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DISTRICT OF UTAH

BY:_

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

2:02 C R 0027 C

Plaintiff,

INDICTMENT

VS.

DAVID R. NEMELKA, DAVID N. NEMELKA, HENRY A. SCHWARTZ and KURTIS D. HUGHES.

Vio. 18 U.S.C. § 371 (Conspiracy); 15 U.S.C. § 78(b), 17 C.F.R. § 240.10.b-5; 15 U.S.C. § 78ff (Securities Fraud); 18 U.S.C. § 1343 (Wire Fraud); 18 U.S.C.

1001 (False Statements); and 18 U.S.C. §

2 (Aiding & Abetting).

Defendants.



The Grand Jury charges:

COUNT 1 (Conspiracy)

<u>INTRODUCTION</u>

- Defendant DAVID R. NEMELKA ("NEMELKA, SR.") at all times material to this
 Indictment was an individual living in Mapleton, Utah.
- 2. Defendant DAVID N. NEMELKA ("NEMELKA, JR.") at all times material to this Indictment was an individual living in Springville, Utah and is the son of DAVID R. NEMELKA.

- 3. Defendant HENRY A. SCHWARTZ ("SCHWARTZ") at all times material to this Indictment was an individual living in Valley Stream, New York.
- 4. Defendant KURTIS D. HUGHES ("HUGHES") at all times material to this Indictment was an individual living in Salt Lake City, Utah. Defendant HUGHES ran a stock transfer agency, Interwest Transfer Company, Inc.
- 5. The individual referred to as the cooperating individual was a person familiar with the securities industry who cooperated with federal law enforcement on this case and at times material to this Indictment lived in Los Angeles, California.
- Lanstar Semiconductor, Incorporated ("Lanstar") at all times material to this Indictment was a company located and doing business in Arlington, Texas.
- 7. Kazmir Kliffs, Incorporated ("Kazmir Kliffs") was a dormant company incorporated within the state of Utah which was merged with Lanstar in November, 1995.
- 8. Stockton, Ltd. ("Stockton") at all times material to this Indictment was a Nevis corporation used by the conspirators to execute fraudulent stock sales and collect proceeds of those illegal sales.
- 9. In 1980, Clifford Hughes formed Kazmir Kliffs and sold stock to public investors. As of 1995, Kazmir Kliffs existed as a publicly owned, but inactive, shell corporation.
- 10. In 1991, Clifford Hughes died, and through a series of transactions in the years following his death, including reverse stock splits and issuances of new shares, Clifford Hughes' son, defendant HUGHES, obtained control of over ninety percent (90%) of the available free trading Kazmir Kliffs stock. Most of this stock was held in the names of defendant HUGHES' brother and sister.
- 11. On or about February, 1995, Lanstar, at that time a privately owned corporation, was seeking

a means to raise capital. Lanstar management was introduced to defendant SCHWARTZ as an investment banker. The defendant SCHWARTZ helped Lanstar raise one million dollars through a private placement of its stock.

- 12. Later in 1995, Lanstar required additional capital. Defendant SCHWARTZ advised the company officers that the company could raise additional capitol by merging Lanstar with a publicly owned shell corporation.
- 13. On or about September 1995, at a meeting in New York, defendant SCHWARTZ introduced the officers of Lanstar to defendants NEMELKA, SR. and NEMELKA JR. as promoters who were capable of arranging such mergers.
- 14. From on or about September, 1995, to on or about the date of this Indictment, in the Central Division of the District of Utah and elsewhere,

DAVID R. NEMELKA, DAVID N. NEMELKA, HENRY A. SCHWARTZ, and KURTIS D. HUGHES

defendants herein, and others known and unknown to the Grand Jury did willfully and knowingly combine, conspire, confederate and agree together and with each other to commit the following offenses against the laws of the United States:

