

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

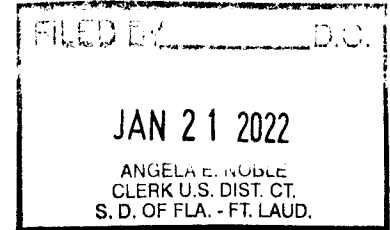
CASE NO. 22-20020-CR-GRAHAM/MCALILEY
18 U.S.C. § 1343

UNITED STATES OF AMERICA

vs.

GERMAN NINO,

Defendant.



INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Defendant **GERMAN NINO** was a resident of Broward County, Florida.
2. Beginning in or around 2012, and continuing until on or about July 2020, defendant **GERMAN NINO** was a financial advisor working at a branch office of UBS Financial Services Inc. ("UBS") located in Miami, Florida. UBS is a financial services company providing financial services to customers located in the United States and abroad.
3. As a UBS Financial Advisor, defendant **GERMAN NINO** oversaw and managed UBS investment accounts for various customers.
4. Victims J.R. and V.R., both of whom are married to each other, and victim A.R., son of victims J.R. and V.R., were customers of defendant **GERMAN NINO**.
5. From in or around 2012 and continuing through in or around 2017, victim J.R. invested approximately over \$11,000,000.00 of his family's money with UBS by placing the money in several different UBS accounts, including a UBS account named Dolze Corp ("DOLZE") with an account number ending in x1668, a UBS account named Ariely, S.A.

(“ARIELY”) with account number FL-08742, and a UBS account named Excelsior Investments Inc. (“EXCELSIOR”) with account number FL-16498. Defendant **GERMAN NINO** was the financial advisor assigned to oversee and manage all the UBS accounts belonging to victims J.R., V.R., and A.R., including the DOLZE UBS account, ARIELY UBS account, and the EXCELSIOR UBS account.

6. Victims J.R., V.R., and A.R. trusted defendant **GERMAN NINO** as their financial advisor and fiduciary. As their financial advisor, defendant **GERMAN NINO** owed a fiduciary duty to victims J.R., V.R., and A.R.

7. Both J.R. and A.R. communicated to defendant **GERMAN NINO** that the UBS accounts were opened and maintained for the purpose of investing the family’s money. At first, victim J.R. would regularly communicate with defendant **GERMAN NINO** about the status of the family investments in the various UBS accounts. Beginning at least as early as 2016, victim A.R. assumed a greater role in communicating with defendant **GERMAN NINO** about the status of the family investments in the various UBS accounts. Defendant **GERMAN NINO** was not authorized to transfer money out of any of the UBS accounts to third parties without the consent of J.R., V.R., or A.R.

COUNTS 1-8
WIRE FRAUD
(18 U.S.C. § 1343)

8. Paragraphs 1 through 7 of the General Allegations section of this Information are realleged and fully incorporated herein by reference.

9. From at least as early as in or around May 2014, and continuing through in or around February 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

GERMAN NINO,

did knowingly, and with the intent to defraud, devise, and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and for the purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted in interstate and foreign commerce by means of wire communication, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

Purpose of the Scheme and Artifice

10. It was the purpose of the scheme and artifice for the defendant to unlawfully enrich himself by misappropriating the money in the DOLZE, ARIELY, and the EXCELSIOR accounts at UBS for his own personal use and benefit by making material false and fraudulent representations, and by concealing and failing to state material facts concerning, among other things, the transfer of money in the DOLZE, ARIELY, and the EXCELSIOR accounts at UBS to third parties without the consent or knowledge of J.R., V.R., or A.R.

The Scheme and Artifice

The manner and means by which the defendant sought to accomplish the purpose of the scheme and artifice included, among others, the following:

11. Beginning in or about May 2014 and continuing through in or about December 2016, defendant **GERMAN NINO** oversaw and managed the DOLZE account at UBS. Victim J.R. was the legal, equitable, and ultimate beneficial owner of the DOLZE account.

