

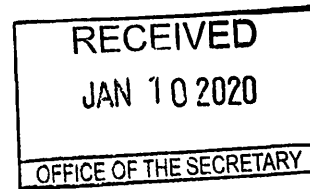
UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-19281

In the Matter of

WILLIAM HARPER MINOR,  
JR.,

Respondent.



**DIVISION OF ENFORCEMENT'S MOTION FOR DEFAULT AND OTHER RELIEF**

**I. Introduction**

The Division of Enforcement (the "Division"), pursuant to Rule 155(a) and 220(f) of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a) and 201.220(f), moves for entry of an Order finding Respondent William Harper Minor, Jr. in default and determining this proceeding against him upon consideration of the record. The Division sets forth the grounds below.

**II. History of the Case**

The Commission issued the Order Instituting Proceedings ("OIP") on July 26, 2019 pursuant to Section 15(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Section 203(f) of the Investment Advisers Act of 1940 ("Advisers Act"). In summary, the OIP alleges that Minor, while associated with a broker-dealer and investment adviser, fraudulently converted to his own use approximately \$2 million from an employee pension plan that he managed. These facts led to Minor's guilty plea in the criminal case against him.

On November 13, 2019, the Commission issued an Order to Show Cause, Exch. Act Rel. No. 87531, recounting that Minor had been served but had not filed an answer and ordering him to show cause by December 30, 2019 why he should not be found in default and have the

proceeding determined against him due to his failure to answer or otherwise defend the proceeding. That date passed without a response from Minor.

### **III. Memorandum of Law**

#### **A. Minor's Criminal Case**

On August 1, 2018, the United States Attorney for the Southern District of Florida filed an Information against Minor, charging him with one count of mail fraud (18 U.S.C. § 1341).<sup>1</sup> On September 20, 2018, Minor pled guilty to mail fraud pursuant to a plea agreement.<sup>2</sup> On November 29, 2018, the district court sentenced Minor to a total of forty-one (41) months imprisonment followed by three (3) years of supervised release.<sup>3</sup> On February 26, 2019, he was ordered to pay restitution in the amount of \$1,636,604.34.<sup>4</sup>

#### **B. Facts**

Based on Minor's default, the allegations of the OIP "may be deemed to be true." 17 C.F.R. § 201.155(a). Moreover, Minor's guilty plea binds him to the facts he admitted. *See Gary L. McDuff*, Exch. Act Rel. No. 74803, at 5 & n.18, 2015 WL 1873119, at n. 18 (Apr. 23, 2015); *Don Warner Reinhard*, Exch. Act Rel. No. 63720, at 11-12, 2011 WL 121451, at 7 (Jan. 14, 2011) (respondent who pleaded guilty "cannot now dispute the accuracy of the findings set out in the Factual basis for Plea Agreement); *Gary M. Kornman*, Exch. Act Rel. No. 59403, at 12, 2009 WL 367635, at 8 (Feb. 13, 2009) (criminal conviction based on guilty plea precludes litigation of issues in Commission proceedings), *aff'd*, 592 F.3d 173 (D.C. Cir. 2010).

The OIP and the facts admitted pursuant to the plea agreement establish the following:

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<sup>1</sup> Exh. 1 (Information, DE 1, *United States v. Minor*, No. 9:18-cr-80152 (S.D. Fla.)).

<sup>2</sup> Exh. 2 (Minute Entry for Guilty Plea, DE 11); Exh 3 (Plea Agreement, DE 12); Exh. 4 (Factual Basis in Support of Guilty Plea, DE 13).

<sup>3</sup> Exh. 5 (Judgment of Conviction, DE 23).

<sup>4</sup> Exh. 6 (Restitution Order, DE 27).

During most of the relevant period, Minor was associated with broker-dealers registered with the Commission as follows: Aetna Life Insurance and Annuity Co. (October 1972 to October 1993), Jefferson-Pilot Investor Services, Inc. (“Jefferson Pilot”) (August 1990 to November 1991), Aetna Investment Services, Inc. (October 1993 to April 1994), Transamerica Financial Resources, Inc. (“Transamerica”) (March 1996 to December 1997), and Financial Network Investment Corp. (December 1997 to July 2009). Except for Jefferson-Pilot, all these broker-dealers were also registered with the Commission as investment advisers. Minor also operated several businesses, including Multi Financial Insurance Corp. (“Multi Financial”), a non-registered business that provided, among other things, investment advice and administrative services for pension plans. Minor also sold life insurance policies and pension products to individuals and held a Series 1 license.<sup>5</sup>

In connection with his guilty plea,<sup>6</sup> Minor admitted that he stole funds from an employee pension plan established by Rehabilitation Center for Children and Adults, Inc. (“RCCA”), a not-for-profit corporation that provided outpatient therapy services for children and adults. Minor was a volunteer member of RCCA’s Board of Governors from the early 1970s through 2016. In or about 1976, Minor assisted RCCA with establishing and, thereafter, managing its employee pension plan (“Plan”). Beginning in or about 1991 and continuing through 2016, Minor converted approximately \$2 million of Plan assets to his own use by making fraudulent requests for distributions to Transamerica, which held the Plan’s assets. Minor falsely represented that the requests were being made for the benefit of former RCCA employees, caused the funds to be deposited into a Multi Financial account he controlled, and spent the funds on himself and his family. Minor concealed his conduct by (a) substantially overstating the Plan’s account balance to RCCA’s auditors, providing the auditors with fictitious account statements that Minor created to give the appearance that they had been

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<sup>5</sup> OIP ¶ II.A.1.

<sup>6</sup> The following facts are from the Factual Basis in Support of Guilty Plea (Exh. 4), at pp. 2-6.

prepared by Transamerica, (b) inflating the Plan’s assets on its tax returns, and (c) providing account statements to Plan participants that failed to reflect Minor’s unauthorized withdrawals.