- a. Knowingly and willfully, by use of means and instrumentalities of transportation or communication in interstate commerce, to commit securities fraud in connection with the purchase and sale of securities, to wit: the common stock of Lanstar, in violation of Title 15, United States Code, §§ 78j(b) and 78f(a) and §17 CFR § 240.10b-5;
- b. Knowingly and willfully, without a registration statement in affect, to make use of the means and instruments of transportation and communication in interstate commerce and

the mails, to sell the common stock of Lanstar; in violation of 15 U.S.C. §§ 77e and 77x;

- c. Knowingly to commit wire fraud in violation of Title 18 U.S.C. § 1343; and
- d. Knowingly to make false statements in a matter within the jurisdiction of the Securities and Exchange Commission and the Federal Bureau of Investigation, in violation of 18 U.S.C. § 1001.

OBJECTS OF THE CONSPIRACY

15. It was an object of the conspiracy for the defendants NEMELKA, SR., NEMELKA, JR., HUGHES, SCHWARTZ and their conspirators to acquire and use free trading shares of Lanstar stock in a scheme to enrich themselves and defraud the purchasers and potential purchasers of Lanstar stock. The primary object was for the defendants illegally to manipulate the market for Lanstar stock in order to set and keep the price to the public artificially high in order to insure the defendants and others profited from sales of the stock. To accomplish this objective, the conspirators artificially raised the price of the stock, and fraudulently sold the stock through market manipulation and payment of undisclosed compensation, and offered stock controlled by them for sale at one-half the bid price to individuals who could sell the stock to the public. In this way, the defendants and their conspirators insured that those who bought stock from them could sell the stock in a controlled market at the artificially created and maintained price.

It was further an object of the conspiracy to conceal defendant NEMELKA, SR.'s role in the activities involving Lanstar stock.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the foregoing objectives of the conspiracy were to be accomplished

were as follows:

- 16. It was a part of the conspiracy that in or about late 1995 defendant HUGHES agreed to provide defendants NEMELKA, Sr. and NEMELKA, Jr. with Kazmir Kliffs stock held by defendant HUGHES. Defendant HUGHES was to be paid at a later date after the stock had been resold.
- 17. It was further a part of the conspiracy that in or about November 1995, Lanstar was merged with Kazmir Kliffs and the resulting company retained the name Lanstar. As a result of the merger, the conspirators owned and controlled over 90% of the shares of Lanstar stock. The proceeds of sales of this stock benefitted the conspirators and did not go to Lanstar.
- 18. It was further a part of the conspiracy that the conspirators control of this supply of stock allowed them to subvert the normal market forces of supply and demand and manipulate the price of Lanstar stock after its merger with Kazmir Kliffs. The methods to manipulate the market included artificially raising the price of Lanstar stock and coordinating the sales of stock to prevent selling that would depress the price of the stock.
- 19. It was further a part of the conspiracy that beginning in or about December, 1995, the conspirators, using Stockton, Ltd., bought small quantities of Lanstar stock, and thereby art
- 20. ificially and fraudulently raised the price of Lanstar stock to about \$4.50 per share.
- 21. It was further a part of the conspiracy that defendants NEMELKA, SR. and NEMELKA, JR. recruited unindicted conspirators to retail Lanstar stock to the public in the following fraudulent manner. The conspirators placed Lanstar stock in brokerage accounts in Canada in the name of Stockton, Ltd. This stock was sold in a fraudulently coordinated and manipulated market, as agreed by defendants NEMELKA, SR., NEMELKA, JR., and HUGHES. The proceeds from Stockton's sales were sent offshore to the Bahamas, returned to the United States and illegally used to pay conspirators to sell the stock and to generate profits for the conspirators.

- 22. It was further a part of the conspiracy that, incident to the merger, defendant SCHWARTZ received shares of Lanstar stock as compensation for services he had provided to Lanstar and in exchange for Lanstar debentures which he held.
- 23. It was further a part of the conspiracy from on or about December, 1995, until May, 1986, defendant NEMELKA, SR. solicited a cooperating individual to assist in selling the Lanstar stock. The cooperating individual stated he could retail vast amounts of the securities using a brokerage firm in New Jersey operated by a long-time friend and business associate of the cooperating individual. The defendant NEMELKA, SR. promised the cooperating individual that he, defendant NEMELKA, SR., would provide the cooperating individual one million shares of Lanstar stock.
- 24. It was further a part of the conspiracy that defendant NEMELKA, SR. told the cooperating individual that he would provide Lanstar stock to the cooperating individual at one-half the purported public price. This arrangement would guarantee the cooperating individual and his associate in New Jersey a secret one hundred percent (100%) profit on any Lanstar stock they were able to sell.

