

Question

Under what circumstances could a RICO claim arise from a scheme involving a wife, a third party, and a relative, where actions include transferring money to conceal assets, making false statements about abuse, and using legal processes to remove a spouse from the marital home?

Answer (U.S. Federal)

Short response

A RICO claim could arise from a scheme involving a wife, third party, and relative when their coordinated actions constitute an enterprise engaged in a pattern of racketeering activity, such as mail fraud, wire fraud, or money laundering. Specific predicate acts like transferring money to conceal assets, making false statements, and abusing legal processes must form a pattern showing both relationship and continuity that affects interstate commerce.

Summary

The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal penalties and civil remedies against individuals who conduct or participate in an enterprise through a pattern of racketeering activity. Based on the provided materials, a RICO claim could potentially arise from a scheme involving family members and third parties in a domestic context when their coordinated actions constitute an "enterprise" engaged in a "pattern of racketeering activity" as defined by [18 U.S.C. § 1961](#). The scheme described—involving transferring money to conceal assets, making false statements about abuse, and manipulating legal processes—could potentially qualify as predicate acts under RICO if they involve mail fraud, wire fraud, money laundering, obstruction of justice, or other qualifying offenses.

For a viable RICO claim to exist in this scenario, several essential elements must be established: (1) the existence of an enterprise consisting of the wife, third party, and relative; (2) a pattern of racketeering activity involving at least two related predicate acts within ten years that demonstrate both relationship and continuity; (3) conduct by the defendants participating in the operation or management of the enterprise; (4) an effect on interstate commerce; and (5) injury to business or property resulting from the racketeering activity. The claim could be brought under various subsections of [18 U.S.C. § 1962](#), depending on the specific nature of the defendants' involvement, with potential civil remedies including treble damages and attorney's fees under [18 U.S.C. § 1964](#).

Background and Relevant Law

Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal and civil remedies against racketeering activity. To understand when a RICO claim could arise in the context of the scheme described in the question, it is essential to examine the key statutory provisions that define the elements of a RICO violation.

Prohibited Activities

Under [18 U.S.C. § 1962](#), several activities are prohibited:

"It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

The statute specifically prohibits four types of activities:

1. Using income derived from racketeering activity to acquire an interest in an enterprise (§ 1962(a))
2. Acquiring or maintaining an interest in an enterprise through racketeering activity (§ 1962(b))
3. Conducting the affairs of an enterprise through a pattern of racketeering activity (§ 1962(c))
4. Conspiring to violate any of the above provisions (§ 1962(d))

Definition of "Racketeering Activity"

[18 U.S.C. § 1961](#) defines "racketeering activity" to include numerous federal and state offenses:

"'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), ... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ... section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)..."

Of particular relevance to the scenario involving concealed assets and false statements are offenses such as mail fraud, wire fraud, obstruction of justice, and money laundering.

Money Laundering

[18 U.S.C. § 1956](#) addresses the laundering of monetary instruments:

"Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... knowing that the transaction is 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 specified unlawful activity..."

This provision could be particularly relevant to the scenario involving transferring money to conceal assets.

Civil Remedies

[18 U.S.C. § 1964](#) provides civil remedies for RICO violations:

"Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..."

This provision establishes the right of an injured party to sue and potentially recover treble damages and attorneys' fees.

Case Law Interpretations

Elements of a RICO Claim

Courts have consistently identified four essential elements required to establish a RICO claim. In [Lockhart v. Deluca](#) (E.D. Mich. 2023), the court explained:

"To state a RICO claim, a plaintiff must plead: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" (citing [Sedima, S.P.R.L. v. Imrex Co., Inc.](#), 473 U.S. 479, 496 (1985)).

Similarly, in [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union](#), 509 F.Supp.3d 560 (E.D. Va. 2020), the court stated:

"Generally, the elements of a civil Racketeer Influenced and Corrupt Organizations Act (RICO) claim are (1) a person, (2) an enterprise, (3) a pattern of (4) racketeering activity (5) which causes injury to the plaintiff."

Enterprise Requirement

The concept of an "enterprise" is fundamental to a RICO claim. In [Boyle v. United States, 556 U.S. 938 \(2009\)](#), the Supreme Court explained:

"RICO defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.'" (quoting [18 U.S.C. § 1961\(4\)](#)).

In [Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783, 793 \(6th Cir. 2012\)](#), the court articulated specific requirements for pleading an enterprise:

"To plead an enterprise, for instance, a plaintiff must allege: 1) an ongoing organization with some sort of framework or superstructure for making and carrying out decisions; 2) that the members of the enterprise functioned as a continuing unit with established duties; and 3) that the enterprise was separate and distinct from the pattern of racketeering activity in which it engaged."

The enterprise requirement has been further clarified in [Begala v. PNC Bank, 214 F.3d 776 \(6th Cir. 2000\)](#), which emphasized the "distinctness requirement":

"Under RICO, a corporation cannot be both the 'enterprise' and the 'person' conducting or participating in the affairs of that enterprise."