**C. Entry of Default is Appropriate**

Under Rule 155(a) of the Commission’s Rules of Practice, a party who fails to file a timely answer “may be deemed to be in default” and the Commission “may determine the proceeding against that party upon consideration of the record, including the order instituting proceedings, the allegations of which may be deemed to be true . . . .” 17 C.F.R. § 201.155(a). Here, Minor has not filed an answer and has not responded to the order to show cause. Therefore the proceeding should be determined against him based on the record. *Lawrence Deshetler*, Advisers Act Rel. No. 5411, at 3, 2019 WL 6221492, at 2 (Nov. 21, 2019) (“Because DeShetler has failed to answer or respond to the Division’s motion or to the show cause order, we find it appropriate to deem him in default and to deem the allegations of the OIP to be true.”).

The facts established by Minor’s default and his guilty plea show that the Division is entitled to the relief it seeks under Exchange Act Section 15(b)(6)(A), which provides in relevant part:

With respect to any person . . . at the time of the alleged misconduct, who was associated or was seeking to become associated with a broker . . . the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period not exceeding 12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, or from participating in an offering of penny stock, if the Commission finds, on the record after notice and opportunity for a hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person—

\* \* \* \*

(ii) has been convicted of any offense specified in [Exchange Act Section 15(b)(4)(B)] within 10 years of the commencement of the proceedings under this paragraph . . . .

Advisers Act Section 203(f) provides for an identical associational bar (but not a penny stock bar) for a person with a qualifying conviction who at the time of the misconduct was associated with an investment adviser. Each of the requirements of these provisions—timely issuance of the OIP, conviction under a qualifying statute, and misconduct committed while Minor was associated with a broker-dealer and/or an investment adviser—are satisfied here.

**a. The Division Timely Filed this Action**

The Division must commence a proceeding under Section 15(b)(6)(A)(ii) within “10 years” of the criminal conviction. *See Joseph Contorinis*, Exch. Act Release No. 72031, at 4-6, 2014 WL 1665995, at 3 (Apr. 25, 2014) (10-year limitations period governs Section 15(b)(6)(A)(ii) proceeding; limitations period runs from date of conviction, not underlying conduct). Here, Minor was convicted in September 2018, and the OIP was issued in July 2019. Therefore, this matter was timely filed.

**b. Minor Was Convicted of a Qualifying Offense**

Under both the Exchange Act and the Advisers Act, the Commission may sanction Minor for an offense that “involves” mail fraud, or “embezzlement, fraudulent conversion, or misappropriation of funds.” *See* Exchange Act Sections 15(b)(4)(B)(iv), 15(b)(6)(A)(ii); Advisers Act Sections 203(e)(2)(D), 203(f). Here, Minor’s conviction is for mail fraud, and the underlying conduct involved fraudulent conversion and misappropriation of funds. Therefore this condition is satisfied.

**c. Minor Was Associated with a Broker and Investment Adviser at the Time of the Misconduct**

Exchange Act Section 15(b)(6)(A) and Advisers Act Section 203(f) each require that Minor have been associated with, respectively, a broker or investment adviser at the time of the misconduct. Here, deemed admitted is the OIP’s allegation that Minor was associated with dually

registered broker-dealers and investment advisers from October 1972 to April 1994 and from March 1996 to July 2009. In his plea, he admitted engaging in a scheme to defraud that began in 1991 and continued through 2016. Thus, Minor was associated “at the time of the alleged misconduct.” *See Kornman v. SEC*, 592 F.3d 173, 184 (D.C. Cir. 2010) (“The Commission properly relied on the ordinary meaning of alleged ‘misconduct,’ which refers to allegedly ‘unlawful or improper behavior.’”).

**d. An Industry Bar Is An Appropriate Sanction**

In determining whether an industry bar is in the “public interest,” the Commission considers

the egregiousness of the respondent’s actions, the isolated or recurrent nature of the infraction, the degree of scienter involved, the sincerity of the respondent’s assurances against future violations, the respondent’s recognition of the wrongful nature of his conduct, and the likelihood that the respondent’s occupation will present opportunities for future violations.

*Deshetler*, Advisers Act Rel. No. 5411, at 4, 2019 WL 6221492, at 2. “Absent extraordinary mitigating circumstances, an individual who has been convicted cannot be permitted to remain in the securities industry.” *Frederick W. Wall*, Exch. Act Rel. No. 52467, at 8, 2005 WL 2291407, at 4 (Sept. 19, 2005) (quotation omitted); *accord Shreyans Desai*, Exch. Act Rel. No. 80129, at 6, 2017 WL 782152, at 4 (Mar. 1, 2017).

Here, these factors weigh in favor of an industry bar. As to the first, second and third factors, Minor’s actions were egregious, recurrent, and involved a high degree of scienter: he has admitted to stealing pension plan funds for twenty-five (25) years and concealing his scheme by providing fraudulent information to the plan’s auditors. His conviction for “[m]ail fraud requires a specific intent to defraud.” *Deshetler*, Advisers Act Rel. No. 5411, at 4, 2019 WL 6221492, at 3.

With respect to the fourth and fifth factors, notwithstanding his guilty plea, Minor has not participated in this matter, thus providing no assurances that he will avoid *future* violations of the law. Although “[c]ourts have held that the existence of a past violation, without more, is not a sufficient basis for imposing a bar, . . . the existence of a violation raises an inference that it will be repeated.” *Tzemach David Netzer Korem*, Exchange Act Release No. 70044, at 10 n. 50, 2013 WL 3864511, at n. 50 (July 26, 2013) (quotation and alternations omitted). Minor has offered no evidence to rebut that inference.

Sixth, although Minor is currently in custody, he will be released in April 2022, and unless he is barred from the securities industry he will have the chance to again harm investors.