 Defendant NEMELKA, SR. and other defendants offered or intended to offer a similar arrangement to others who could sell the stock to the public. Through this plan, the defendants created a scheme which would guarantee a market for their stock and a profit to themselves without the defendants having to sell their stock into the market and affecting the artificially created price.
- 25. It was further a part of the conspiracy that defendants NEMELKA, SR., NEMELKA, JR, and SCHWARTZ then arranged to sell the stock they owned using brokerage firms in the United States and Canada.
- 26. It was further a part of the conspiracy that the defendants agreed to manipulate the market in Lanstar stock by refraining from selling stock at times in order not to depress the market.
- 27. It was further a part of the conspiracy that from on or about January, 1996 to on or about April 1996,

defendant HUGHES transferred 63,000 shares of Lanstar in the name of defendant HUGHES' sister to Stockton, Ltd. and delivered the shares to Yorkton Securities ("Yorkton"), a stock brokerage firm in Vancouver, British Columbia, Canada.

- 28. It was further a part of the conspiracy that on or about May 1, 1996 defendant NEMELKA, JR. arranged to sell the cooperating individual 25,000 shares of Lanstar for \$68,750, representing one-half the market price of the stock on that date.
- 29. On or about May 2, 1996, the cooperating individual sent defendants NEMELKA, SR. and NEMELKA, JR. a check in the amount of \$68,750 payable to Summer Ventures, a company owned and controlled by defendant NEMELKA, SR.
- 30. It was further a part of the scheme to defraud that on or about May 2, 1996, defendants NEMELKA, JR. and NEMELKA, SR. arranged to meet with the cooperating individual and an unindicted conspirator in Los Angeles, California to coordinate activities with regard to the scheme and to bring the cooperating individual the stock certificates for 25,000 shares of Lanstar.
- 31. On or about May 6, 1996, the United States Securities and Exchange Commission suspended trading in Lanstar stock, essentially terminating the scheme to defraud.

OVERT ACTS

- 32. In furtherance of the conspiracy, and to effect the objects thereof, in the District of Utah and elsewhere, defendants DAVID R. NEMELKA, DAVID N. NEMELKA, HENRY A. SCHWARTZ, and KURTIS D. HUGHES did commit and cause to be committed the following OVERT ACTS, among others:
- 33. The grand jury alleges the acts contained in Counts 2 through 15 as OVERT ACTS of the conspiracy.
- 33. On or about an unknown date in 1995, defendants NEMELKA, SR. and NEMELKA, JR. met with

other conspirators in Mapleton, Utah.

- 34. On or about an unknown date in 1995, defendants NEMELKA, SR., NEMELKA, JR., and HUGHES met with other conspirators at Interwest Transfer in Salt Lake City, Utah.
- 35. On or about January 8, 1996, defendant HUGHES sent Lanstar stock certificates to Yorkton in Canada for the benefit of Stockton.
- 36. On or about March 1, 1996, defendant HUGHES sent Lanstar stock certificates to Yorkton in Canada for the benefit of Stockton.
- 37. On or about March 18, 1996, defendant HUGHES sent Lanstar stock certificates to Yorkton in Canada for the benefit of Stockton.
- 38. On or about March 28, 1996, defendant NEMELKA, SR. met with the cooperating individual at the Dragon Lakes restaurant in Denver, Colorado.
- 39. On or about April 2, 1996, defendant HUGHES sent Lanstar stock certificates to Yorkton in Canada for the benefit of Stockton.
- 40. On or about April 23, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 41. On or about April 24, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 42. On or about April 25, 1996, defendant HUGHES sent Lanstar stock certificates to Yorkton in Canada for the benefit of Stockton.
- 43. On or about April 29, 1996, defendant NEMELKA, SR. opened an account in the name of Wagon Wheel Ranch at Brink, Hudson & Lefever, Ltd.; ("Brink Hudson").
- 44. On April 30, 1996, defendants NEMELKA, SR. and NEMELKA, JR. traveled from Springville, Utah to the Salt Lake City International Airport to meet with the cooperating individual.
- 45. On April 30, 1996, defendant NEMELKA, JR. provided the cooperating individual with a copy of a Form 15c2-11 regarding Lanstar stock.