Pattern of Racketeering Activity

For a viable RICO claim, the defendants must engage in a "pattern of racketeering activity." In [H.J. Inc v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), the Supreme Court explained:

"RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity."

The requirement for at least two acts of racketeering activity within a ten-year period is specified in [Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783 \(6th Cir. 2012\)](#):

"A pattern of racketeering activity requires, at a minimum, two acts of racketeering activity within ten years of each other."

Conduct Requirement

The "conduct" element of a RICO claim was addressed in [Reves v. Ernst Young, 507 U.S. 170 \(1993\)](#):

"It is clear from the statute's language and legislative history that Congress did not intend to extend § 1962(c) liability beyond those who participate in the operation or management of an enterprise through a pattern of racketeering activity."

This establishes the operation or management test for RICO liability under § 1962(c).

Predicate Acts

Various predicate acts that can constitute "racketeering activity" have been identified in cases. In [United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc.](#), 837 F.2d 356 (9th Cir. 1988), the court recognized that:

"The plaintiffs allege that the defendants' activities constitute predicate acts of mail and wire fraud in furtherance of a fraudulent... scheme."

Similarly, in [Bridge v. Phoenix Bond & Indem. Co.](#), 553 U.S. 639 (2008), the Supreme Court explained:

"Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.'" (quoting § 1341).

Analysis

Application to the Described Scheme

To determine whether a RICO claim could arise from a scheme involving a wife, a third party, and a relative engaging in activities such as transferring money to conceal assets, making false statements about abuse, and using legal processes to remove a spouse from the marital home, each element of a RICO claim must be analyzed.

Enterprise Element

First, the group consisting of the wife, third party, and relative could potentially constitute an "enterprise" under RICO if they form an ongoing organization with some framework for making and carrying out decisions and function as a continuing unit.

As explained in [Ouwinga v. Benistar 419 Plan Servs., Inc.](#), 694 F.3d 783 (6th Cir. 2012), an enterprise requires "an ongoing organization with some sort of framework or superstructure for making and carrying out decisions" and that "the members of the enterprise functioned as a continuing unit with established duties."

The Supreme Court in [Boyle v. United States](#), 556 U.S. 938 (2009) held that an enterprise includes "any union or group of individuals associated in fact although not a legal entity." This broad definition could encompass the

informal association of family members and third parties working together toward common goals, even without a formal organizational structure.

Pattern of Racketeering Activity

Second, the actions described in the question must constitute a "pattern of racketeering activity." This requires at least two acts of racketeering within ten years that demonstrate both "relationship" and "continuity."

The specific activities mentioned—transferring money to conceal assets, making false statements about abuse, and using legal processes to remove a spouse from the marital home—could qualify as predicate acts under RICO if they involve:

1. **Mail or Wire Fraud:** If electronic communications or postal services were used to execute the scheme, this could constitute mail or wire fraud under 18 U.S.C. §§ 1341 or 1343. As noted in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#), mail fraud occurs whenever someone "having devised or intending to devise any scheme or artifice to defraud" uses the mail "for the purpose of executing such scheme or artifice."
2. **Money Laundering:** Transferring money to conceal assets could potentially violate [18 U.S.C. § 1956](#), which prohibits financial transactions designed "to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity." If the transfers involve amounts over \$10,000, they might also violate [18 U.S.C. § 1957](#), which prohibits "monetary transaction[s] in criminally derived property of a value greater than \$10,000."
3. **Obstruction of Justice:** Making false statements about abuse in legal proceedings or manipulating the legal system could potentially constitute obstruction of justice under [18 U.S.C. § 1512](#), which prohibits "knowingly us[ing] intimidation, threaten[ing], or corruptly persuad[ing] another person... with intent to influence, delay, or prevent the testimony of any person in an official proceeding."

As explained in [H.J. Inc v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), the pattern must show both "relationship" and "continuity." The relationship element would be satisfied if the acts have "the same or similar purposes, results, participants, victims, or methods of commission." Continuity could be established by showing either "a series of related predicate acts extending over a substantial period of time" (closed-ended continuity) or a "threat of continuing criminal activity extending indefinitely into the future" (open-ended continuity).

Conduct Element

The participants in the scheme must conduct or participate in the operation or management of the enterprise through the pattern of racketeering activity. As established in [Reves v. Ernst Young, 507 U.S. 170 \(1993\)](#), liability

extends to "those who participate in the operation or management of an enterprise through a pattern of racketeering activity."

In the context of the described scheme, if the wife, third party, and relative are actively making decisions and taking actions to further the enterprise's goals through the predicate acts, this element could be satisfied.

Interstate Commerce Element

For RICO to apply, the enterprise's activities must affect interstate commerce. This requirement is often broadly interpreted and could be satisfied if any aspect of the scheme crosses state lines, such as electronic transfers of funds between banks in different states or communications across state boundaries.