Finally, in light of the fact that Minor’s association with a broker-dealer and investment adviser ended before the enactment of the Dodd-Frank Act, the Commission should impose only the broker-dealer and investment adviser bars. *See Bartko v. SEC*, 845 F.3d 1217 (D.C. Cir. 2017).

#### **IV. Conclusion**

For the reasons discussed above, the Division asks the Commission to sanction Minor by barring him from association with any broker, dealer, or investment adviser.

January 9, 2020

Respectfully submitted,

/s/ Stephanie N. Moot  
Andrew O. Schiff  
Regional Trial Counsel  
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[schiffa@sec.gov](mailto:schiffa@sec.gov)

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DIVISION OF ENFORCEMENT  
SECURITIES AND EXCHANGE COMMISSION  
801 Brickell Avenue, Suite 1800  
Miami, FL 33131  
Phone: (305) 982-6300  
Fax: (305) 536-4154

**CERTIFICATE OF SERVICE**

I hereby certify that an original and three copies of the foregoing were filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street, N.E., Washington, D.C. 20549-9303, and that a true and correct copy of the foregoing has been served on this 9th day of January 2020, on the following persons entitled to notice:

**VIA USPS CERTIFIED MAIL**

William H. Minor  
(Register # [REDACTED])  
[REDACTED]  
Federal Correctional Institution  
[REDACTED]  
Butner, NC [REDACTED]

/s/ Stephanie N. Moot  
Stephanie N. Moot  
Trial Counsel



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-80152-Cr-Middlebrooks/Brannon  
18 U.S.C. § 1341

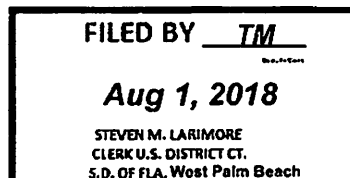
UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM H. MINOR, JR.,

Defendant.



**INFORMATION**

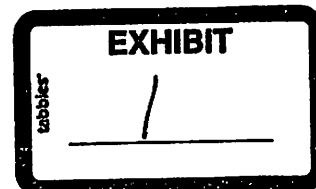
The United States Attorney charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Information:

1 The Rehabilitation Center for Children and Adults, Inc. (hereinafter "RCCA") was a Florida not-for-profit corporation located in Palm Beach, Florida, that provided outpatient therapy services, including physical, occupational and speech therapy, to children and adults. RCCA maintained a pension plan (hereinafter "Pension Plan") for its employees, which was funded by employer contributions.

2 Defendant **WILLIAM H. MINOR, JR.** was a volunteer member of RCCA's Board of Governors. During his time on the Board, Minor served on various Board committees and agreed to oversee RCCA's Pension Plan. In October 1991, Minor opened an account for the Pension Plan at Transamerica Life Insurance and Annuity Company (hereinafter "Transamerica"), where he was a registered insurance agent, and



transferred the Pension Plan assets to that account. Transamerica held the Pension Plan assets in a custodial account and made distributions when authorized by the Pension Plan's Trustees.

3. Multi Financial Insurance Corporation (hereinafter "Multi Financial") was a business located in West Palm Beach, Florida, operated by Minor. Multi Financial was in the business of providing, among other things, investment advice and administrative services for pension plans.

4. Trustee for the Rehabilitation, Inc. was a Florida corporation incorporated by Minor on October 6, 2011, without the knowledge of RCCA. According to the Articles of Incorporation, Trustee for the Rehabilitation was a non-profit company organized for the sole purpose of providing pension trust fund services. Minor was listed as its director, registered agent, and incorporator. "E.F." was listed as its president and director. Minor opened a bank account at CBC National Bank in Fernandina Beach, Florida, in the name Trustee for the Rehabilitation, also without the knowledge of RCCA. Minor, his wife and his son were the only authorized signatories on the account.

**COUNT 1**  
(18 U.S.C. § 1341: Mail Fraud)

5. The General Allegations section is re-alleged and incorporated as though fully set forth herein.

6. From in or about 1991 and continuing through in or about June 2016, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

**WILLIAM H. MINOR, JR.,**

did knowingly, and with intent to defraud, devise and intend to devise a scheme and artifice to defraud and to obtain money and property from RCCA, the Pension Plan and

the Pension Plan participants, by means of materially false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made, did knowingly cause to be delivered by private and commercial interstate carriers any matter or thing, according to the direction thereon, for the purpose of executing such scheme and artifice and attempting to do so.

**PURPOSE OF THE SCHEME AND ARTIFICE TO DEFRAUD**

7. It was the purpose of the scheme and artifice to defraud for the defendant, **WILLIAM H. MINOR, JR.**, to unlawfully enrich himself by fraudulently transferring approximately 2 million dollars of RCCA Pension Plan monies to accounts controlled by him and then using the funds to benefit himself and his family.

**MANNER & MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD**

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

8. While serving on RCCA's Board of Governors, Minor volunteered to manage RCCA's Pension Plan. Minor falsely represented to RCCA and the Plan Trustees that his business, Multi Financial, was working in partnership with Transamerica to administer RCCA's Pension Plan. In truth, Transamerica had no partnership with Minor and did not provide any administrative or record keeping services to RCCA's Pension Plan. Minor alone controlled RCCA's Pension Plan and handled, among other things, all contributions to and distributions from the Pension Plan.

9. Between 1991 and 2016, Minor routinely submitted requests to Transamerica for distributions from the Pension Plan for specified former employees who were supposedly eligible for lump sum pension benefit payments. The requests were

fraudulent in that the specified former employees were not in fact vested in the plan, were only partially vested and not entitled to the benefits requested, or were vested, but had already received pension payments.

