

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

STATE OF FLORIDA

Plaintiff,

vs.

**DAVID LUGER, (A)
RICHARD MASERI, (B)**

Defendants.

CASE NO: 02-11102 CF (B) 02

JUDGE: LINDSEY

OSWP NO: 2002-0355-SFB

SECOND AMENDED INFORMATION

In continuation of the prosecution

**Commenced by Information filed on September
25, 2002 for Case # 02-11102CF 02**

**COUNT 1: Organized Scheme to Defraud/
\$50,000 or more**

**F.S. 817.034(4)(a)1 and 777.011, 1° Felony
(B)**

**COUNT 2: Organized Scheme to
Defraud/ \$20,000 or more**

**F.S. 817.034(4)(a)2 and 777.011, 2° Felony
(A) and (B)**

COUNT 3: Fraudulent Transaction

**F.S. 517.301, 517.302(1) and 777.011, 3° Felony
(A) and (B)**

COUNT 4: Money Laundering

**F.S. 896.101(3)(a), 896.101(5)(a) and 777.011, 2°
Felony
(A)**

COUNT 5: Fraudulent Transaction

**F.S. 517.301, 517.302(1) and 777.011, 3° Felony
(B)**

COUNT 6: Fraudulent Transaction

**F.S. 517.301, 517.302(1) and 777.011, 3° Felony
(B)**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA

COUNT 1

Organized Scheme to Defraud 1°

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that beginning on or about February 21, 2002, and continuing through on or about October 1, 2002, as part of a related transaction occurring in two or more Judicial Circuits, or in connection with an organized criminal conspiracy affecting two or more Judicial Circuits, including but not limited to the Eleventh, Fifteenth and Seventeenth Judicial Circuits, to wit: Miami-Dade, Palm Beach and Broward Counties, Florida, the Defendant, **RICHARD MASERI**, and others known and unknown to the prosecution, did knowingly and willfully engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct with the intent to defraud one more of the following victims: **ROBERT MIHAIOVICH AND /OR MOUAYAD EL ZELAH**, and/or others known and unknown to the prosecution, with the intent to obtain property from one or more of these same persons by false or fraudulent pretenses, representations or promises, or willful misrepresentations of a future act; and the Defendant did obtain said property, to-wit: United States Currency with an aggregate value of Fifty Thousand Dollars (\$50,000.00) or more, and said offense was committed in violation of Sections 817.034(4)(a)1 and 777.011, Florida Statutes, a first degree felony.

COUNT 2

Organized Scheme to Defraud 2°

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that beginning on or about February 1, 2002, and continuing through on or about April 30, 2002, as part of a related transaction occurring in two or more Judicial Circuits, or in connection with an organized criminal conspiracy affecting two or more Judicial Circuits, including but not limited to the Ninth, Eleventh, and Fifteenth Judicial Circuits, to-wit: Orange, Miami-Dade, and Palm Beach Counties, Florida, the Defendants, **DAVID LUGER AND RICHARD MASERI**, and others known and unknown to the prosecution did knowingly and willfully engage in a scheme to defraud, to-wit: a systematic, ongoing course of conduct with the intent to defraud one or more of the following victims: **REX MADION**, and/or others known and unknown to the prosecution, with the intent to obtain property from one or more of these same persons by false or fraudulent pretenses, representations or promises, or willful misrepresentations of a future act, and the Defendants did obtain said property, to-wit: United States Currency with an aggregate value of Twenty Thousand (\$20,000.00) or more, but less than Fifty Thousand Dollars (\$50,000.00), and said offense was committed in violation of Sections

817.034(4)(a) and 777.011, Florida Statutes, a second degree felony.

COUNT 3

Fraudulent Transaction

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that beginning on or about February 1, 2002 and continuing through and including on or about April 30, 2002, in the Ninth, Eleventh, and Fifteenth Judicial Circuits, to-wit: Orange, Miami-Dade, and Palm Beach Counties, Florida, in an offense connected to an organized criminal conspiracy affecting two or more judicial circuits or as part of an offense occurring in two or more judicial circuits, the Defendants, **DAVID LUGER AND RICHARD MASERI**, and others known and unknown to the prosecution, did, in connection with the rendering of investment advice or in connection with the offer, sale, or purchase of any investment did: use a device, scheme or artifice to defraud **REX MADION**; or obtained money or property from **REX MADION** by means of an untrue statement of material fact and/or omissions of material fact; or engaged in a transaction or practice and/or a course of business which operated as a fraud or deceit upon **REX MADION**; or knowingly and wilfully falsified, concealed, or covered-up by trick, scheme or device a material fact, made false, fictitious or a fraudulent statement or representation, made or used a false writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry to **REX MADION**, in violation of Sections 517.301, 517.302(1) and 777.011, Florida Statutes, a third degree felony.

