

1 KEVIN V. RYAN (CSBN 118321)  
2 United States Attorney

ORIGINAL  
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4 SEaled BY ORDER  
OF THE COURT

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA, )

No. CR 02- 40140 SBA

12 Plaintiff, )

VIOLATIONS: 18 U.S.C. § 1956  
(a)(1)(B)(i)- Money Laundering; 18  
U.S.C. § 982 - Criminal Forfeiture

13 v. )

14 ANDREW F. LIERSCH, )

OAKLAND VENUE

15 Defendant. )  
16  
17  
18  
19

20 SUPERSEDING INDICTMENT

21 The Grand Jury charges:

22 COUNTS ONE THROUGH FOUR: 18 U.S.C. § 1956 (a)(1)(B)(i)

23 1. At all times relevant to this indictment, Goodwill Industries of Santa Clara  
24 County (Goodwill), was a non-profit, charitable organization, which collected donated  
25 goods from the community and sold those goods through retail outlets. Revenue  
26 generated from these sales is used to provide job training to handicapped and  
27 underprivileged persons.  
28

1           2.     Defendant Andrew Liersch was President of Goodwill of Santa Clara  
2 County between 1976 and 1993. For approximately one year after 1993, he served on the  
3 Goodwill Board of Directors.

4           3.     Beginning not later than late 1979 and continuing to 1997, defendant  
5 Andrew Liersch conspired and agreed with Carol Marrs, unindicted co-conspirator Faye  
6 Marcil, and others known and unknown to the grand jury, to defraud Goodwill and to  
7 obtain money from Goodwill by false and fraudulent representations. The scheme to  
8 defraud was in substance as follows.

9           4.     The conspirators sold items which had been donated to Goodwill, failed to  
10 report the sales, then converted the proceeds of these sales to their own personal use. As  
11 a part of the scheme, conspirators delivered cash from the unreported transactions to  
12 conspirator Faye Marcil. Conspirators Marrs and Marcil then arranged to make cash  
13 payments to the persons and for services necessary to perpetuate the scheme.

14          5.     In order to conceal the fraudulent scheme, the conspirators failed to report  
15 accurately the daily cash receipts from Goodwill stores to the Goodwill accounting office;  
16 withheld daily cash receipt records from certain cash registers; and hired both other  
17 employees of Goodwill and nonemployees of Goodwill to assist in the fraudulent  
18 scheme.

19          6.     For the purpose of executing the scheme and artifice to defraud, and to  
20 avoid its detection, the co-conspirators knowingly, intentionally, and willfully delivered  
21 and caused to be delivered by United States mail or private or commercial interstate  
22 carrier numerous documents, financial reports, and tax returns which contained false and  
23 misleading information about the receipts of Goodwill of Santa Clara.

24          7.     As a part of the scheme, from at least in or about 1988 to in or about  
25 September of 1997, on a weekly basis conspirator Faye Marcil delivered envelopes  
26 containing \$3000 in cash proceeds of the foregoing fraud to Carol Marrs, who in turn  
27 gave the cash to defendant Liersch.

1 8. On or about July 26, 1993, defendant Andrew Liersch caused to be  
2 transported in foreign commerce by check from Roseville, California, to the Royal Trust  
3 Bank in Vienna, Austria, approximately \$225,000, which he knew was proceeds of funds  
4 which had been stolen, converted and taken by fraud.

5 9. On or about May 28, 1993, defendant Andrew Liersch transported in  
6 foreign commerce from San Jose, California to the Elvia Life Insurance in Geneva,  
7 Switzerland, approximately \$360,000 which he knew to have been stolen, converted and  
8 taken by fraud.

9 10. On or about April 20, 1994, defendant Andrew Liersch did transport in  
10 foreign commerce by United States mail from San Diego, California to Vienna, Austria,  
11 approximately \$199,000 which he knew to have been stolen, converted and taken by  
12 fraud.