10. Because Transamerica would only issue distributions authorized by the Plan Trustee, Minor secured the Plan Trustee's signature on the fraudulent requests by falsely representing that the specified former employees were vested in the Plan and entitled to the lump sum benefit payments requested. In some instances, Minor simply forged the Trustee's signature on the request letters.

11. Minor sent the fraudulent requests to Transamerica, with directions to mail the pension benefits checks by private or commercial carrier. Initially, Minor directed Transamerica to send the fraudulent checks to an address he controlled in Boynton Beach, in the Southern District of Florida, and later to addresses he controlled in Fernandina Beach and Yulee, Florida. In almost all instances, Transamerica made the pension benefits checks payable to the "Trustee for the Rehabilitation."

12. From 1991 through 2011, Minor directed the Plan Trustee to endorse the pension benefits checks to Multi Financial, Minor's business. The Plan Trustee agreed to do so based on Minor's false representations that he would deposit the checks into the Multi Financial account and then issue payments to the specified former employees. In some instances, Minor forged the Trustee's signature on the checks.

13. Minor deposited the Transamerica checks into the Multi Financial account, but never issued any checks to the specified former employees. Instead, he spent the fraudulently obtained Pension Plan monies on himself and his family.

14. In October 2011, Minor opened a bank account at CBC National Bank in the name "Trustee for the Rehabilitation," to make it easier for him to cash the pension benefit checks. Because the Transamerica pension benefit checks were payable to the "Trustee for the Rehabilitation," Minor was able to deposit the fraudulently obtained checks directly into the CBC account without having to secure the endorsement of the Plan Trustee. Minor deposited approximately 48 Transamerica checks into the CBC account, but never issued any checks to the former employees on whose behalf the payments had been issued. Instead, Minor used the monies in the CBC account to benefit himself and his family.

15. To ensure that the scheme continued without detection, Minor took care to process the small number of legitimate requests for pension benefit payments that he received. In such instances, Minor had the Plan Trustee endorse the Transamerica benefit checks to the former employees, instead of Multi Financial.

16. To conceal the scheme from RCCA and the Plan Trustee, Minor provided false and fraudulent information to RCCA's auditors during the annual audits. Among other things, Minor significantly inflated the Pension Plan account balances to cover up the fact that he had stolen most of the monies from the account. Minor used various fictitious business names, including "Transamerica Pension Services" and "Transamerica Retirement Services," to make it appear as if the account balance information had been prepared by Transamerica, when in fact it had been prepared by him. The account statements contained the purported signature of "E.F.," a former associate of Minor's who had no involvement with Transamerica, RCCA or its Pension Plan and no idea that Minor was using his name.

17. Minor also prepared annual account statements for the RCCA plan participants. These statements were false and fraudulent in that the participants' account balances did not reflect the monies stolen by Minor.

18. During the course of the scheme, the defendant fraudulently transferred approximately \$2 million from the Pension Plan to accounts controlled by him and then used those monies to benefit himself and his family.

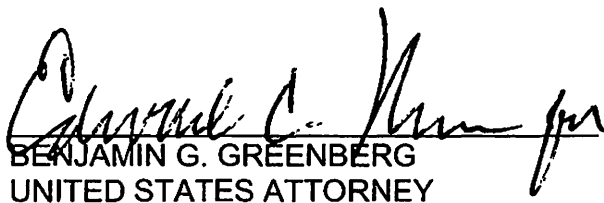
**USE OF THE MAILS**

19. On or about September 8, 2014, in Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

**WILLIAM H. MINOR, JR.,**

for the purpose of executing the aforesaid scheme and artifice to defraud and to obtain money and property, by means of materially false and fraudulent pretenses, representations and promises, did knowingly cause to be delivered by private and commercial interstate carrier, an envelope containing a check from RCCA payable to Transamerica, representing RCCA's contribution to the Pension Plan, which envelope had been sent from Palm Beach, Florida, to Yulee, Florida.

In violation of Title 18, United States Code, Section 1341.

  
BENJAMIN G. GREENBERG  
UNITED STATES ATTORNEY

  
ADRIENNE RABINOWITZ  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. 2017R00484

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

WILLIAM H. MINOR, JR.,

Defendant.

\_\_\_\_\_ /

**Superseding Case Information:**

**Court Division:** (Select One)

\_\_\_\_\_ Miami \_\_\_\_\_ Key West  
\_\_\_\_\_ FTL  X  WPB \_\_\_\_\_ FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

I do hereby certify that:

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 \_\_\_\_\_

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)	(Check only one)
I 0 to 5 days <u> X </u>	Petty _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u> X </u>
V 61 days and over _____	

6. Has this case been previously 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:  n/a

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 Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes  X  No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? \_\_\_\_\_ Yes  X  No

  
ADRIENNE RABINOWITZ  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No./Court No. 833754

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: WILLIAM H. MINOR, JR.

Case No: \_\_\_\_\_

Count #: 1

Mail Fraud

18 U.S.C § 1341

**\*\* Max. Penalty: 20 years' imprisonment, \$250,000 fine or twice the gross gain or loss resulting from the offense, whichever is greater, 3 years' supervised release, and restitution**

**\*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: William H. Minor, Jr.

\$50,000 Personal Surety Bond  
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:

  
AUSA: ADRIENNE RABINOWITZ

Last Known Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What Facility: \_\_\_\_\_

\_\_\_\_\_

Agent(s): FBI S/A Alisha Rhoades

(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. )

WILLIAM H. MINOR, JR., )

Case No. )

\_\_\_\_\_  
*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*

**Caroline McCrae**  
\_\_\_\_\_  
*Printed name of defendant's attorney*

\_\_\_\_\_  
*Judge's signature*

\_\_\_\_\_  
*Judge's printed name and title*

BNDDBER,CLOSED

**U.S. District Court  
Southern District of Florida (West Palm Beach)  
CRIMINAL DOCKET FOR CASE #: 9:18-cr-80152-DMM-1**

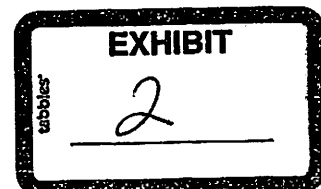
Case title: USA v. Minor, Jr.