- 46. On May 1, 1996, defendant NEMELKA, JR. instructed the cooperating individual to send a check payable to Summer Ventures to his office in Springville, Utah.
- 47. On May 2, 1996, defendant NEMELKA, SR. instructed Brink Hudson to transfer funds from the brokerage account of Wagon Wheel Ranch to the brokerage account in the name of an unindicted conspirator.
- 48. On May 2, 1996, defendant NEMELKA, SR. instructed Brink Hudson to transfer funds from the brokerage account of Wagon Wheel Ranch to the Wagon Wheel Ranch bank account at Central Bank in Springville, Utah.
- 49. On May 2, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 50. On May 2, 1996, defendant NEMELKA, JR. telephoned the cooperating individual.
- 51. On May 2, 1996, defendant NEMELKA, JR. telephoned defendant SCHWARTZ during a conference call with the cooperating individual.
- 52. On May 2, 1996, an unindicted conspirator telephoned the cooperating individual.
- 53. On May 3, 1996, an unindicted conspirator telephoned the cooperating individual.
- 54. On May 3, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 55. On May 4, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 56. On May 6, 1996, defendants NEMELKA, JR. and NEMELKA, SR. traveled from Salt Lake City, Utah to Los Angeles, California.
- 57. On May 6, 1996, defendant NEMELKA, SR. telephoned the cooperating individual.
- 58. On August 15, 1996, an unindicted conspirator denied to an agent of the Federal Bureau of Investigation any participation by defendant NEMELKA, SR. in the scheme to defraud; All in violation of Title 18, United States Code, Section 371.

COUNT 2 (Securities Fraud, Aiding and Abetting)

- 1. The factual allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference as though fully set forth herein as part of the scheme to defraud.
- 2. It was further a part of the scheme to defraud that in or about April 1996, defendant SCHWARTZ recruited a conspirator recruited to sell stock. The conspirator was told he could obtain the stock at one-half the bid price and sell the stock through a brokerage firm, resulting in an immediate one hundred percent (100%) profit to conspirator.
- 3. It was further a part of the scheme to defraud that in or about April, 1996 the conspirator enlisted an associate of his to assist him in selling the stock through brokerage firms to unsuspecting public purchasers. In exchange for his participation in the scheme, the conspirator agreed to give the associate forty percent (40%) of the illicit proceeds of any such sales, retaining ten percent (10%) for himself.
- 4. It was further a part of the scheme to defraud that on or about April 29, 1996, defendant NEMELKA, SR. opened a brokerage account at Brink Hudson in the name of Wagon Wheel Ranch, a Utah corporation controlled by defendant NEMELKA, SR.
- 5. It was further a part of the scheme to defraud that on or about April 29, 1996, defendant HUGHES caused 50,000 shares of Lanstar to be transferred into the name of "Walmur," a nominee name for Brink Hudson.
- 6. It was further a part of the scheme to defraud that on or about May 1, 1996, defendant HUGHES caused 25,000 shares of Lanstar to be transferred into the name of "Walmur."
- 7. It was further a part of the scheme to defraud that on or about May 1, 1996, 20,000 shares of Lanstar stock were sold from the Wagon Wheel Ranch account at Brink Hudson to B.S.G., Incorporated,

located in London, England. This sale produced proceeds of \$104,117.

