

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 14-cr- 398 WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. BURTON WAGNER,

Defendant.

INDICTMENT

18 U.S.C. § 1960

The Grand Jury charges that:

COUNT 1
(Operation of Unlicensed Money Transmitting Business)

From at least in or around April of 2013, through October 6, 2014, in the District of Colorado, the defendant,

BURTON WAGNER,

did knowingly conduct, control, manage, supervise, direct, or own all or part of an unlicensed money transmitting business affecting interstate and foreign commerce, to wit, a digital currency exchange business which (A) operated without an appropriate money transmitting license in a state where such operation is punishable as a misdemeanor or felony under state law; (B) failed to comply with the money transmitting business regulations under Section 5330 of Title 31, United States Code, and regulations prescribed thereunder; and (C) involved the transport and transmission of funds that were known to the defendant to have been derived from a criminal offense and were intended to

be used to promote and support unlawful activity; all in violation of Title 18, United States Code, Section 1960.

FORFEITURE ALLEGATION

1. The allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982.

2. Upon conviction of the violation alleged in Count 1 of this Indictment involving violation of Title 18, United States Code, Section 1960, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any and all of the defendant's right, title and interest in all property, real or personal, involved in such offenses, or all property traceable to such property.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

A TRUE BILL

Ink signature on file in Clerk's Office
FOREPERSON

Approved By:
JOHN F. WALSH
UNITED STATES ATTORNEY

By: s/Michele R. Korver
MICHELE R. KORVER
Assistant United States Attorney