13 11. On or about the dates and in the amounts and between the places set forth  
14 in counts one through four below, in the Northern District of California, and elsewhere,  
15 the defendant

16 ANDREW F. LIERSCH,

17 knowing that the property involved in each financial transaction represented the proceeds  
18 of the mail fraud and the interstate transportation of stolen property described in  
19 paragraphs one through ten of this indictment, did conduct the financial transactions listed  
20 below in each count knowing that each transaction was designed in whole or in part to  
21 conceal and disguise the source, ownership, and control of the proceeds of the specified  
22 unlawful activity:

23	COUNT	DATE	TRANSACTION	FROM	TO
24	One	7/29/97	Wire Transfer of \$193,564.56	Banque Union de Credit, Lugano Switzerland	Anglo Irish Bank Vienna, Austria
25					
26	Two	7/30/97	Wire Transfer of \$611,038.38	Banque Union de Credit, Lugano Switzerland	Anglo Irish Bank Vienna, Austria
27					
28					

1	Three	3/12/98	Wire Transfer of \$160,000	Anglo Irish Bank Vienna, Austria	County Bank Prescott Valley Arizona
2					
3	Four	1/07/99	Wire Transfer of \$200,000	Anglo Irish Bank Vienna, Austria	Royal Bank of Scotland, Intl. Isle of Man
4					

5 All in violation of Title 18, United States Code, Section 1956 (a)(1)(B)(i).

6 COUNT FIVE: (18 U.S.C. § 982 – Criminal Forfeiture)

7 1. The allegations contained in Counts One through Four of this Indictment  
8 are hereby realleged and incorporated herein by reference for the purpose of alleging  
9 forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(1).

10 2. As a result of the offenses alleged in Counts One through Four, the  
11 defendant

12 ANDREW F. LIERSCH

13 shall forfeit to the United States all property, real and personal, involved in such offense,  
14 or any property traceable to such property, including but not limited to, funds in an  
15 unknown amount but no less than \$804,602.94, derived from the proceeds obtained  
16 directly and indirectly as a result of the crimes alleged in Counts One through Four;  
17 including, but not limited to, \$200,000 sent from the Anglo Irish Bank in Vienna, Austria,  
18 on about January 7, 1999, through its correspondent bank - the Bank of New York, 48  
19 Wall Street, New York to the Royal Bank of Scotland International, account number  
20 8900051612, for further credit to Isle of Man Financial Trust Limited, beneficiary account  
21 IOMFTCLT-USDC, reference Aurora, which funds were transferred on January 13, 1999  
22 into the AUIN-USD1 account at Royal Bank of Scotland, Isle of Man, then on January 15,  
23 1999 transferred to account number 58045184 in the name of Aurora Investments Ltd.,  
24 and all constituting the laundered proceeds of the interstate transportation of stolen  
25 property.

26 3. By virtue of the commission of the felony offenses charged in Counts One  
27 through Four, any and all interest that defendant Andrew F. Liersch has in the above-  
28 described property is vested in the United States and is hereby forfeited to the United

1 States pursuant to Title 18, United States Code, Section 982(a)(1).

2 4. If any of the property described herein as being subject to forfeiture, as a  
3 result of any act or omission of the defendant-

- 4 (1) cannot be located upon the exercise of due diligence;
- 5 (2) has been transferred or sold to or deposited with, a third person;
- 6 (3) has been placed beyond the jurisdiction of the Court;
- 7 (4) has been substantially diminished in value; or
- 8 (5) has been commingled with other property which cannot be subdivided  
9 without difficulty;


10 any and all interest defendant Andrew F. Liersch has in other property shall be vested in  
11 the United States and forfeited to the United States pursuant to Title 18, United States  
12 Code, Section 982(a)(1), up to approximately \$804,602.94.

13 DATED: A TRUE BILL.

17 FOREPERSON \_\_\_\_\_

18 KEVIN V. RYAN  
United States Attorney

19   
20 JOHN T. LAETTNER  
21 Chief, Oakland Branch

22 (Approved as to form:   
23 M. Zanides  
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