Injury Element

For a civil RICO claim, the plaintiff must demonstrate an injury to business or property resulting from the RICO violation. As stated in [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp.3d 560 \(E.D. Va. 2020\)](#), the elements include "which causes injury to the plaintiff."

In this scenario, the spouse who was removed from the marital home and whose assets were concealed could potentially demonstrate economic injury, such as loss of property rights or financial damages.

Specific Applications Under Different RICO Provisions

The scheme could potentially give rise to claims under different subsections of [18 U.S.C. § 1962](#):

- **Under § 1962(a):** If the proceeds from the racketeering activities (such as fraudulently obtained assets) were used to establish or operate another enterprise affecting interstate commerce.
- **Under § 1962(b):** If the racketeering activities were used to acquire or maintain interest in or control of an enterprise, such as gaining control over marital property.
- **Under § 1962(c):** If the participants conducted the affairs of the enterprise through a pattern of racketeering activity, which would be the most common basis for a claim in this scenario.
- **Under § 1962(d):** If there was a conspiracy among the wife, third party, and relative to violate any of the above provisions.

As explained in [Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp. 2d 1238 \(M.D. Fla. 2002\)](#), these provisions cover various aspects of racketeering activity, including "investing income derived, directly or indirectly, from a pattern of racketeering activity," "acquiring or maintaining an interest in any enterprise... through a pattern of racketeering activity," "conducting or participating in the affairs of any enterprise... through a

pattern of racketeering activity," and "conspiring to violate any of the provisions."

Exceptions and Caveats

Limitations on RICO Claims

Despite the potential applicability of RICO to the described scheme, several important limitations could affect the viability of such a claim:

1. **Ordinary Business or Personal Disputes:** Courts are generally reluctant to apply RICO to ordinary business or personal disputes. As noted in [Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp.3d 560 \(E.D. Va. 2020\)](#), "we have reserved RICO liability for 'ongoing unlawful activities whose scope and persistence pose a special threat to social well-being.'" A domestic dispute, even if it involves potentially fraudulent activities, might not rise to this level without additional factors indicating a broader scheme.
2. **Continuity Requirement:** The scheme must demonstrate sufficient continuity to establish a pattern. If the actions were isolated incidents related to a single dispute rather than an ongoing pattern of criminal activity, this requirement might not be met.
3. **Predicate Acts:** The specific activities must qualify as predicate acts under RICO. If the actions do not involve mail fraud, wire fraud, money laundering, obstruction of justice, or other qualifying offenses, they would not support a RICO claim.
4. **Interstate Commerce:** The enterprise must affect interstate commerce. If all activities were purely local in nature, this jurisdictional requirement might not be satisfied.
5. **Pleading Standards:** RICO claims are subject to heightened pleading standards, especially when based on fraud. As noted in [Civil Rico: A Tool of Advocacy](#), "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

Distinction Between Civil and Criminal RICO Claims

It's important to distinguish between civil and criminal RICO claims. While the substantive elements are similar, the procedural context and burdens of proof differ significantly:

- **Criminal RICO:** Prosecuted by the government with potential penalties including fines and imprisonment up to 20 years (or life in certain circumstances), as specified in [18 U.S.C. § 1963](#): "Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum

penalty includes life imprisonment), or both, and shall forfeit to the United States..."

- **Civil RICO:** Initiated by private plaintiffs with remedies including treble damages and attorney's fees, as provided in [18 U.S.C. § 1964](#): "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..."

In the described scenario, the injured spouse would likely pursue a civil RICO claim seeking damages, while criminal RICO charges would require prosecution by federal authorities.

Conclusion

A RICO claim could potentially arise from a scheme involving a wife, a third party, and a relative engaging in activities such as transferring money to conceal assets, making false statements about abuse, and using legal processes to remove a spouse from the marital home, but only if specific requirements are met.

For such a claim to succeed, the plaintiff would need to establish:

1. **Enterprise:** The wife, third party, and relative must form an association-in-fact enterprise with some structure and continuity of purpose.
2. **Racketeering Activity:** The actions must constitute predicate acts under RICO, such as mail fraud, wire fraud, money laundering, or obstruction of justice.
3. **Pattern:** There must be at least two predicate acts within ten years that demonstrate both relationship and continuity.
4. **Conduct:** The defendants must participate in the operation or management of the enterprise through the pattern of racketeering activity.
5. **Interstate Commerce:** The enterprise's activities must affect interstate commerce.
6. **Injury:** For a civil RICO claim, the plaintiff must demonstrate injury to business or property resulting from the RICO violation.

While domestic disputes are not typical subjects of RICO actions, the statute's broad language could encompass such schemes when they involve qualifying criminal activities conducted through an enterprise. However, courts generally reserve RICO for "ongoing unlawful activities whose scope and persistence pose a special threat to social well-being," so the scheme

would need to demonstrate significant scope, persistence, and impact beyond an isolated domestic incident.

