

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

DANIEL DAVID DELPIANO

CASE NO. 8:06-cr-3417 NEA  
18 U.S.C. § 371

**INFORMATION**

The United States Attorney charges:

**COUNT ONE**

**(Conspiracy to Commit Mail Fraud, Wire Fraud, and Money Laundering)**

**Introduction**

At times material to this Information:

1. DANIEL DAVID DELPIANO was Chief Executive Officer, President, and a Director of PREMIER HOLIDAYS INTERNATIONAL, INC., f/k/a HOLIDAY CLUB INTERNATIONAL, INC., a Florida corporation; and a Managing Member of PHI SERVICES, LLC, f/k/a PHI TRUST SERVICES, LLC, a Florida limited liability company. DELPIANO was also Chief Executive Officer of AVV, INC., AVV OF ATLANTA, INC., and AMERICAN VACATION VENTURES, INC., Michigan corporations, collectively doing business as "AMERICAN VACATION VENTURES". DELPIANO pledged falsified and/or fictitious accounts receivable as collateral to back promissory notes in AMERICAN VACATION VENTURES, PREMIER HOLIDAYS INTERNATIONAL, INC., and PHI FINANCIAL OF FLORIDA, INC. sold to investors, facilitated the issuance of fraudulent financial guarantee bonds to insure promissory notes sold to investors, and

diverted investors' funds for purposes of personal enrichment, to make principal and interest payments to other investors, and to otherwise promote the perpetuation of the scheme.

2. PREMIER HOLIDAYS INTERNATIONAL, INC., f/k/a HOLIDAY CLUB INTERNATIONAL, INC., a Florida corporation, [hereinafter "PHI"] provided vacation club memberships to individuals who, for an annual fee and monthly dues, could obtain discount vacation travel. Typically, PHI members financed their memberships by executing short-term consumer promissory notes payable to PHI, and the members' payments were collected by PHI and/or collection agencies.

3. CMAL, INC., a Florida corporation, [hereinafter "CMAL"] was an entity through which a conspirator marketed and sold worthless, unregistered securities in the form of promissory notes in AMERICAN VACATION VENTURES to investors in the Middle District of Florida and elsewhere.

4. STETSON & ASSOCIATES, INC., a Florida corporation, [hereinafter "STETSON & ASSOCIATES"] was an entity through which a conspirator marketed and sold worthless, unregistered securities in the form of promissory notes in AMERICAN VACATION VENTURES, PHI, and PHI FINANCIAL OF FLORIDA, INC. to investors in the Middle District of Florida and elsewhere.

5. PHI FINANCIAL OF FLORIDA, INC., a Florida corporation, [hereinafter "PHI FINANCIAL"] was an entity through which a conspirator marketed and issued, pursuant to a private placement memorandum, worthless securities in the form of promissory notes in PHI FINANCIAL. PHI FINANCIAL, in turn, loaned the investors'

money to PHI in exchange for one or more promissory notes from PHI in favor of PHI FINANCIAL.

6. PHI SERVICES, LLC, a Florida limited liability company, operating in Sevierville, Tennessee, [hereinafter "PHI SERVICES"] was an entity used by conspirators to issue interest payments to investors in PHI.

7. SYNERGY CAPITAL MANAGEMENT, LLC, a Delaware limited liability company, doing business in Jackson, Mississippi, and Atlanta, Georgia, [hereinafter "SYNERGY"] owned 100 percent of the stock and was the holding company of FINANCIAL CAPITAL COMPANY OF AMERICA, LLC, and it served as agent for TRANS WORLD INDEMNITY, LIMITED. SYNERGY marketed worthless financial guarantee bonds issued to insure promissory notes sold to investors in PHI and PHI FINANCIAL.

8. TRANS WORLD INDEMNITY, LIMITED, a St. Christopher and Nevis corporation, doing business in Jackson, Mississippi, and Atlanta, Georgia, [hereinafter "TRANS WORLD"] named SYNERGY as its agent. TRANS WORLD issued false and fraudulent financial guarantee bonds to insure promissory notes sold to investors in PHI. TRANS WORLD was not licensed to do insurance business in the United States or any other domicile.

9. FINANCIAL CAPITAL COMPANY OF AMERICA, LLC, a registered Nevada limited liability company, also registered and operating in Atlanta, Georgia, [hereinafter "FCCA"] was 100 owned by SYNERGY. FCCA issued false and fraudulent financial guarantee bonds to insure promissory notes sold to investors in PHI and PHI

FINANCIAL. FCCA was not licensed to do insurance business in the United States or any other domicile.

