUVERKRUBBE.

6 Wells Fargo Bank Fraud

7 ee. On or about May 18, 2005, defendants MICHAEL ROBERT
8 SUVERKRUBBE and WENDY LEE HIXSON caused check #4196 in the
9 amount of \$2,500 drawn on First Republic Bank account #xxxx1127 to be
10 deposited into Wells Fargo account #xxxx9476.

11 ff. On or about May 19, 2005, defendants MICHAEL ROBERT
12 SUVERKRUBBE and WENDY LEE HIXSON caused check #1010 in the
13 amount of \$5,000 drawn on First Republic Bank account #xxxx1127 to be
14 deposited into Wells Fargo account #xxxx9476.

15 gg. On or about May 20, 2005, defendants MICHAEL ROBERT
16 SUVERKRUBBE and WENDY LEE HIXSON caused check #1011 in the
17 amount of \$7,500 drawn on First Republic Bank account #xxxx1127 to be
18 deposited into Wells Fargo account #xxxx9476.

19 hh. On or about May 20, 2005, defendants MICHAEL ROBERT
20 SUVERKRUBBE and WENDY LEE HIXSON caused a cash withdrawal of
21 \$2,100 to be made from Wells Fargo account #xxxx9476.

22 ii. On or about May 23, 2005, defendants MICHAEL ROBERT
23 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
24 check #4196 in the amount of \$2,500 and check #1010 in the amount of
25 \$5,000 to be issued to First Republic Bank.

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1 jj. On or about May 24, 2005, defendants MICHAEL ROBERT
2 SUVERKRUBBE and WENDY LEE HIXSON caused check #1012 in the
3 amount of \$15,000 drawn on First Republic Bank account #xxxx1127 to be
4 deposited into Wells Fargo account #xxxx9476.

5 kk. On or about May 24, 2005, defendants MICHAEL ROBERT
6 SUVERKRUBBE and WENDY LEE HIXSON caused a payment of \$187.40
7 to be made to Chevron Credit Bank for payment on MICHAEL ROBERT
8 SUVERKRUBBE'S credit card.

9 ll. On or about May 26, 2005, defendants MICHAEL ROBERT
10 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
11 check #1011 in the amount of \$7,500 to be issued to First Republic Bank.

12 mm. On or about May 26, 2005, defendants MICHAEL ROBERT
13 SUVERKRUBBE and WENDY LEE HIXSON caused a cash withdrawal of
14 \$3,000 to be made from Wells Fargo account #xxxx9476.

15 nn. On or about May 27, 2005, defendants MICHAEL ROBERT
16 SUVERKRUBBE and WENDY LEE HIXSON caused check #1014 in the
17 amount of \$25,000 drawn on First Republic Bank account #001127 to be
18 deposited into Wells Fargo account #xxxx9476.

19 oo. On or about May 31, 2005, defendants MICHAEL ROBERT
20 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
21 check #1012 in the amount of \$15,000 to be issued to First Republic Bank.

22 pp. On or about May 31, 2005, defendants MICHAEL ROBERT
23 SUVERKRUBBE and WENDY LEE HIXSON caused check #1015 in the
24 amount of \$40,000 drawn on First Republic Bank account #xxxx1127 to be
25 deposited into Wells Fargo account #xxxx9476.

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1 qq. On or about June 1, 2005, defendants MICHAEL ROBERT
2 SUVERKRUBBE and WENDY LEE HIXSON caused check #1016 in the
3 amount of \$50,000 drawn on First Republic Bank account #001127 to be
4 deposited into Wells Fargo account #xxxx9476.

5 rr. On or about June 1, 2005, defendants MICHAEL ROBERT
6 SUVERKRUBBE and WENDY LEE HIXSON caused a cash withdrawal of
7 \$7,000 to be made from Wells Fargo account #xxxx9476.

8 ss. On or about June 2, 2005, defendants MICHAEL ROBERT
9 SUVERKRUBBE and WENDY LEE HIXSON caused check #1016 in the
10 amount of \$65,000 drawn on First Republic Bank account #001127 to be
11 deposited into Wells Fargo account #xxxx9476.

12 tt. On or about June 3, 2005, defendants MICHAEL ROBERT
13 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
14 check #1014 in the amount of \$25,000 to be issued to First Republic Bank.

15 uu. On or about June 6, 2005, defendants MICHAEL ROBERT
16 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
17 check #1015 in the amount of \$40,000 to be issued to First Republic Bank.

18 vv. On or about June 6, 2005, defendants MICHAEL ROBERT
19 SUVERKRUBBE and WENDY LEE HIXSON caused a cash withdrawal of
20 \$16,455.57 to be made from Wells Fargo account #xxxx9476.

21 ww. On or about June 8, 2005, defendants MICHAEL ROBERT
22 SUVERKRUBBE and WENDY LEE HIXSON caused a stop payment on
23 check #1016 in the amount of \$50,000 and check #1017 in the amount of
24 \$65,000 to be issued to First Republic Bank.