The potential civil remedies for a successful RICO claim include treble damages and attorney's fees, making it an attractive option for plaintiffs who can meet the stringent requirements of establishing all elements of the claim. However, the heightened pleading standards and the courts' general reluctance to apply RICO to ordinary disputes present significant challenges to bringing such claims in domestic contexts.

Legal Authorities

[Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#)

U.S. Supreme Court

Extract

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). The statute defines 'enterprise' to include 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' § 1961(4).

Summary

The passage from Boyle v. United States provides insight into the requirements for a RICO claim, specifically the need for an "enterprise" and a "pattern of racketeering activity." An enterprise can be any group of individuals associated in fact, even if not a legal entity. The actions described in the question, such as transferring money to conceal assets and making false statements, could potentially be considered racketeering activities if they meet the statutory definitions. The involvement of a wife, a third party, and a relative could form an "enterprise" if they are associated in fact for a common purpose. Therefore, if these actions are part of a pattern of racketeering activity affecting interstate or foreign commerce, a RICO claim could potentially arise.

[Bridge v. Phoenix Bond & Indem. Co., 128 S.Ct. 2131, 170 L.Ed.2d 1012, 553 U.S. 639, 8 Cal. Daily Op. Serv. 6929, 21 Fla. L. Weekly Fed. S 295, 76 USLW 4381, 2008 Daily Journal D.A.R. 8339 \(2008\)](#)

U.S. Supreme Court

Extract

In 18 U.S.C. § 1964(c), RICO provides a private right of action for treble damages to '[a]ny person injured in his business or property by reason of a violation,' as pertinent here, of § 1962(c), which makes it 'unlawful for any person employed by or associated with' a qualifying enterprise 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity,' including 'mail fraud,' § 1961(1)(B). Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.' § 1341.

Summary

Mail fraud involves using the mail to execute a scheme to defraud. This is relevant to the question as it suggests that if the scheme involving the wife, third party, and relative includes mail fraud as part of the actions to conceal assets or make false statements, it could potentially give rise to a RICO claim.

[Reves v. Ernst Young, 507 U.S. 170, 113 S.Ct. 1163, 122 L.Ed.2d 525 \(1993\)](#)

U.S. Supreme Court

Extract

A provision of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962(c), makes it unlawful 'for any person employed by or associated with [an interstate] enterprise... to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity... .' ... It is clear from the statute's language and legislative history that Congress did not intend to extend § 1962(c) liability beyond those who participate in the operation or management of an enterprise through a pattern of racketeering activity.

Summary

The passage from Reves v. Ernst Young clarifies that for a RICO claim under § 1962(c) to arise, the individuals involved must participate in the operation or management of an enterprise through a pattern of racketeering activity. This means that merely being associated with an enterprise is not enough; there must be active participation in its management or operations. In the context of the question, if the wife, third party, and relative are conducting or participating in the management of an enterprise (which could be a loosely defined association for the purpose of the scheme) through a pattern of racketeering activities such as fraud or obstruction of justice, a RICO claim could potentially arise.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. ... RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

Summary

To establish a RICO claim, there must be a demonstration of both a relationship and continuity in the racketeering activities. This means that the actions must be related and either constitute or threaten long-term criminal activity. The passage also outlines the types of activities that can lead to RICO liability, such as using income derived from racketeering to operate an enterprise or participating in the conduct of an enterprise's affairs through racketeering.

[Anza v. Ideal Steel Supply Corp., 126 S.Ct. 1991, 164 L.Ed.2d 720, 547 U.S. 451 \(2006\)](#)

U.S. Supreme Court

Extract

RICO essentially seeks to prevent organized criminals from taking over or operating legitimate businesses. Its language, however, extends its scope well beyond those central purposes. RICO begins by listing certain predicate acts, called 'racketeering activity,' which consist of other crimes, ranging from criminal copyright activities, the facilitation of gambling, and mail fraud to arson, kidnaping, and murder. § 1961(1) (2000 ed., Supp. III). It then defines a 'pattern of racketeering activity' to include engaging in 'at least two' predicate acts in a 10-year period. § 1961(5) (2000 ed.). And it forbids certain business-related activities involving such a 'pattern' and an 'enterprise.' The forbidden activities include using funds derived from a 'pattern of racketeering activity' in acquiring, establishing, or operating any

enterprise, and conducting the affairs of any enterprise through such `a pattern.'

Summary

RICO's scope extends beyond organized crime to include a variety of predicate acts that can form a pattern of racketeering activity. This includes acts like mail and wire fraud, which could potentially relate to the actions described in the question, such as transferring money to conceal assets or making false statements. The passage also clarifies that a pattern of racketeering activity involves at least two predicate acts within a 10-year period, which is relevant to determining if the described scheme could constitute a RICO violation.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

U.S. Supreme Court

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, *inter alia*, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.'