12. During this period, defendant **GERMAN NINO** made approximately 19 unauthorized transfers out of the DOLZE account at UBS to third parties, who were unknown to

victims J.R., V.R., and A.R., totaling approximately \$1,812,323.00. At no time during this period, did defendant **GERMAN NINO** advise victims J.R., V.R., and A.R. about the transfers to third parties or obtain consent from victims J.R., V.R., and A.R. to make the transfers to third parties.

13. Beginning in or about February 2017 and continuing through in or about March 2018, defendant **GERMAN NINO** oversaw and managed the ARIELY account at UBS. Victim V.R. was the legal, equitable, and ultimate beneficial owner of the ARIELY account.

14. During this period, defendant **GERMAN NINO** made approximately 19 unauthorized transfers out of the ARIELY account at UBS to third parties, who were unknown to victims J.R., V.R., and A.R., totaling approximately \$2,116,495.59. At no time during this period, did defendant **GERMAN NINO** advise victims J.R., V.R., and A.R. about the transfers to third parties or obtain consent from victims J.R., V.R., and A.R. to make the transfers to third parties.

15. Beginning in or about July 2018 and continuing through in or about February 2020, defendant **GERMAN NINO** oversaw and managed the EXCELSIOR account at UBS. Victim A.R. was the legal, equitable, and ultimate beneficial owner of the EXCELSIOR account.

16. During this period, defendant **GERMAN NINO** made approximately 24 unauthorized transfers out of the EXCELSIOR account at UBS to third parties, who were unknown to victims J.R., V.R., or A.R., totaling approximately \$1,904,400.00. At no time during this period, did defendant **GERMAN NINO** advise victims J.R., V.R., and A.R. about the transfers to third parties or obtain consent from victims J.R., V.R., and A.R. to make the transfers to third parties.

17. To accomplish his scheme and artifice, defendant **GERMAN NINO** made or caused others to make materially false and fraudulent statements to victims J.R., V.R., and A.R. and concealed and omitted to state, and caused others to conceal and omit to state, material facts to victims J.R., V.R., and A.R., including, among other things, the following:

Materially False Statements and Concealment of Material Facts

- a. Failing to disclose to J.R., V.R., and A.R. during oral and written communications with J.R., V.R., and A.R. that he was making unauthorized transfers out of the DOLZE, ARIELY, and EXCELSIOR accounts at UBS when he discussed these accounts and other matters with J.R., V.R., and A.R.;
- b. Misrepresenting the true performance, balance, and rate of return of the DOLZE, ARIELY, and EXCELSIOR accounts at UBS to J.R., V.R., and A.R. when discussing the performance of these accounts with J.R., V.R. and A.R.;
- c. Preparing fraudulent letters of authorization and forging the signatures of J.R. and V.R. on the fraudulent letters of authorization to purportedly authorize UBS to transfer funds out of the DOLZE and ARIELY accounts at UBS to third parties without the consent or knowledge of J.R., V.R., and A.R.;
- d. Removing A.R.'s email from A.R.'s email account profile at UBS so that A.R. would not receive email notifications from UBS about unauthorized transfers to third parties made from the ARIELY account at UBS and the EXCELSIOR account at UBS;
- e. Preparing a fraudulent "Client Review Statement" and providing it to A.R., which falsely stated an inflated balance and value of the EXCELSIOR account at UBS;
- f. Preparing a fraudulent land purchase contract and forging V.R.'s signature on the fraudulent land purchase contract to make it appear that V.R. was purchasing land in Colombia by using money from the ARIELY account at UBS; and
- g. Preparing a false and fraudulent EXCELSIOR account statement at UBS and sending it to A.R.