Date Filed: 08/01/2018

Date Terminated: 11/30/2018

Date Filed	#	Docket Text
09/20/2018	11	PAPERLESS Minute Entry for proceedings held before Judge Donald M. Middlebrooks: Change of Plea Hearing as to William H. Minor, Jr. held on 9/20/2018. William H. Minor, Jr. (1) Guilty Count 1. Attorney Appearance(s): Adrienne Rabinowitz, AUSA and M Caroline McCrae, AFPD. Sentencing set for November 29, 2018 at 10:00 am. Total time in court: 22 minutes. Court Reporter: Jill Felicetti, 305-523-5024 / Jill_Felicetti@flsd.uscourts.gov. (gm1) (Entered: 09/20/2018)

PACER Service Center			
Transaction Receipt			
01/09/2020 10:43:38			
PACER Login:	SE8368:4199080:4043519	Client Code:	
Description:	Docket Report	Search Criteria:	9:18-cr-80152-DMM Start date: 9/20/2018 End date: 9/20/2018 Starting with document: 11 Ending with document: 11
Billable Pages:	1	Cost:	0.10



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

**Case No. 18-80152-CR-MIDDLEBROOKS**

**UNITED STATES OF AMERICA,**

**vs.**

**WILLIAM H. MINOR, JR.,**

**Defendant.**

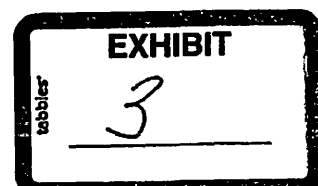
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**PLEA AGREEMENT**

The United States Attorney's Office for the Southern District of Florida (hereinafter referred to as "this Office") and William J. Minor, Jr. (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to waive indictment and plead guilty to a one-count Information, which charges him with mail fraud, in violation of Title 18, United States Code, Section 1341.

2. The defendant is aware that the sentence will be imposed by the Court after considering the advisory Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a pre-sentence investigation by the



Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose a sentence within that advisory range; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory range. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offense identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant also understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to twenty years, followed by a term of supervised release of up to three years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$250,000 or twice the gross gain or loss resulting from the offense, whichever is greater, and must order restitution.

4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this agreement, a special assessment in the amount of \$100 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing. If a defendant is financially unable to pay the special assessment, the defendant agrees to present evidence to this Office and the Court at the time of sentencing as to the reasons for the defendant's failure to pay.

5. This Office reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background and financial condition. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

6. The United States agrees that it will recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, the government will file a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. This Office, however, will not be required to make this motion and recommendation if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct and the defendant's financial status; (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official .

7. This Office and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the sentence to be imposed:

a. Base Offense Level: That the base offense level is seven, pursuant to Section 2B1.1(a)(1);

b. Loss: That the relevant amount of actual, probable or intended loss resulting from the offense is more than \$1.5 million, but not more than \$3.5 million, resulting in an sixteen-level enhancement, pursuant to Section 2B1.1(b)(1)(I) of the Sentencing Guidelines;

c. Number of Victims: The parties agree that an enhancement for number of victims, pursuant to Section 2B1.1(b)(2) of the Sentencing Guidelines, is not appropriate in this case;

d. Sophisticated Means: The parties have no agreement as to this enhancement. The Government will seek a two-level enhancement, pursuant to Section 2B1.1(b)(10)(C) of the Sentencing Guidelines. The defendant will oppose this enhancement; and

e. Abuse of Trust: The parties have no agreement as to this enhancement. The Government will seek a two-level enhancement, pursuant to Section 3B1.3 of the Sentencing Guidelines. The defendant will oppose this enhancement.

8. The defendant is aware that Title 28, United States Code, Section 1291 and Title 18, United States Code, Section 3742 afford the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Sections 1291 and 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or an upward variance from the advisory guideline range that

the Court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b) and Title 28, United States Code, Section 1291. However, if the United States appeals the defendant's sentence pursuant to Sections 3742(b) and 1291, the defendant shall be released from the above waiver of his right to appeal his sentence.

The defendant further hereby waives all rights conferred by Title 28, United States Code, Section 1291 to assert any claim that (1) the statute(s) to which the defendant is pleading guilty is/are unconstitutional; and/or (2) the admitted conduct does not fall within the scope of the statute(s) of conviction.

By signing this agreement, the defendant acknowledges that the defendant has discussed the appeal waiver set forth in this agreement with the defendant's attorney. The defendant further agrees, together with this Office, to request that the Court enter a specific finding that the defendant's waiver of his right to appeal the sentence imposed in this case and his right to appeal his conviction in the manner described above was knowing and voluntary.

9. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the



Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

10. This is the entire agreement and understanding between this Office and the defendant. There are no other agreements, promises, representations, or understandings.

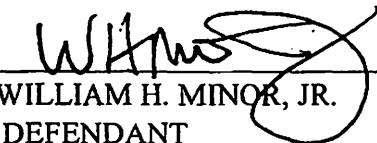
ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

Date: 9/20/18

By:   
ADRIENNE RABINOWITZ  
ASSISTANT UNITED STATES ATTORNEY

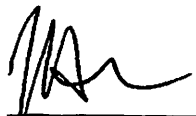
I have read and carefully reviewed every part of this Agreement with my attorney, Caroline McCrae, and voluntarily agree to its terms. No one has threatened or coerced me in any way into entering into this Agreement.