Summary

A RICO claim can arise if there is a "pattern of racketeering activity" involving acts that are "indictable" under federal criminal provisions, such as mail and wire fraud. The passage highlights that RICO provides for a private civil action to recover treble damages for injuries to business or property resulting from a violation of section 1962. This suggests that if the scheme involving the wife, third party, and relative includes activities that can be classified as racketeering, such as fraud or other indictable offenses, a RICO claim could potentially be pursued.

[Sundquist v. Hultquist, Cause No. 1:20-CV-275-HAB \(N.D. Ind. Sep 09, 2020\)](#)

U.S. District Court — Northern District of Indiana

Extract

The Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968, makes it unlawful 'to conduct' an 'enterprise's affairs through a pattern of racketeering activity,' where 'racketeering' is defined as behavior that violates certain enumerated federal statutes or state laws addressing specific topics and bearing specific penalties. 18 U.S.C. §§ 1962(c); 1961(1). ... Accordingly, to state a claim for a RICO violation, a plaintiff must allege a cognizable injury to its business or property resulting from the '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... Before a RICO plaintiff can allege a 'pattern of racketeering activity,' he must plead instances of 'racketeering activity' or 'predicate acts.' ... A list of acts that constitute racketeering activity can be found at 18 U.S.C. § 1961(1). Plaintiff's Amended Complaint alleges two of the identified acts: bribery and mail fraud.

Summary

Elements necessary to establish a RICO claim, which are applicable to any case under U.S. Federal law. The passage does not specifically address the scenario involving a wife, a third party, and a relative, but it provides the legal framework for understanding how a RICO claim could arise if the actions in the scenario meet the criteria of racketeering activity and enterprise conduct.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

U.S. District Court — District of Arizona

Extract

RICO makes it unlawful for 'any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any of several listed crimes 'which is chargeable under State law and punishable by imprisonment for more than one year,' as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity, which must be 'related' and 'amount to or pose a threat of continued criminal activity.'

Summary

Framework for understanding when a RICO claim might arise, which could be applicable to the described scheme if the actions meet these criteria.

[Lockhart v. Deluca](#)

U.S. District Court — Eastern District of Michigan

Extract

The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb “racketeering activity,” which it defines as any act “chargeable” under several generically described state criminal laws, any act “indictable” under numerous specific federal criminal provisions, including mail and wire fraud, and any “offense” involving bankruptcy or securities fraud or drug-related activities that is “punishable” under federal law.” 18 U.S.C. § 1961(1); see also Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 481-82 (1985). For violations of RICO, Congress has provided primarily criminal penalties. See 18 U.S.C. § 1963. But § 1964 establishes a civil cause of action for “[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. § 1962].” To state a RICO claim, a plaintiff must plead: “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” Sedima, S.P.R.L., 473 U.S. at 496. The Sixth Circuit has instructed that RICO pleadings must be liberally construed, Begala v. PNC Bank, 214 F.3d 776, 781 (6th Cir. 2000), but plaintiffs nonetheless must offer allegations establishing each element. Each of these elements, in turn, has its own sub-elements. To plead an enterprise, for instance, a plaintiff must allege: 1) an ongoing organization with some sort of framework or superstructure for making and carrying out decisions; 2) that the members of the enterprise functioned as a continuing unit with established duties; and 3) that the enterprise was separate and distinct from the pattern of racketeering activity in which it engaged. Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783, 793 (6th Cir. 2012). As for the “conduct” element, the plaintiff’s allegations must establish that a defendant participated, “directly or indirectly, in the conduct of [the RICO] enterprise’s affairs.” 18 U.S.C. § 1962(c).

Summary

Elements required to establish a RICO claim, which includes conduct of an enterprise through a pattern of racketeering activity. It specifies that racketeering activity can include acts chargeable under state laws or indictable under federal laws, such as mail and wire fraud. The passage also details the sub-elements necessary to plead an enterprise, such as an ongoing organization and distinct duties among its members. This information is relevant to determining if a scheme involving a wife, a third party, and a relative could constitute a RICO violation if it involves such activities as transferring money to conceal assets or making false statements, provided these actions form a pattern of racketeering activity.

[Corporacion Insular de Seguros v. Reyes Munoz, 849 F.Supp. 126 \(D. P.R. 1994\)](#)

U.S. District Court — District of Puerto Rico

Extract

The issuing and processing of the checks constitute a violation of the civil RICO statute. In order to prove a violation of civil RICO, plaintiff must prove: (1) that there existed an enterprise, which affected interstate commerce; (2) that codefendants were employed by or associated with the enterprise; (3) that codefendants participated in the conduct of the enterprise's affairs; and (4) that codefendants' participation was through a pattern of racketeering activity. ... Codefendants' participation in the enterprise constituted a pattern of racketeering. The 'pattern of racketeering activity' consists of a requisite number of criminal acts performed by the persons composing the enterprise. ... A pattern requires at least two criminal activities within ten years. ... In addition, the racketeering predicates must be related and amount to or pose a continued threat of criminal activity.