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

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Counts 2-4MAIL FRAUD - 18 U.S.C. § 1341 and § 2

(Against Both Defendants)

8. Beginning on a date unknown to the grand jury, and continuing thereafter until on or about September 28, 2005, within the Southern District of California, and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON did devise, and intended to devise, a material scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises as described in paragraphs 6 and 7 of Count 1 and incorporated herein by reference.

EXECUTION OF MATERIAL SCHEME BY MAIL

9. On or about the dates set forth below, within the Southern District of California, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON, for the purpose of executing and attempting to execute the aforesaid material scheme caused to be placed in a United States post office or other authorized depository for mail matter, items to be sent and delivered by the U.S. Postal Service and private and commercial interstate carriers, as set forth below:

<u>Count</u>	<u>Date</u>	<u>Sender</u>	<u>Addressee</u>	<u>Item</u>
2	9/30/2004	James Mellert Torrance, CA	Michael Suverkrubbe, APC San Diego, CA	check for \$5,000
3	12/28/2004	James Mellert Torrance, CA	Michael Suverkrubbe, APC San Diego, CA	check for 1,022,667.41
4	12/28/2004	Waleed Doany. Glendale, CA	Michael Suverkrubbe, APC San Diego, CA	check for \$815,299.26

All in violation of Title 18, United States Code, Section 1341 and Section 2.

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Counts 5-9WIRE FRAUD - 18 U.S.C. § 1343 and § 2

(Against Both Defendants)

10. Beginning on a date unknown to the grand jury, and continuing thereafter until on or about September 28, 2005, within the Southern District of California, and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON did devise, and intended to devise, a material scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises as described in paragraphs 6 and 7 of Count 1 and incorporated herein by reference.

EXECUTION OF MATERIAL SCHEME BY WIRE COMMUNICATIONS

11. On or about the dates set forth below, within the Southern District of California and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON, for the purpose of executing and attempting to execute the aforesaid material scheme, did transmit and caused to be transmitted, by means of wire, radio, and television communication in interstate and foreign commerce, the writings, signs, signals, pictures, and sounds set forth below:

<u>Count</u>	<u>Date</u>	<u>Sender</u>	<u>Addressee</u>	<u>Communication.</u>
5	12/9/2004	Mark Sawusch Via JP Morgan, Boston, MA	M. Suverkrubbe- First Republic Bank San Diego, CA	Wire Transmission of \$1,249,506.19
6	1/13/2005	First Republic Bank FBO Waleed Donay Via Fed Wire	M. Suverkrubbe- First National Bank San Diego, CA	Wire Transmission of \$63,000
7	1/13/2005	First Republic Bank FBO Richard Berman Via Fed Wire	M. Suverkrubbe- First National Bank San Diego, CA	Wire Transmission of \$13,000
8	1/13/2005	First Republic Bank FBO James Mellert Via Fed Wire	M. Suverkrubbe- First National Bank San Diego, CA	Wire Transmission of \$75,000

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<u>Count</u>	<u>Date</u>	<u>Sender</u>	<u>Addressee</u>	<u>Communication</u>
9	1/13/2005	First Republic Bank FBO Patalappa Chandrashekar Via Fed Wire	M. Suverkrubbe- First National Bank San Diego, CA	Wire Transmission of \$72,000

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

Count 10

BANK FRAUD - 18 U.S.C. § 1344(1)

(Union Bank of California)

(Against Both Defendants)

12. Beginning on a date unknown to the grand jury, and continuing thereafter until on or about September 28, 2005, within the Southern District of California, and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON knowingly, and with the intent to defraud, executed, and attempted to execute, a material scheme to defraud, as described in paragraphs 6 and 7 of Count 1 and incorporated herein by reference, Union Bank of California, a federally insured financial institution.

All in violation of Title 18, United States Code, Section 1344(1) and Section 2.

Count 11

BANK FRAUD - 18 U.S.C. § 1344(1)

(Wells Fargo Bank)

(Against Both Defendants)

13. Beginning on a date unknown to the grand jury, and continuing thereafter until on or about September 28, 2005, within the Southern District of California, and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON knowingly, and with the intent to defraud, executed, and attempted to execute, a material scheme to defraud, as described in paragraphs 6 and 7 of Count 1 and incorporated herein by reference, Wells Fargo Bank, a federally insured financial institution.

All in violation of Title 18, United States Code, Section 1344(1) and Section 2.

Count 12

CREDIT CARD FRAUD – 18 U.S.C. § 1029(a)(5) and 2

(Against Both Defendants)

14. Beginning on a date unknown to the grand jury, and continuing thereafter until on or about September 28, 2005, within the Southern District of California, and elsewhere, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON did knowingly, and with the intent to defraud, as described in paragraphs 6 and 7 of Count 1 and incorporated herein by reference, effect transactions, with one or more access devices issued to other persons and received payment and other things of value during a 1-year period, the aggregate value of which was equal to and greater than \$1,000.

All in violation of Title 18, United States Code, Section 1029(a)(5) and Section 2.