Date: 9/20/18

By:   
WILLIAM H. MINOR, JR.  
DEFENDANT

I, Caroline McCrae, am the attorney for William H. Minor, Jr. I have explained to him the terms and conditions set forth above and am satisfied that he understands and agrees to them.

Date: 9/20/18

By:   
CAROLINE MCCRAE, ESQ.  
ATTORNEY FOR DEFENDANT

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

**Case No. 18-80152-CR-MIDDLEBROOKS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**WILLIAM H. MINOR, JR.,**

**Defendant.**

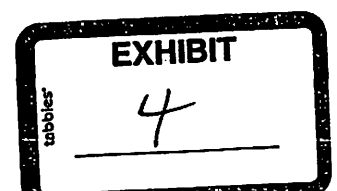
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**FACTUAL BASIS IN SUPPORT OF GUILTY PLEA**

If this case had proceeded to trial, the Government would have established beyond a reasonable doubt that the defendant, William H. Minor, Jr., did knowingly, and with intent to defraud, devise and intend to devise a scheme and artifice to defraud and to obtain money and property from the Rehabilitation Center for Children and Adults, Inc. ("RCCA"), its Pension Plan and the Plan participants, by means of materially false and fraudulent pretenses, representations, and promises, knowing that such pretenses, representations and promises were false and fraudulent when made, and for the purpose of executing such scheme did knowingly cause to be delivered by private and commercial interstate carriers any matter or thing, according to the directions thereon.

The elements for mail fraud are as follows:

First: That the defendant knowingly devised or participated in a scheme to defraud someone, or obtain money or property, using false or fraudulent pretenses, representations, or promises;



- Second: That the false or fraudulent pretenses, representations, or promises were about a material fact;
- Third: That the defendant intended to defraud someone; and
- Fourth: That the defendant used private or commercial interstate carriers by causing to be deposited with the carrier something meant to help carry out the scheme to defraud.

To prove that the defendant committed the offense charged in the Information, the Government would establish beyond a reasonable doubt the following evidence:

RCCA was a Florida not-for-profit corporation located in Palm Beach, Florida, that provided outpatient therapy services, including physical, occupational and speech therapy, to children and adults. RCCA had a pension plan ("Pension Plan") for its employees, which was funded by employer contributions.

The defendant, William Minor, was a volunteer member of RCCA's Board of Governors from the early 1970s through 2016. During his time on the Board, Minor served on a variety of committees. In approximately 1976, Minor agreed to assist RCCA with establishing and managing its Pension Plan

In addition to his volunteer position on RCCA's Board, Minor operated several businesses, including Multi Financial Insurance Corporation ("Multi Financial). Multi Financial was in the business of providing, among other things, investment advice and administrative services for pension plans. Minor also sold life insurance policies and pension products to individuals.

With Minor's assistance, RCCA sponsored its original Pension Plan in 1976. Over the years, the Plan assets were transferred to different insurance companies. In October

1991, Minor moved RCCA's Pension Plan account to Transamerica Life Insurance and Annuity Company ("Transamerica"), where he was a registered insurance agent. Transamerica held the Pension Plan assets in a custodial account and made distributions when authorized by the Pension Plan's Trustee.

After moving the Pension Plan assets to Transamerica, Minor falsely represented to RCCA and the Plan Trustees that Multi Financial would be working in partnership with Transamerica to administer RCCA's Pension Plan. In truth, Transamerica had no partnership with Minor and did not provide any administrative or record keeping services for RCCA's Pension Plan. Minor was the one who exercised complete control over RCCA's Pension Plan and was responsible for the administration and management of the plan and the disposition of its assets.

To fund the Pension Plan, RCCA made annual contributions for each employee based on a formula set forth in the Plan. Minor would calculate the contributions due for each employee and then send an invoice to RCCA, with directions to mail the contribution check, along with a copy of the invoice. RCCA routinely prepared and sent Pension Plan contribution checks from its office in Palm Beach, Florida, using private and commercial interstate carriers. Transamerica deposited RCCA's contribution checks into the Pension Plan account.

Between 1991 and 2016, Minor routinely submitted requests to Transamerica for distributions from the Pension Plan for specified former employees who were supposedly eligible for lump sum pension benefit payments. These requests were fraudulent in that the specified former employees were not in fact vested in the plan, were only partially vested and not entitled to the benefits requested, or were vested, but had already received

pension payments. Because Transamerica would only issue distributions authorized by the Plan Trustee, Minor secured the Plan Trustee's signature on the fraudulent requests by falsely representing that the specified former employees were vested in the Plan and entitled to the lump sum benefit payments requested. The Plan Trustee relied upon Minor's representations because Minor had the Plan books and records and was responsible for determining participants' eligibility for pension benefits and calculating the benefits due. In some instances, Minor simply forged the Trustee's signature on the request letters.

Minor sent the fraudulent requests to Transamerica, with directions to mail the pension benefits checks by private or commercial carrier. Initially, Minor directed Transamerica to send the fraudulent checks to an address he controlled in Boynton Beach, Florida, and later to addresses he controlled in Fernandina Beach and Yulee, Florida. At Minor's direction, Transamerica made the pension benefits checks payable to the "Trustee for the Rehabilitation."

From 1991 through 2011, Minor directed the Plan Trustee to endorse the pension benefits checks to Multi Financial, Minor's business. The Plan Trustee agreed to do so based on Minor's false representations that he would deposit the checks into the Multi Financial account and then issue payments to the specified former employees. In some instances, Minor forged the Trustee's signature on the checks. Between 1991 and late 2011, Minor deposited the Transamerica checks into the Multi Financial account, but never issued any checks to the specified former employees, as promised. Instead, he spent the fraudulently obtained Pension Plan monies on himself and his family.