Summary

Elements required to establish a civil RICO claim: the existence of an enterprise affecting interstate commerce, association with the enterprise, participation in the enterprise's affairs, and participation through a pattern of racketeering activity. The pattern of racketeering activity must include at least two related criminal acts within ten years that pose a continued threat of criminal activity. This framework can be applied to assess whether a scheme involving a wife, a third party, and a relative, with actions such as transferring money to conceal assets and making false statements, could constitute a RICO violation if these actions form a pattern of racketeering activity.

[United Energy Owners Committee, Inc. v. U.S. Energy Management Systems, Inc., 837 F.2d 356 \(9th Cir. 1988\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

The plaintiffs allege that the defendants' activities constitute predicate acts of mail and wire fraud in furtherance of a fraudulent solar energy tax shelter scheme. The plaintiffs claim that the defendants injured them by violating (1) RICO section 1962(c) by participating in the conduct of the affairs of enterprises through a pattern of racketeering activity, and (2) RICO section 1962(a) by using or investing the income or proceeds of the racketeering activity to acquire interests in and to establish and operate other businesses which are engaged in interstate commerce. The plaintiffs also claim that the defendants engaged in a conspiracy in violation of RICO section 1962(d) by their violation of sections 1962(a) and (c).

Summary

A RICO claim can arise when there is a pattern of racketeering activity, which includes predicate acts such as mail and wire fraud. The passage also highlights the necessity of an enterprise being involved in the conduct of racketeering activities. In the context of the question, if the actions of transferring money to conceal assets, making false statements, and using legal processes are part of a pattern of racketeering activity and involve an enterprise, a RICO claim could potentially be established.

[Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#)

U.S. District Court — District of Massachusetts

Extract

To plead a civil RICO action, a plaintiff must plead specific, non-conclusory, facts which, if accepted as true, show the existence of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... To plead a 'pattern' of 'racketeering activity,' a plaintiff must set forth well-pled allegations of conduct violating specified federal or state statutes. Racketeering acts include (1) offenses chargeable under State law and punishable by imprisonment of more than one year that involve murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance, and (2) violations of certain federal statutes, such as the mail and wire fraud statutes. ... A "pattern of racketeering activity" requires at least two acts of racketeering activity within ten years of each other. ... To satisfy this mandate, a plaintiff must plead facts showing that racketeering acts are 'related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Framework for understanding the elements necessary to establish a RICO claim, which could be applicable to the scenario described in the question if the actions meet these criteria.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

U.S. District Court — Middle District of Florida

Extract

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the

following activities unlawful: (a) investing income derived, directly or indirectly, from a pattern of racketeering activity through collection of an unlawful debt in any enterprise which affects interstate commerce; (b) acquiring or maintaining an interest in any enterprise which affects interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt; (c) conducting or participating in the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt; or (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962. 'Racketeering activities' covers a wide range of federal and state crimes, including acts that are 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that [are] 'punishable' under federal law.

Summary

Framework for understanding how a scheme involving transferring money to conceal assets, making false statements, and using legal processes could potentially fall under RICO if these actions constitute a pattern of racketeering activity.

[Studco Bldg. Sys. U.S., LLC v. 1st Advantage Fed. Credit Union, 509 F.Supp. 3d 560 \(E.D. Va. 2020\)](#)

U.S. District Court — Eastern District of Virginia

Extract

Generally, the elements of a civil Racketeer Influenced and Corrupt Organizations Act (RICO) claim are (1) a person, (2) an enterprise, (3) a pattern of (4) racketeering activity (5) which causes injury to the plaintiff. 18 U.S.C.A. § 1962 (a, c). ... The Supreme Court has explained that a civil RICO claim has four essential elements: '(1) conduct; (2) of an enterprise; (3) through a pattern; (4) of racketeering activity.' ... 'Racketeering activity' includes mail and wire fraud. See 18 U.S.C.A. § 1961(1)(B). ... For a pattern of racketeering activity to exist, 'two or more predicate acts of racketeering must have been committed within a ten-year period.' ... Instead, '[w]e have reserved RICO liability for 'ongoing unlawful activities whose scope and persistence pose a special threat to social well-being.'

Summary

Essential elements required to establish a civil RICO claim, which includes the necessity of demonstrating a pattern of racketeering activity that causes injury to the plaintiff. It specifies that racketeering activity can include acts like mail and wire fraud, and emphasizes that RICO is intended for serious, ongoing unlawful activities that pose a threat to social well-being. This is

relevant to the question as it provides a framework for understanding when a RICO claim might arise in the context of the described scheme.