- 8. It was further a part of the scheme to defraud that on or about May 2, 1996, defendant NEMELKA, SR. directed Brink Hudson to transfer \$52,058.50, less transfer fees, to defendant NEMELKA, SR.'s bank account in Springville, Utah, and \$52,058.50 of the proceeds to the conspirator's brokerage account at Brink Hudson.
- 9. It was further a part of the scheme to defraud that on or about May 2, 1996, defendant HUGHES caused 75,000 shares of Lanstar stock in the name of "Walmur" to be sent to Brink Hudson in Canada, in part to cover the 20,000 shares sold on May 1, 1996, to B.S.G., Incorporated.
- 10. On or about May 1, 1996, in the Cental Division of the District of Utah and elsewhere,

DAVID R. NEMELKA, DAVID N. NEMELKA, HENRY A. SCHWARTZ, and KURTIS D. HUGHES,

defendants herein, unlawfully, willfully and knowingly, by the use of means and instrumentalities of interstate commerce and the mails, directly and indirectly, did employ a device, scheme and artifice to defraud, did make untrue statements of material facts and omit to state material facts necessary in order to make statements made, in the light of the circumstances under which they were made, not misleading, and did engage in acts, practices and courses of business which would and did operate as a fraud and deceit upon persons, in connection with the purchase and sale of securities, to wit: the sale of 20,000 shares of the common stock of Lanstar Semiconductor, Incorporated, from the brokerage firm of Brink Hudson to Alpine Securities and the sale of the 20,000 shares from Alpine Securities to a brokerage in Florida, for sale to B.S.G, Incorporated; all in violation of 15 U.S.C. § 78j(b), 17 C.F.R. § 240.10b-5, 15 U.S.C. § 78ff and 18 U.S.C. § 2(a) and (b).

COUNT 3

(Wire Fraud)

- 1. The allegations contained in Counts 1 and 2 of this Indictment, are re-alleged and incorporated by reference herein.
- 2. On or about May 1, 1996, in the Central Division of the District of Utah.,

DAVID R. NEMELKA, DAVID N. NEMELKA, HENRY A. SCHWARTZ, and KURTIS D. HUGHES

defendants herein, having knowingly devised and intended to devise a scheme and artifice to defraud, and for obtaining money and property by means of false or fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire communication, in interstate and foreign commerce, signs and signals for the purpose of executing the scheme and artifice, to wit: the wire transfer of \$52,058.50, less wire transfer fees, from Brink Hudson in Canada to Wagon Wheel Ranch's bank account in Springville, Utah, all in violation of 18 U.S.C. §§ 1343, 2(a) and 2(b).

COUNTS 4-11 (Wire Fraud)

- 1. The factual allegations contained in Count 1 of this Indictment, are hereby repeated, re-alleged and incorporated by reference herein as though fully set forth at length.
- 2. On or about the dates listed below, in the Central Division of the District of Utah and elsewhere, the defendants listed in each count, having knowingly devised and intended to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses,

representations, and promises, transmitted and caused to be transmitted by means of wire communication, in interstate and foreign commerce, signals for the purpose of executing the scheme and artifice to defraud, to wit: telephone conversations from Utah with the cooperating individual in Los Angeles, California; in violation of 18 U.S.C. §§ 1343 and 2(a):

COUNT	<u>DATE</u>	<u>DEFENDANTS</u>	USE OF WIRES
4	4/25/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES	Telephone call between California and Utah
5	5/1/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES	Telephone call between California and Utah
6	5/2/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGIIES	Telephone call between Utah and California at about 7:22 a.m.
7	5/2/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES	Telephone call between Utah and California at about 9:03 a.m.
8	5/2/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES	Telephone call between California and Utah at about 11:00 a.m.
9	5/2/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES	Telephone call between California and Utah at about 11:30 a.m.
10	5/2/96	DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ	Telephone call between California and Utah at about 11:47 a.m.

KURTIS D. HUGHES

11 5/6/96

DAVID R. NEMELKA DAVID N. NEMELKA HENRY A. SCHWARTZ KURTIS D. HUGHES Telephone call between Utah and California at about 6:37 a.m.