Counts 13-16

MONEY LAUNDERING (CONCEALMENT) – 18 U.S.C. § 1956(a)(1)(B)(I) and 2

(Against Both Defendants)

15. On or about the dates listed below, within the Southern District of California and elsewhere, knowing the property detailed below represented the proceeds of some form of unlawful activity, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON, knowingly conducted and attempted to conduct the below listed financial transactions affecting interstate and foreign commerce which involved the proceeds of specified unlawful activity, that is mail and wire fraud, knowing that the financial transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of said proceeds of said specified unlawful activity, that is mail and wire fraud:

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	<u>Count</u>	<u>Date</u>	<u>Financial Transaction</u>
1			
2	13	12/10/2004	Wire transfer of \$90,000 from First Republic Bank FBO Mark Sawusch to First National Bank account of Michael Suverkrubbe, APC
3			
4	14	02/27/2004	Wire transfer of \$100,000 from First Republic Bank FBO Mark Sawusch to First National Bank account of Michael Suverkrubbe, APC
5			
6	15	01/07/2005	Wire transfer of \$50,000 from First Republic Bank FBO Mark Sawusch to First National Bank account of Michael Suverkrubbe, APC
7			
8	16	02/07/2005	Wire transfer of \$1,154,545.69 from First Republic Bank FBO Mark Sawusch to Citibank account of Michael Suverkrubbe, APC
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All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(I) and 2.

Counts 17-23

ENGAGING IN A MONETARY TRANSACTION DERIVED
FROM A SPECIFIED UNLAWFUL ACTIVITY – 18 U.S.C. § 1957 and 2

(Against Both Defendants)

16. On or about the dates listed below, within the Southern District of California and elsewhere, knowing the property detailed below represented criminally derived property, and was the proceeds of some form of unlawful activity, defendants MICHAEL ROBERT SUVERKRUBBE and WENDY LEE HIXSON, engaged in a monetary transaction of property having a value greater than \$10,000:

	<u>Count</u>	<u>Date</u>	<u>Financial Transaction</u>
19			
20	17	12/13/2004	Negotiation of Check #3845 in the amount of \$29,124.69 payable to American Express of which \$11,862.25 represented criminally deprived property
21			
22	18	12/26/2004	Negotiation of Check #3893 in the amount of \$12,359.50 payable to Wendy Hixson
23			
24	19	12/28/2004	Negotiation of Check #3895 in the amount of \$27,000.00 payable to Cash
25			
26	20	12/28/2004	Negotiation of Check #3894 in the amount of \$20,847.26 payable to American Express
27	21	01/01/2005	Negotiation of Check #3904 in the amount of \$10,008.00 payable to GLB Aventine LP
28			

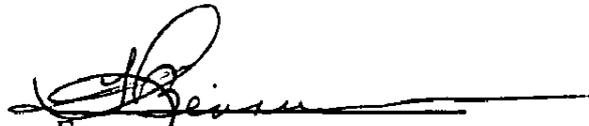
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<u>Count</u>	<u>Date</u>	<u>Financial Transaction</u>
22	01/04/2005	Negotiation of Check #3905 in the amount of \$10,000.00 payable to Cash
23	01/18/2005	Negotiation of Check #3986 in the amount of \$40,000.00 payable to Cash

All in violation of Title 18, United States Code, Section 1957 and Section 2.

DATED: June 8, 2006.

A TRUE BILL:



Foreperson

CAROL C. LAM
United States Attorney

By: 
 FAITH A. DEVINE
 Assistant United States Attorney

unsealed
SECRET

FILED
JUN 8 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S. MARSHAL
SOUTHERN DISTRICT OF
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2005 Grand Jury

'06 CR 1262 W

11	UNITED STATES OF AMERICA,	)	Criminal Case No. _____
12)	
13	Plaintiff,	)	<u>INDICTMENT</u>
14	v.	)	Title 18, U.S.C., Sec. 371 - Conspiracy;
15	MICHAEL ROBERT SUVERKRUBBE (1),	)	Title 18, U.S.C., Sec. 1341 - Mail Fraud;
16	WENDY LEE HIXSON (2),	)	Title 18, U.S.C., Sec. 1343 - Wire Fraud;
17	Defendants.	)	Title 18, U.S.C., Sec. 1344(1) - Bank Fraud;
18		)	Title 18, U.S.C., Sec. 1029(a)(5) - Credit
19		)	Card Fraud; Title 18, U.S.C., Sec. 1956 -
		)	Money Laundering; Title 18, U.S.C.,
		)	Sec. 1957 - Engaging in a Monetary
		)	Transaction Derived from a Specified
		)	Unlawful Activity; Title 18, U.S.C.,
		)	Sec. 2 - Aiding & Abetting

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS COMMON TO ALL COUNTS

1. At all times material to this Indictment, defendant MICHAEL ROBERT SUVERKRUBBE was an attorney licensed to practice law in the State of California and operated a law firm in San Diego, California. Prior to July 2004, defendant MICHAEL ROBERT SUVERKRUBBE was associated with xélan, Inc. (The Economic Association of Healthcare Professionals) (hereinafter "xélan"), a financial and tax planning firm specializing in "tax strategies" for its members.

FAD:nlv(4):San Diego
6/8/06