[Begala v. PNC Bank, 214 F.3d 776 \(6th Cir. 2000\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

Under RICO, an enterprise is prohibited from engaging in a coordinated effort to collect an unlawful debt. Specifically, the RICO statute provides: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. 18 U.S.C. § 1962(c). Plaintiffs' complaint fails adequately to allege the existence of a RICO enterprise, although not entirely for the reasons cited by the district court. The district court held that the complaint had failed to allege an enterprise distinct from PNC because all of the entities listed in the complaint were subdivisions or agents of PNC. Under RICO, a corporation cannot be both the 'enterprise' and the 'person' conducting or participating in the affairs of that enterprise. See, e.g., *Puckett v. Tennessee Eastman Co.*, 889 F.2d 1481, 1489 (6th Cir. 1989). Under the 'non-identity' or 'distinctness' requirement, a corporation may not be liable under section 1962(c) for participating in the affairs of an enterprise that consists only of its own subdivisions, agents, or members. An organization cannot join with its own members to undertake regular corporate activity and thereby become an enterprise distinct from itself.

Summary

For a RICO claim to arise, there must be an "enterprise" that is distinct from the "person" conducting the racketeering activity. The enterprise must engage in a pattern of racketeering activity or collection of unlawful debt. The passage emphasizes the need for a distinct entity or association-in-fact that functions as a continuing unit, which is not met if the alleged enterprise consists solely of subdivisions or agents of a single entity. This is relevant to the question as it highlights the necessity of establishing a distinct enterprise in a RICO claim, which could be applicable in a scheme involving a wife, a third party, and a relative if they form an association-in-fact that engages in racketeering activities.

[Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783 \(6th Cir. 2012\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

To state a RICO claim, a plaintiff must plead the following elements: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." ... A plaintiff must set forth allegations to establish that the defendant conducted or participated, "directly or indirectly, in the conduct of [the RICO] enterprise's affairs." ... RICO defines an "enterprise" as "any individual, partnership, corporation, association, or other legal entity and any union or group of individuals associated in fact although not a legal entity." ... To establish a substantive RICO violation, a plaintiff must show "a pattern of racketeering activity." ... A pattern of racketeering activity requires, at a minimum, two acts of racketeering activity within ten years of each other.

Summary

To establish a RICO claim, there must be conduct of an enterprise through a pattern of racketeering activity. The enterprise can be any group of individuals associated in fact, and there must be at least two acts of racketeering activity within ten years. The conduct must involve participation in the operation or management of the enterprise's affairs. This framework can be applied to the scenario involving a wife, a third party, and a relative if their actions constitute an enterprise and a pattern of racketeering activity.

[18 U.S.C. § 1962](#) [18 U.S.C. § 1962 Prohibited Activities](#)

Extract

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Summary

A RICO claim could arise if the actions of the wife, third party, and relative constitute a "pattern of racketeering activity" as defined by the statute. This would involve multiple acts of racketeering, such as fraud or obstruction of justice, that are related and continuous. The actions must also affect interstate or foreign commerce. If the scheme involves using the legal process to fraudulently remove a spouse from the marital home and conceal assets, and these actions are part of a broader pattern of illegal activity, it could potentially fall under RICO.

[18 U.S.C. § 1964](#) [18 U.S.C. § 1964 Civil Remedies](#)

Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

Summary

If such a violation occurs, the injured party can sue in a U.S. district court and potentially recover threefold damages and legal costs. This suggests that if the scheme involving the wife, third party, and relative includes activities that constitute racketeering under section 1962, a RICO claim could be viable.

[18 U.S.C. § 1961](#) [18 U.S.C. § 1961 Definitions](#)

Extract

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), ... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ... section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), ...

Summary

A RICO claim could arise if the actions of the wife, third party, and relative involve activities that fall under the definition of "racketeering activity" as per 18 U.S.C. § 1961. This includes acts such as mail fraud, wire fraud, obstruction of justice, tampering with witnesses, and money laundering. If the scheme involves transferring money to conceal assets, making false statements, and using legal processes in a fraudulent manner, these could potentially be considered as racketeering activities if they meet the criteria outlined in the statute.

[18 U.S.C. § 1963](#) [18 U.S.C. § 1963 Criminal Penalties](#)

Extract

Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law- any interest the person has acquired or maintained in violation of section 1962; any-(A) interest in; (B) security of; (C) claim against; or (D) property or contractual right of any kind affording a source of influence over; any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

Summary

Penalties and forfeiture provisions for such violations, indicating the seriousness of engaging in racketeering activities.

[18 U.S.C. § 1956](#) [18 U.S.C. § 1956 Laundering of Monetary Instruments](#)

Extract

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity-(A)(i) with the intent to promote the carrying on of specified unlawful activity; or... (B) knowing that the transaction is designed in whole or in part-(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

Summary

A RICO claim could arise if the scheme involves financial transactions intended to conceal or disguise the nature, location, source, ownership, or control of proceeds from unlawful activity. This is relevant to the question as it involves transferring money to conceal assets, which could be considered a financial transaction designed to disguise the proceeds of unlawful activity.