**The Conspiracy**

10. Beginning on an unknown date, but at least as early as on or about May 12, 1995, and continuing thereafter, through and including on or about October 30, 2001, in the Middle District of Florida, and elsewhere,

DANIEL DAVID DELPIANO,

the defendant herein, did knowingly and willfully combine, conspire, confederate and agree with others, both known and unknown to the United States Attorney, to commit certain offenses against the United States, specifically:

(a) To devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, utilizing the United States mail and private and commercial interstate carriers, in violation of Title 18, United States Code, Section 1341;

(b) To devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, utilizing transmissions by means of wire and radio communication in interstate and foreign commerce of any writings, signs, signals, and sounds, in violation of Title 18, United States Code, Section 1343; and

(c) To conduct and attempt to conduct any financial transaction which involves the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represents the proceeds of some form of unlawful activity,

with the intent to promote the carrying on of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

**Manner and Means of the Conspiracy**

11. It was a part of the conspiracy that conspirators would and did offer and sell unregistered securities in the form of promissory notes in AMERICAN VACATION VENTURES, PHI, and PHI FINANCIAL to investors, each of whom invested in amounts ranging from \$2,000 to in excess of \$481,000 in such promissory notes.

12. It was a further part of the conspiracy that conspirators would and did create brochures, offering documents, and other materials which promoted investment opportunities in the promissory notes.

13. It was a further part of the conspiracy that conspirators would and did falsely and fraudulently represent that the promissory notes in AMERICAN VACATION VENTURES and PHI were risk free investments because the promissory notes were both secured and insured.

14. It was a further part of the conspiracy that conspirators would and did falsely and fraudulently represent that each AMERICAN VACATION VENTURES and PHI and PHI FINANCIAL promissory note would be and was backed by collateral in the form of specifically identified accounts receivable owed by vacation club members to AMERICAN VACATION VENTURES and/or PHI.

15. It was a further part of the conspiracy that conspirators would and did falsely and fraudulently represent that some of the promissory notes were also insured by financial guarantee bonds issued by TRANS WORLD and later by FCCA, which was

reinsured by international reinsurance companies. The financial guarantee bonds guaranteed repayment of both the principal and interest owed to investors.

16. It was a further part of the conspiracy that conspirators would and did cause investors to transmit their investment funds to conspirators via the United States mail, hand delivery, and other means.

17. It was a further part of the conspiracy that conspirators would and did divert, and cause the diversion of, investors' funds for purposes of paying commissions, insurance premiums, attorneys' fees and costs, and other items needed to perpetuate the scheme.

18. It was a further part of the conspiracy that conspirators would and did use, and cause the use of, investors' funds to make interest payments on promissory notes previously issued to other investors, as in a classic Ponzi scheme.

19. It was a further part of the conspiracy that conspirators would and did conceal from investors that investors' funds were diverted for purposes of paying commissions, insurance premiums, attorneys' fees and costs, other items, and for making Ponzi payments.

20. It was a further part of the conspiracy that conspirators would and did provide, and cause to be provided, to investors false and fraudulent documents evidencing their investments, the specifically identified accounts receivable backing said investments, and the insurance guaranteeing said investments via the United States mail, hand delivery, and other means.

21. It was a further part of the conspiracy that conspirators would and did transmit account statements as well as interest payments on promissory notes to investors via the United States mail, hand delivery, and other means.

22. It was a further part of the conspiracy that conspirators would and did transmit "lulling" letters via the United States mail to investors, who demanded payment of the principal and/or interest owed to them pursuant to the terms of their promissory notes, because the conspirators had wrongfully diverted and converted the investors' funds and, consequently, lacked the funds to pay on the investments.

23. It was a further part of the conspiracy that conspirators would and did transmit "lulling" letters via the United States mail to investors, who demanded insurance payments pursuant to the terms of their financial guarantee bonds, because the financial guarantee bonds were fraudulent, the purported reinsurance was a sham, and the entities that issued the financial guarantee bonds lacked assets to pay the claims.

24. It was a further part of the conspiracy that conspirators would and did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, the purpose of acts done in furtherance of the conspiracy.

#### **Overt Acts**

25. In furtherance of the conspiracy and to effectuate the objects thereof, the following overt acts, among others, were committed within the Middle District of Florida, and elsewhere:

(a) On or about May 12, 1995, a conspirator caused Shirley Benthal Holland, 10720 Dixon Drive, Riverview, Florida 33569, to invest \$44,529.64 in

AMERICAN VACATION VENTURES. In exchange for her investment, Ms. Holland received a promissory note in AMERICAN VACATION VENTURES and a personal guarantee of DANIEL DAVID DELPIANO.