Use of the Wires

18. On or about the dates enumerated below, the defendant, for the purpose of executing the aforesaid scheme and artifice to defraud, did knowingly transmit and cause to be transmitted in interstate commerce, certain writings, signs, signals, pictures and sounds by means of wire communication, as more particularly described below:

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE COMMUNICATION
1	02/07/2017	Electronic transmission of routing information caused by the transfer of approximately \$85,000 from the ARIELY account at UBS with ending account number x8742 to a Bank of America account ending in x6402
2	02/21/2017	Electronic transmission of routing information caused by the transfer of approximately \$250,000 from the ARIELY account at UBS with ending account number x8742 to a Banque Pictec & Cie SA account ending in x0100
3	04/11/2017	Electronic transmission of routing information caused by the transfer of approximately \$250,000 from the ARIELY account at UBS with ending account number x8742 to a Banque Pictec & Cie SA account ending in x0100
4	02/22/2018	Electronic transmission of routing information caused by the transfer of approximately \$200,000 from the ARIELY account at UBS with ending account number x8742 to a Wells Fargo account ending in x4172
5	12/06/2018	Electronic transmission of routing information caused by the transfer of approximately \$95,200 from the EXCELSIOR account at UBS with ending account number x6498 to a Bank of America account ending in x6402
6	12/24/2018	Electronic transmission of routing information caused by the transfer of approximately \$83,500 from the EXCELSIOR account at UBS with ending account number x6498 to a Bank of America account ending in x6402
7	08/09/2019	Electronic transmission of routing information caused by the transfer of approximately \$91,500 from the EXCELSIOR account at UBS with ending account number x6498 to a Bank of America account ending in x6402
8	02/13/2020	Electronic transmission of routing information caused by the transfer of approximately \$85,500 from the EXCELSIOR account at UBS with ending account number x6498 to a JP Morgan Chase account ending in x3825

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

FORFEITURE ALLEGATIONS
(18 U.S.C. § 981(a)(1)(C))

19. The allegations of this Information are re-alleged, and by this reference fully incorporated herein for the purpose of alleging criminal forfeiture to the United States of America of certain property in which the defendant, **GERMAN NINO**, has an interest.

20. Upon conviction of a violation of Title 18, United States Code, Section 1343, as alleged in this Information, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

21. The property subject to criminal forfeiture includes, but is not limited to, the following: \$5,833,218.59 (U.S.), which represents the total amount of funds constituting, or derived from, traceable proceeds the defendant obtained directly or indirectly as a result of the violations alleged in this Information.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).


JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY


DERIC ZACCA
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

v.
GERMAN NINO,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

_____ /
Defendant.

Court Division: (Select One)

- Miami Key West FTL
- WPB FTP

New defendant(s) Yes No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) **No** _____

List language and/or dialect English

4. This case will take 5 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

- (Check only one)
- I 0 to 5 days
 - II 6 to 10 days
 - III 11 to 20 days
 - IV 21 to 60 days
 - V 61 days and over

- (Check only one)
- Petty
 - Minor
 - Misdemeanor
 - Felony

6. Has this case previously been filed in this District Court? (Yes or No) **No** _____

If yes: Judge _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) **No** _____

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____


Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) **No** _____

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No** _____
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) **No** _____
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No** _____



DERIC ZACCA
 Assistant United States Attorney
 FLA Bar No. 151378

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GERMAN NINO

Case No: _____

Counts: 1 – 8

Wire Fraud

18 U.S.C. § 1343

*** Max. Penalty:** Twenty (20) years' imprisonment; three (3) years' supervised release; \$250,000 fine.

Count:

***Max. Penalty:**

Count:

***Max. Penalty:**

Count:

***Max. Penalty:**

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable

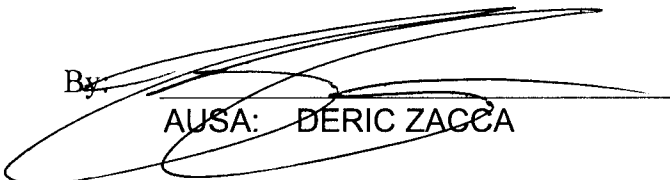
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: _____ **GERMAN NINO** _____

\$500K PSB to be co-signed by wife and another person & \$250K 10% Bond
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: 
AUSA: **DERIC ZACCA**

Last Known Address: 1501 Victoria Isle Way

Weston, FL 33327

What Facility: _____

Agent(s): Darin Didier, FBI

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America
v.
GERMAN NINO,

)
)
)
)
)

Case No. 22-20020-CR-GRAHAM/CMM

Defendant

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title