[18 U.S.C. § 1957](#) [18 U.S.C. § 1957 Engaging In Monetary Transactions In Property Derived From Specified Unlawful Activity](#)

Extract

Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

Summary

The property must be derived from specified unlawful activity and the transaction must be of a value greater than \$10,000. This could potentially apply to the scenario described if the transfer of money to conceal assets involves criminally derived property.

[18 U.S.C. § 1512](#) [18 U.S.C. § 1512 Tampering With a Witness, Victim, Or an Informant](#)

Extract

Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to influence, delay, or prevent the testimony of any person in an official proceeding; cause or induce any person to-(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned by legal process; or hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

18 U.S.C. § 1512 addresses actions that involve tampering with witnesses, victims, or informants in federal proceedings. This includes using intimidation, threats, or corrupt persuasion to influence or prevent testimony, or to conceal or alter evidence. In the context of a RICO claim, if the scheme involving a wife, a third party, and a relative includes actions that obstruct justice by tampering with witnesses or evidence, it could potentially fall under this statute. The passage highlights the legal consequences of such actions, which could be relevant if the scheme involves federal offenses or proceedings.

[Civil Rico: A Tool of Advocacy](#)

The Brief - American Bar Association - 2024-01-01

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity... A plaintiff only has standing to sue if they have been injured in their business or property by conduct constituting the violation. To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.
- Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering.
- Injury: An injury to business or property due to the racketeering activity.

Summary

To establish a RICO claim under § 1962(c), there must be conduct of an enterprise through a pattern of racketeering activity, and the plaintiff must have suffered an injury to business or property due to this activity. The passage highlights the necessity of proving an enterprise, a pattern of racketeering activity, conduct, and injury. These elements are essential for a RICO claim, and the passage provides a framework for understanding how a scheme involving transferring money to conceal assets, making false statements, and using legal processes could potentially fit into a RICO claim if these elements are met.

[RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of

repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

For a RICO claim to arise, there must be a "pattern of racketeering activity," which involves criminal acts that are related by purpose, result, participants, victims, or methods, and are not isolated events. Additionally, there must be a "continuity" element, indicating either repeated conduct over a closed period or conduct that poses a threat of future repetition. This information is crucial in determining whether the actions described in the question could constitute a RICO violation.

[Crimes](#)

The Florida Criminal Cases Notebook. Volume 1-2 - James Publishing - Joseph C. Bodiford - 2021-04-30

Extract

State must specifically plead a RICO conspiracy if it intends to charge a defendant accordingly. In a RICO conspiracy, the crime is premised not upon the commission of the predicate acts of racketeering, or even an agreement to commit predicate acts, but upon an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity. While the state may plead and prove a substantive RICO charge by establishing a pattern of racketeering activity that includes conspiracies to commit predicate acts, this does not convert a plainly pleaded substantive RICO charge into a RICO conspiracy. A conspiracy to commit predicate acts of racketeering is different in kind from a conspiracy to conduct the affairs of the enterprise through a pattern of racketeering activity.

Summary

For a RICO claim to arise, there must be an agreement to participate in the affairs of a criminal enterprise through a pattern of racketeering activity. This means that simply committing predicate acts or agreeing to commit them is not enough; there must be a broader agreement to conduct the enterprise's affairs through these acts. The passage clarifies the distinction between a substantive RICO charge and a RICO conspiracy, emphasizing the need for a specific agreement to participate in the enterprise's affairs.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; * Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and * Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

Summary

Types of activities prohibited under RICO, including conducting the affairs of an enterprise through a pattern of racketeering and conspiring to violate these provisions. For a RICO claim to arise in the context of the question, the actions of transferring money to conceal assets, making false statements, and using legal processes would need to be part of a long-term, organized conduct that violates state or federal laws. Additionally, there must be an "enterprise" involved, and the actions must form a "pattern of racketeering activity."

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

For a RICO claim to arise, there must be conduct associated with an "enterprise" and a "pattern of racketeering activity." This requires long-term, organized conduct that violates state and federal laws. Additionally,

the plaintiff must prove that the defendant committed a qualifying criminal action, such as fraud, and that there is a pattern of racketeering activity, which means the conduct must be continuous and not isolated incidents.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees... The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses... A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

A RICO claim requires a pattern of racketeering activity, which involves two or more predicate offenses. The pattern can be demonstrated through closed-ended continuity (a series of related acts over time) or open-ended continuity (a threat of ongoing criminal activity). The actions described in the question, such as transferring money to conceal assets and making false statements, could potentially be considered predicate acts if they fall under the offenses listed in the RICO statute. If these actions are part of a scheme that shows a pattern of racketeering activity, a RICO claim could arise.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. ... Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. ... A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. ... A 'pattern' may exist where any

combination of two or more offenses occurred within a period of time. ... There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct.

Summary

Elements required for a RICO claim, which could apply to the described scheme if these elements are met.

This memo was compiled by Vincent AI based on vLex materials available as of June 07, 2025. [View full answer on vLex](#)