(b) On or about September 8, 1995, a conspirator caused Robert E. McVay, 16416 U.S. Highway 19 North, Clearwater, Florida 34624, to invest \$40,000 in AMERICAN VACATION VENTURES. In exchange for his investment, Mr. McVay received a promissory note in AMERICAN VACATION VENTURES, a Security Agreement, and an Assignment of specifically identified accounts receivable purportedly backing his investment.

(c) On or about April 12, 1996, a conspirator caused Kenneth G. and Bonita R. Zicheck, 1804 Lido Drive, Brandon, Florida 33511, to invest \$25,000 in HOLIDAY CLUB INTERNATIONAL, INC. In exchange for their investment, Mr. and Mrs. Zicheck received a promissory note in HOLIDAY CLUB INTERNATIONAL, INC., a Security Agreement, and an Assignment of specifically identified accounts receivable purportedly backing their investment.

(d) On or about May 10, 1996, a conspirator caused Donald N. Thompson, 2502 Bordeaux Way, Lutz, Florida 33549, to invest \$43,297.52 in HOLIDAY CLUB INTERNATIONAL, INC. In exchange for his investment, Mr. Thompson received, among other items, a promissory note in HOLIDAY CLUB INTERNATIONAL, INC.

(e) On or about January 17, 1997, a conspirator caused James M. Brownlee, 6016 N. Hubert Avenue, Tampa, Florida 33614, to direct Retirement Accounts Inc. to withdraw \$50,000 from his individual retirement account ("IRA") and mail a check in the same amount to an attorney, c/o STETSON AND ASSOCIATES, 1280 Flat Creek



Road, Sevierville, Tennessee 37876, for the purpose of investing in a promissory note in PHI.

(f) On or about January 27, 1997, a conspirator caused an attorney in Tennessee to deduct \$11,750 from James M. Brownlee's PHI investment and write a check in the same amount to STETSON AND ASSOCIATES.

(g) On or about February 12, 1997, a conspirator caused Jewel Lucy Holland, 11106 Highway 674, Lithia, Florida 33547, to write a check in the amount of \$49,006.34 for purposes of investing in PHI. In exchange for her investment, Ms. Holland received a promissory note in PHI, along with, among other items, a list of specifically identified accounts receivable purportedly assigned to back her investment.

(h) On or about February 20, 1997, a conspirator caused Jewel Lucy Holland, 11106 Highway 674, Lithia, Florida 33547, to purchase a cashier's check in the amount of \$156,774.20 for purposes of investing in PHI. In exchange for her investment, Ms. Holland received a promissory note in PHI, along with, among other items, a list of specifically identified accounts receivable purportedly assigned to back her investment.

(i) On or about February 24, 1997, a conspirator caused an attorney in Tennessee to deduct \$8,365.45 from Jewel Lucy Holland's first PHI investment, and \$26,204.39 from Jewel Lucy Holland's second PHI investment, and write checks in the same amounts to STETSON AND ASSOCIATES.

(j) On or about May 15, 1997, a conspirator caused Virgil E. and Shirley A. Best, 10719 Dixon Drive, Riverview, Florida 33569, to invest \$101,700 in PHI. In exchange for their investment, Mr. and Mrs. Best received a promissory note in PHI, along with, among other items, a list of specifically identified accounts receivable

purportedly assigned to back their investment and a financial guarantee bond signed by DANIEL DAVID DELPIANO, in his capacities as co-trustee of Mr. and Mrs. Best's revocable trust and as president of PHI, and a conspirator, in his capacity as co-trustee of Mr. and Mrs. Best's revocable trust.

(k) On or about May 19, 1997, DANIEL DAVID DELPIANO caused an attorney in Tennessee to wire \$51,887.64 of Virgil E. and Shirley A. Best's investment funds to PHI's account at NationsBank in Georgia.

(l) On or about July 24, 1997, DANIEL DAVID DELPIANO, in his capacities as co-trustee of Jewel Lucy Holland's revocable trust and as president of PHI, and a conspirator, in his capacity as co-trustee of Jewel Lucy Holland's revocable trust, signed a financial guarantee bond purportedly insuring Ms. Holland's second PHI investment.