In October 2011, Minor opened a bank account at CBC National Bank, in the name "Trustee for the Rehabilitation," to make it easier for him to cash the pension benefit checks. Because the Transamerica pension checks were payable to the "Trustee for the Rehabilitation," Minor was able to deposit the checks directly into the CBC account without having to secure the endorsement of the Plan Trustee. From October 2011 through June 2016, Minor made 48 fraudulent requests to Transamerica for pension benefit payments on behalf of RCCA employees who were not entitled to such benefits. Transamerica honored these requests and issued 48 checks payable to the Trustee for the Rehabilitation. Minor deposited these checks into the CBC account, but did not issue checks from the account to the former employees. Instead, Minor used the monies in the CBC account to benefit himself and his family.

One example of Minor's fraudulent withdrawals from the Pension Plan involved former employee F.D., who had worked at RCCA from August 1983 through April 1995. Beginning in September 2002 and continuing through June 2016, without F.D.'s knowledge or consent, Minor submitted approximately 35 separate requests to Transamerica for lump sum benefit payments purportedly for F.D. Transamerica honored these requests and paid out 35 checks totaling more than \$850,000, which Minor deposited into accounts controlled by him and used to benefit himself and his family.

To ensure that the scheme continued without detection, Minor was careful to process the small number of legitimate requests for pension benefit payments that he received. In such instances, Minor had the plan Trustee endorse the Transamerica benefit checks to the former employees, instead of Multi Financial.

To conceal the scheme from RCCA and the Plan Trustee, Minor provided false and fraudulent information to RCCA's auditors during the annual audits. Minor significantly inflated the Pension Plan account balance on the statements he provided to the auditors to cover up the fact that he had stolen most of the monies from the Pension account. Minor used various fictitious business names, including "Transamerica Pension Services" and "Transamerica Retirement Services," to make it appear as if the account balance information had been prepared by Transamerica, when in fact it had been prepared by Minor. The account statements provided to the auditors contained the purported signature of "E.F.," a former associate of Minor's who had no involvement with Transamerica, RCCA or its Pension Plan and no idea that Minor was using his name.

Minor was also responsible for preparing and submitting IRS Form 5500 tax returns for the Pension Plan. Minor significantly inflated the plan assets on the tax forms in order to cover up his theft. In some instances, the fraudulent tax forms also contained the purported signature of "E.F."

Minor also kept track of each participant's account balance and prepared periodic account statements for the plan participants. These account statements were false and fraudulent in that the participants' account balances did not reflect the monies stolen by Minor.

On March 22, 2017, Minor agreed to speak with FBI agents concerning the RCCA Pension Plan. During the interview, Minor admitted that he had taken money from the Pension Plan since at least 1988, when his wife became ill. At first, he used the stolen money to pay medical bills for his wife and himself, but later used the stolen money to pay rent, purchase vehicles and pay his expenses. He also admitted to forging the

signature of the Plan Trustee and "E.F." on various documents. Specifically, he admitted to signing the Trustee's signature on letters to Transamerica requesting fraudulent benefit payments and on benefits checks issued by Transamerica. With regard to "E.F.," Minor admitted that he used E.F.'s name and forged his signature on various documents, including the IRS 5500 Forms, to make it appear as if "E.F." worked for Transamerica and had verified the information.

During the interview, the FBI agents showed Minor a letter purportedly sent by "Transamerica Pension Services" to RCCA's auditors. Minor admitted that he had created and sent the fraudulent letter along with fraudulent audit confirmations to RCCA's auditors to make it appear as if Transamerica was verifying the plan's account balance, when in fact Transamerica had no involvement with the audit or the plan administration.

Minor was also shown an application for a post office box in Jacksonville, Florida. Minor admitted that he used the post office box and the name Transamerica on correspondence he sent to RCCA and its auditors, to make it appear as if Transamerica was sending the letters.

During the course of the scheme, Minor fraudulently transferred approximately \$2 million from the Pension Plan to the Multi Financial and Trustee for the Rehabilitation accounts and then used the monies to benefit himself and his family.

For the purpose of executing the scheme and artifice to defraud, Minor caused RCCA to send, by private and commercial interstate carrier, an envelope containing an RCCA check endorsed to Transamerica Life Insurance & Annuity Company, representing



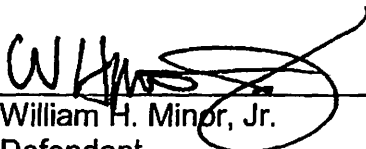
RCCA's contribution to the Pension Plan, which envelope was sent from the RCCA office in Palm Beach, Florida.

ARIAN FAJARDO ORSHAN  
UNITED STATES ATTORNEY

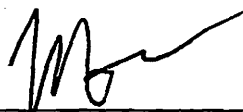
By:   
Adrienne Rabinowitz  
Assistant United States Attorney

9/20/18  
Date

I have reviewed the discovery materials in this case and discussed with my attorney the charges, the evidence, and potential defenses. I have also read and reviewed with my attorney the above statement of facts and stipulate that the facts are true and correct and that I am in fact guilty of the charge set forth in the Information.

  
William H. Minor, Jr.  
Defendant

9/20/18  
Date

  
Caroline McCrae  
Counsel for the Defendant

9/20/18  
Date.

