

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

NOV 06 2013

JAMES W. McCORMACK, CLERK
By: *[Signature]* DEP CLERK

UNITED STATES OF AMERICA)
)
v.)
)
ALBERTO SOLAROLI)
)
)

No. 13-CR - *00330-BSM*
18 U.S.C. § 1344
18 U.S.C. § 1349
18 U.S.C. § 982(a)(2)(A)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

Introduction

1. At all times relevant to this Indictment, One Bank & Trust, N.A., doing business as Onebank, is a nationally chartered financial institution headquartered in Little Rock, Arkansas, the accounts of which are insured by the Federal Deposit Insurance Corporation. As such, Onebank was a financial institution within the meaning of Title 18, U.S.C. §20, and had branches in the Eastern District of Arkansas.
2. At all times relevant to this Indictment, ALBERTO SOLAROLI, the defendant, purported to own patents for certain technology related to a more efficient combustion engine.
3. At all times relevant to this Indictment, ALBERTO SOLAROLI compiled and submitted, and caused to be compiled and submitted, the documentation required by Onebank to obtain a line of credit.

4. On or about April 9, 2007, ALBERTO SOLAROLI applied for a personal line of credit for one year from Onebank in the amount of \$1,500,000. The purpose of the line of credit was for business/investment purposes.
5. As part of the line of credit application process, ALBERTO SOLAROLI provided Onebank with a personal financial statement dated April 9, 2007, to substantiate his ability to repay the line of credit. The personal financial statements submitted by SOLAROLI indicated that he has assets of \$170,900,000.00 and a net worth of \$169,473,680.00.
6. On or about April 10, 2007, Onebank approved and funded the line of credit and provided discretionary use of the funds to ALBERTO SOLAROLI.
7. On or about April 10, 2007, ALBERTO SOLAROLI authorized Onebank to conduct a transfer of \$380,000 to a Onebank customer with the initials D.C. for SOLAROLI's personal benefit.
8. On or about April 11, 2007, ALBERTO SOLAROLI authorized Onebank to conduct the following wire transfer disbursements:
 - a. \$750,000 to Porsche Motorsport, N.A.
 - b. \$244,276 to Porsche Motorsport, N.A.
9. On or about April 13, 2007, ALBERTO SOLAROLI authorized Onebank to conduct a wire transfer disbursement of \$120,000 to an Amsouth bank account in the name of "CET Operating Account" thus using \$1,494,276 of the line of credit.

10. After receiving the proceeds from the line of credit, ALBERTO SOLAROLI never made a loan payment to Onebanc. However, ALBERTO SOLAROLI asked D.C. to make an interest payment to Onebanc on the line of credit for SOLAROLI.
11. ALBERTO SOLAROLI did not pay back the money he received pursuant to the line of credit causing Onebanc to sue SOLAROLI. Eventually, Onebanc received a judgment in the amount of approximately \$1,500,000, but Onebanc was not able to collect money from SOLAROLI on the judgment.

The Scheme to Defraud

12. From in or about February 2006 through in or about January 2008, in the Eastern District of Arkansas and elsewhere,

ALBERTO SOLAROLI,

the defendant, did knowingly execute, and attempt to execute, a scheme and artifice to obtain moneys, and funds owned by and under the custody and control of Onebanc, a financial institution, by means of material false and fraudulent pretenses, representations and promises, in violation of Title 18 U.S.C. § 1344.

Objects of the Attempt and the Scheme to Defraud

13. One of the objects of the scheme to obtain moneys by false and fraudulent pretenses was to falsify the nature and scope of the defendant's assets, value of the assets, and his overall personal net worth, in order that Onebanc would agree to make a loan to SOLAROLI by way of a line of credit.

Manner and Means of the Attempt and Scheme to Defraud

14. It was part of the attempt and the scheme to defraud that ALBERTO SOLAROLI provided false and fraudulent financial statements dated February 23, 2006 and April 9, 2007, to Onebanc which overstated his personal net worth to mislead the bank into believing that he had the ability to repay the line of credit when, in fact and truth, he could not repay the money.

All in violation of Title 18, U.S.C. §1344 and 1349.

FORFEITURE ALLEGATION ONE

1. Upon conviction of attempt to commit bank fraud and of bank fraud, as set forth in Count One of this Indictment, pursuant to Title 18, U.S.C. § 982, ALBERTO SOLAROLI shall forfeit to the United States any property constituting or derived from, proceeds obtained directly or indirectly from the scheme to defraud, including but not limited to the following: A sum of money in the amount \$1,500,000 representing the amount of proceeds obtained as a result of the scheme to defraud charged in Count One, and all interests and proceeds traceable thereto.
2. If any of the above-described forfeitable property, 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 divided without difficulty;

It is the intent of the United States, pursuant to Title 18, U.S.C. §982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

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