(m) On or about August 28, 1997, DANIEL DAVID DELPIANO, in his capacities as co-trustee of Calmer Hardin, Jr.'s revocable trust and as president of PHI, and a conspirator, in his capacity as co-trustee of Calmer Hardin, Jr.'s revocable trust, signed a financial guarantee bond purportedly insuring the PHI investment made by Mr. Hardin, 5611 Patterson Road, Riverview, Florida 33569.

(n) On or about October 8, 1997, a conspirator caused Collis M. and Lillian Weaver, 10809 Juliann Road, Tampa, Florida 33610, to invest \$100,000 in PHI. In exchange for their investment, Mr. and Mrs. Weaver received a promissory note in PHI, along with, among other items, a list of specifically identified accounts receivable purportedly assigned to back their investment and a financial guarantee bond signed by DANIEL DAVID DELPIANO, in his capacities as co-trustee of Mr. and Mrs. Weaver's

revocable trust and as president of PHI, and a conspirator, in his capacity as co-trustee of Mr. and Mrs. Weaver's revocable trust.

(o) On or about May 22, 1998, a conspirator caused William Lewis, 12502 Amber Lane, Lithia, Florida 33547, to invest \$110,000 in PHI FINANCIAL. In exchange for his investment, Mr. Lewis received a promissory note in PHI FINANCIAL.

(p) On or about May 24, 1999, DANIEL DAVID DELPIANO caused \$39,208.83 to be wired from PHI's account at Wachovia Bank in Georgia to the account of PHI SERVICES at Tennessee State Bank.

(q) On or about August 4, 2000, DANIEL DAVID DELPIANO caused to be mailed to Robert McVay, 16416 U.S. Highway 19 North #1517, Clearwater, Florida 34624, a "lulling" letter in which he asserted, among other things, that PHI was in litigation with its largest creditor, that the litigation had caused PHI to suffer financial losses and cash flow difficulties, and that PHI was unable to make monthly interest payments to investors, but planned to resume such payments within 60 to 90 days.

(r) On or about March 13, 2001, a conspirator caused to be mailed to James M. Brownlee, 6016 N. Hubert Avenue, Tampa, Florida 33614, a "lulling" letter in which the conspirator stated, among other things, that while FCCA had insurance when it issued the financial guarantee bonds, it no longer had insurance, and that SYNERGY was very near finalizing the funding that would allow it to clear PHI's debt to the investors.

(s) On or about July 11, 2001, a conspirator caused an interest check, drawn on the account of PHI SERVICES, LLC at Tennessee State Bank, to be mailed to Virgil and Shirley Best, 10719 Dixon Drive, Riverview, Florida 33569.

(t) On or about September 6, 2001, a conspirator caused an interest check, drawn on the account of PHI SERVICES, LLC at Tennessee State Bank, to be mailed to Robert E. McVay, 106416 U.S. Highway 19 North #1517, Clearwater, Florida 34624.

(u) On or about October 30, 2001, a conspirator caused an interest check, drawn on the account of PHI SERVICES, LLC at Tennessee State Bank, to be mailed to Virgil and Shirley Best, 10719 Dixon Drive, Riverview, Florida 33569.

All in violation of Title 18, United States Code, Section 371.

### **FORFEITURES**

The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

1. From his engagement in any or all of the violations alleged in Count One of this Information, conspiracy to commit mail fraud, wire fraud, and money laundering offenses, contrary to the provisions of Title 18, United States Code, Sections 1341, 1343, and 1956(a)(1)(A)(i), all in violation of Title 18, United States Code, Section 371, the defendant, DANIEL DAVID DELPIANO shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) any and all of the defendant's right, title and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offense.

2. Specifically, property subject to forfeiture pursuant Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), as alleged in paragraph one (1) above includes, but is not limited to a sum of money equal


to \$5,833,671.38 in United States currency, representing the amount of proceeds obtained as a result of the offense, for which the defendant is personally liable.

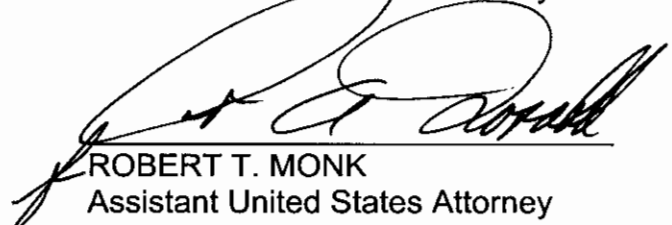
3. If any of the property described above, as a result of any act or omission of the defendant(s):

- 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 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

PAUL I. PEREZ  
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By:   
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