**UNITED STATES DISTRICT COURT**  
**Southern District of Florida**  
**West Palm Beach Division**

**UNITED STATES OF AMERICA**  
**v.**  
**WILLIAM H. MINOR, JR.**

**JUDGMENT IN A CRIMINAL CASE**

Case Number: **18-80152-CR-MIDDLEBROOKS**  
USM Number: **19026-104**

Counsel For Defendant: **M. Caroline McCrae**  
Counsel For The United States: **Adrienne Rabinowitz**  
Court Reporter: **Lisa Higbee**

**The defendant pleaded guilty to count(s) One.**

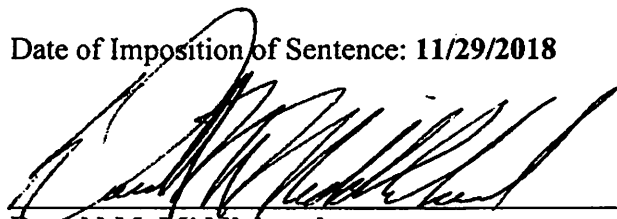
The defendant is adjudicated guilty of these offenses:

<u>TITLE &amp; SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. §1341	Mail fraud	06/30/2016	1

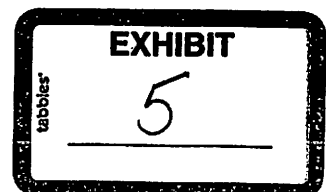
The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: **11/29/2018**

  
\_\_\_\_\_  
**Donald M. Middlebrooks**  
**United States District Judge**

Date: 11/30/18



DEFENDANT: WILLIAM H. MINOR, JR.  
CASE NUMBER: 18-80152-CR-MIDDLEBROOKS

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **FORTY-ONE (41) MONTHS** as to **Count One**.

The court makes the following recommendations to the Bureau of Prisons:

1. The Defendant be designated to the medical facility in Butner, NC.

The defendant shall surrender to the designated facility and/or the US Marshal for this District on or before **JANUARY 28, 2019 BY 2:00 PM**.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

**DEFENDANT: WILLIAM H. MINOR, JR.**  
**CASE NUMBER: 18-80152-CR-MIDDLEBROOKS**

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS as to Count One.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

**The defendant shall cooperate in the collection of DNA as directed by the probation officer.**

**The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.**

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first fifteen days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**DEFENDANT: WILLIAM H. MINOR, JR.**  
**CASE NUMBER: 18-80152-CR-MIDDLEBROOKS**

**SPECIAL CONDITIONS OF SUPERVISION**

**Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.**

**No New Debt Restriction - The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the United States Probation Officer.**

**Related Concern Restriction - The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in any pension plan related concern during the period of supervision.**

DEFENDANT: **WILLIAM H. MINOR, JR.**  
CASE NUMBER: **18-80152-CR-MIDDLEBROOKS**

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$0.00	\$TBD

The determination of restitution is deferred until 1/25/2019 at 10:00 am. An Amended judgment in a Criminal Case (AO 245C) will be entered after such determination.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>NAME OF PAYEE</u>	<u>TOTAL LOSS*</u>	<u>RESTITUTION ORDERED</u>
		TBD

**Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of \$TBD.**

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

\*\*Assessment due immediately unless otherwise ordered by the Court.

**DEFENDANT: WILLIAM H. MINOR, JR.**  
**CASE NUMBER: 18-80152-CR-MIDDLEBROOKS**

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

**A. Lump sum payment of \$100.00 due immediately.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

This assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE**  
**ATTN: FINANCIAL SECTION**  
**400 NORTH MIAMI AVENUE, ROOM 08N09**  
**MIAMI, FLORIDA 33128-7716**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

<u>CASE NUMBER</u>	<u>TOTAL AMOUNT</u>	<u>JOINT AND SEVERAL AMOUNT</u>
<u>DEFENDANT AND CO-DEFENDANT NAMES</u> <u>(INCLUDING DEFENDANT NUMBER)</u>		

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-80152-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM MINOR,

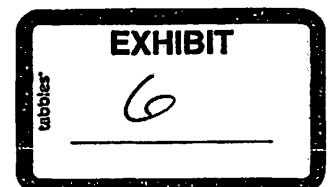
Defendant.

RESTITUTION ORDER

This cause came before the Court, pursuant to Title 18, United States Code, Sections 3663A(a)(1) and 3664, for a determination of restitution due and owing to the victims in the above-listed case and to establish a payment schedule. Having reviewed the restitution report prepared by the parties, which identifies the victims in this case and their respective losses, it is hereby

**ORDERED AND ADJUDGED** that the defendant shall pay restitution in the amount of \$1,636,604.34 to the victims identified in the spreadsheet provided to the Court and attached to the probation officer's report, pursuant to Title 18, United States Code, Section 3663A(a)(1).

It is further **ORDERED AND ADJUDGED** that during defendant's period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed in this judgment; (2) if the defendant does not work in a UNICOR job, then the defendant must pay \$25.00 per quarter toward the financial obligations imposed in this order. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.



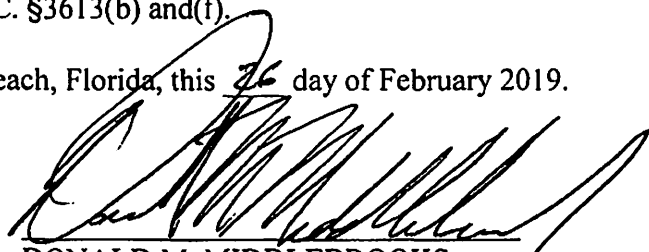


It is further **ORDERED and ADJUDGED** that upon his release from imprisonment, the defendant shall pay restitution at the rate of 10% of his gross monthly earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of prison U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the Government from using other assets or income of the defendant to satisfy the restitution obligations. Such payments are also an express condition of his supervised release.

It is further **ORDERED and ADJUDGED** that restitution payments shall be payable to the Clerk, United States Courts, and addressed to U.S. Clerk's Office, Attn: Financial Section, 400 North Miami Avenue, Room 8N09, Miami, Florida 33128-7716.

It is further **ORDERED and ADJUDGED** that defendant remains liable on the full restitution balance of \$1,636,604.34 for twenty years from the date of the entry of the judgment plus the time of incarceration, pursuant to 18 U.S.C. §3613(b) and(f).

**DONE AND ORDERED** at West Palm Beach, Florida, this 26 day of February 2019.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record  
U.S. Probation Office