COUNT 4

Money Laundering

PETER WILLIAMS, the Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that on or about April 1, 2002, and continuing through April 30, 2002, in the Fifteenth and the Eleventh Judicial Circuits of Florida, to wit: Palm Beach and Dade Counties, Florida, in an offense occurring in two or more judicial circuits as part of a related transaction or in connection with an organized criminal conspiracy affecting two or more judicial circuits, the Defendant, **DAVID LUGER**, and others known and unknown to the prosecution, with the intent to promote the carrying on of specified unlawful activity to-wit: knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity conducted or attempted to conduct such a financial transaction which in fact involved the proceeds of organized scheme to defraud or fraudulent financial transaction with the intent to promote the carrying on of said specified unlawful activity; or knowing that the transaction was designed in whole or in part: to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of the said specified unlawful activity and which

financial transaction did in fact involve the proceeds of specified unlawful activity all in violation of Sections 896.101(3)(a), 896.101(5)(a) and 777.011, Florida Statutes, a third degree felony.

COUNT 5

Fraudulent Transaction

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that beginning on or about July 4, 2002, and continuing through and including on or about September 1, 2002, in the Eleventh and Fifteenth Judicial Circuits, to wit: Miami-Dade and Palm Beach Counties, Florida, in an offense connected to an organized criminal conspiracy affecting two or more judicial circuits or as part of an offense occurring in two or more judicial circuits, the Defendant, **RICHARD MASERI**, did, in connection with the rendering of investment advice or in connection with the offer, sale, or purchase of any investment did: use a device, scheme or artifice to defraud **ROBERT MIHAIOVICH**; or obtained money or property from **ROBERT MIHAIOVICH** by means of an untrue statement of material fact and/or omission of material fact; or engaged in a transaction or practice and/or a course of business which operated as a fraud or deceit upon **ROBERT MIHAIOVICH**; or knowingly and wilfully falsified, concealed, or covered-up by trick, scheme or device a material fact, made a false, fictitious or fraudulent statement or representation, made or used a false writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry to **ROBERT MIHAIOVICH**, in violation of Sections 517.301, 517.302(1) and 777.011, Florida Statutes, a third degree felony.

COUNT 6

Fraudulent Transaction

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned Assistant Statewide Prosecutor, under oath, charges that beginning on or about February 21, 2002, and continuing through and including on or about October 1, 2002, in the Eleventh and Fifteenth Judicial Circuits, to wit: Miami-Dade and Palm Beach Counties, Florida, in an offense connected to an organized criminal conspiracy affecting two or more judicial circuits or as part of an offense occurring in two or more judicial circuits, the Defendant, **RICHARD MASERI**, did, in connection with the rendering of investment advice or in connection with the offer, sale, or purchase of any investment did: use a device, scheme or artifice to defraud **MOUAYAD EL ZELAH**; or obtained money or property from **MOUAYAD EL ZELAH** by means of an untrue statement of material fact and/or omission of material fact; or engaged in transaction or practice and/or a course of business which operated as a fraud or deceit upon **MOUAYAD EL ZELAH**; or knowingly and wilfully falsified, concealed, or covered-up by trick, scheme or device a material fact, made false,

fictitious or fraudulent statement or representation, made or used a false writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry to **MOUAYAD EL ZELAH**, in violation of Sections 517.301, 517.302(1) and 777.011, Florida Statutes, a third degree felony.

PETER WILLIAMS, Statewide Prosecutor for the State of Florida, by and through the undersigned designated Assistant Statewide Prosecutor, under oath CHARGES that on or about February 1, 2002, and continuing through and including on or about October 1, 2002, in the Ninth, Eleventh, Fifteenth, and Seventeenth Judicial Circuits of Florida, to-wit: Orange, Miami-Dade, Palm Beach, and Broward Counties **DAVID LUGER AND RICHARD MASERI**, did commit crimes of Organized Scheme to Defraud, Fraudulent Transactions, and Money Laundering in violation of 517.301, 517.302(1), 817.034(4), 896.101(3)(a), 896.101(5)(a) and 777.011, Florida Statutes;

AND SAID OFFENSES OCCURRED IN TWO OR MORE JUDICIAL CIRCUITS IN THE STATE OF FLORIDA AS PART OF A RELATED TRANSACTION OR SAID OFFENSES WERE CONNECTED WITH AN ORGANIZED CONSPIRACY AFFECTING TWO OR MORE JUDICIAL CIRCUITS IN THE STATE OF FLORIDA.

Dated this _____ day of September, 2003.

PETER WILLIAMS
STATEWIDE PROSECUTOR FOR THE STATE OF FLORIDA

MARGERY J. LEXA
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STATE OF FLORIDA
COUNTY OF PALM BEACH

Personally appeared before me, Margery J. Lexa, Assistant Statewide Prosecutor for the State of Florida, who, being first duly sworn, says that she has received testimony under oath from the material witnesses which, if true, would constitute the offenses herein charged, and that this prosecution is instituted in good faith.

Sworn to and subscribed before me this ____ day of September, 2003, by Margery J. Lexa, who is personally known to me.

NOEMI HERNANDEZ
Notary Public - State of Florida

Stamp Commissioned Name