COUNT 12 (False Statements)

- 1. The allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference.
- On or about October 8, 1996, in the Central Division of the District of Utah, in a matter within the
 jurisdiction of the Federal Bureau of Investigation and the Securities and Exchange Commission,
 departments and agencies of the United States,

DAVID R. NEMELKA,

defendant herein, did knowingly and willfully make material false, fictitious and fraudulent statements and representations to a Special Agent of the Federal Bureau of Investigation concerning his activities with respect to Lanstar Semiconductor, Incorporated securities, in that the defendant falsely stated that he and his son did not want to deal with the cooperating individual personally, that the defendant and his son told the cooperating individual that they would not work with the cooperating individual personally and directly, and that the defendant learned after the trading suspension of Lanstar securities that a stock certificate was going to be made out to Millenium, but that he did not know why; all in violation of 18 U.S.C. § 1001.

COUNT 13 (False Statements)

- 1. The allegations contained in Count 1 of this Indictment, are hereby re-alleged and incorporated by reference herein.
- On or about October 16, 1996, in the State and Federal District of Utah, in a matter within the
 jurisdiction the Federal Bureau of Investigation and the Securities and Exchange Commission,
 departments and agencies of the United States,

DAVID R. NEMELKA,

defendant herein, did knowingly and willfully make material false, fictitious and fraudulent statements and representations to a Special Agent of the Federal Bureau of Investigation concerning his activities with respect to Lanstar securities, in that the defendant falsely stated that he had never met with Kurt Hughes at any time specifically concerning Lanstar, that Hank Schwartz was only a consultant to Lanstar and that he, the defendant NEMELKA, SR. knew no further details concerning the involvement of Schwartz in Lanstar, that the defendant was not familiar with stock accounts in the name of Stockton, Ltd., and that the defendant did not know why a check sent by the cooperating individual was in the amount of \$68,750.00; all in violation of 18 U.S.C. § 1001.

COUNT 14

- The allegations of Count 1 of this Indictment, are hereby re-alleged and incorporated by reference herein.
- 2. On or about July 23, 1996, in the Central Division of the District of Utah, in a matter within the jurisdiction of the Federal Bureau of Investigation and the Securities and Exchange Commission,

departments and agencies of the United States,

KURTIS D. HUGHES,

defendant herein, did knowingly and willfully make material false, fictitious and fraudulent statements and representations to a Special Agent of the Federal Bureau of Investigation and an employee of the Securities and Exchange Commission concerning activities with respect to Lanstar securities, in that the defendant falsely stated that Nemelka, Jr. was the only member of the Nemelka family that had anything to do with Lanstar; all in violation of 18 U.S.C. § 1001.

COUNT 15

- 1. The allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference.
- On or about January 14, 1997, in the Central Division of the District of Utah, in a matter within the
 jurisdiction of the Federal Bureau of Investigation and the Securities and Exchange Commission,
 departments and agencies of the United States,

HENRY A SCHWARTZ,

defendant herein, did knowingly and willfully make material false, fictitious and fraudulent statements and representations to a Special Agent of the Federal Bureau of Investigation and an employee of Securities and Exchange Commission concerning activities with respect to Lanstar Securities, in that the defendant falsely stated that Nemelka, Sr. declined to become involved in providing a shell company to SCWARTZ, that Nemelka Sr. played no role in the merger of Kazmir and Lanstar, that SCHWARTZ dealt solely with Nemelka, Jr. and McKinley Capital regarding the merger, that SCHWARTZ had no related business contacts with Nemelka, Sr. following SCHWARTZ' introduction to Nemelka, Jr., that neither Nemelka, Sr. nor Sy Stewart had a role in

Lanstar, and that SCHWARTZ did not believe that Nemelka, Sr. ever became involved in the Lanstar deal; all in violation of 18 U.S.C. § 1001.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

PAUL M. WARNER United States Attorney

STEWART C. WALZ

Assistant United States Attorney