

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff

v.

ROBERT L. HIGGINS,

Defendant.

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Criminal Action No. 22-44-MN

REDACTED

FILED

AUG 11 2022

**SECOND  
SUPERSEDING INDICTMENT**

U.S. DISTRICT COURT DISTRICT OF DELAWARE

The Grand Jury for the District of Delaware charges that:

**Count 1**

1. From on or about January 1, 2015, through on or about June 21, 2016, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, the owner and operator of businesses in Wilmington, Delaware, that is, Argent Asset Group LLC and First State Depository, Inc., willfully attempted to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2015, by committing the following affirmative acts, among others:

(a) Preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent United States joint personal income tax return, Form 1040, which was submitted to the Internal Revenue Service; and

(b) Diverting business funds of Argent Asset Group LLC to pay personal expenses.

In violation of Title 26, United States Code, Section 7201.

**Count 2**

2. From on or about January 1, 2016, through on or about May 18, 2018, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, the owner and operator of businesses in Wilmington, Delaware, that is, Argent Asset Group LLC and First State Depository,

Inc., willfully attempted to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2016, by committing the following affirmative acts, among others:

(a) Preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent United States joint personal income tax return, Form 1040, which was submitted to the Internal Revenue Service; and

(b) Diverting business funds of Argent Asset Group LLC to pay personal expenses.

In violation of Title 26, United States Code, Section 7201.

**Count 3**

3. From on or about January 1, 2017, through on or about May 13, 2018, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, the owner and operator of businesses in Wilmington, Delaware, that is, Argent Asset Group LLC and First State Depository, Inc., willfully attempted to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2017, by committing the following affirmative acts, among others:

(a) Preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent United States joint personal income tax return, Form 1040, which was submitted to the Internal Revenue Service; and

(b) Diverting business funds of Argent Asset Group LLC to pay personal expenses.

In violation of Title 26, United States Code, Section 7201.

**Count 4**

4. From on or about January 1, 2018, through on or about July 31, 2019, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, the owner and operator of businesses in Wilmington, Delaware, that is, Argent Asset Group LLC and First State Depository,

Inc., willfully attempted to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2018, by committing the following affirmative acts, among others:

(a) Preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent United States joint personal income tax return, Form 1040, which was submitted to the Internal Revenue Service; and

(b) Diverting business funds of Argent Asset Group LLC to pay personal expenses.

In violation of Title 26, United States Code, Section 7201.

**Count 5**

5. From on or about January 1, 2019, through on or about March 9, 2022, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, the owner and operator of businesses in Wilmington, Delaware, that is, Argent Asset Group LLC and First State Depository, Inc., willfully attempted to evade and defeat income tax due and owing by him to the United States of America for the calendar year 2019, by committing the following affirmative acts, among others:

(a) Preparing and causing to be prepared, and signing and causing to be signed, a false and fraudulent United States joint personal income tax return, Form 1040, which was submitted to the Internal Revenue Service; and

(b) Diverting business funds of Argent Asset Group LLC to pay personal expenses.

In violation of Title 26, United States Code, Section 7201.

**Counts 6 - 7**

At all times material to the Indictment:

**Relevant Individuals and Entities**

6. ROBERT L. HIGGINS, the Defendant, owned and operated, at 100 Todds Lane, Wilmington, DE 19802, businesses involved in the purchase, sale, and storage of precious metals:

First State Depository Company, LLC; Certified Assets Management, Inc.; Certified Assets Management International, LLC; and Argent Asset Group, LLC.

7. First State Depository Company, LLC (“FSD”) was a precious metals depository with a vault. FSD offered storage services to investors in the precious metals markets.

8. Certified Assets Management, Inc. (“CAMI”) and Certified Assets Management International, LLC (“CAM-INT”) each offered services involving precious metals, including the purchase and sale for investors. Each operated in 2012, but discontinued operating in approximately 2013.

9. Argent Asset Group, LLC (“Argent”) began operating in 2013, replacing CAMI and CAM-INT and also offered services in the precious metal market, including the purchase and sale for investors.

#### **Background**

10. CAMI offered to buy precious metals on behalf of investors. FSD offered storage services for precious metals. FSD would enter into an agreement with investors, known as a “Custody-Plus” Depository Account Agreement. It provided, among other things, the following:

a. The investor’s precious metals “will be stored by First State as custodian [and] may be acted on by First State only upon receipt of a Formal Notice from [investor].”

b. “First State also agrees to provide [investor] with monthly statements for its Account summarizing daily transaction activity and account balances.”

#### **The Scheme to Defraud Victim 1**

11. From or about February of 2012 through August 1, 2019, ROBERT L. HIGGINS, the Defendant, devised and intended to devise a scheme to defraud Victim 1 and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises. It was part of the scheme that HIGGINS, in February of 2012, accepted approximately \$1.2 million from

Victim 1 for the purchase of silver. In return, HIGGINS promised to use Victim 1's money to purchase and store silver for him. HIGGINS had no intent to deliver on that promise and, instead, did not purchase that silver but used the money to operate his businesses which were on the verge of financial collapse, and which did collapse around the end of 2012. Thereafter, HIGGINS refused Victim 1's repeated demands for the full return of his investment. In doing so, HIGGINS sent emails and text messages, and made telephone calls, and caused them to be made, together with the delivery of United States Mail, to lull Victim 1 into a false sense of security, postpone his ultimate complaint to investigators, and thereby make HIGGINS's apprehension less likely.

12. On or about February 2, 2012, Victim 1 made known to HIGGINS that Victim 1 intended to have his bank wire transfer approximately \$1.2 million to HIGGINS so that he would purchase silver and store it on behalf of Victim 1. On February 2, 2012, HIGGINS sent to Victim 1 a test email, for which Victim 1 acknowledged receipt. Later that same day, HIGGINS sent to Victim 1 a reply email, "Great. I received a call from my office that your bank was closed?? Wire would go out in am." At the time of this email, HIGGINS and his businesses, FSD and CAMI, were in default of hundreds of thousands of dollars in payments due and owing to various customers, and were pending an imminent inspection by a creditor bank that wanted to examine several million dollars of precious metal coins that HIGGINS and his businesses had pledged as security for loans ("the collateral") and for which HIGGINS had contracted to serve as Bailor. In fact, HIGGINS and his businesses did not possess the collateral and would deny the bank's right to inspect.

13. On February 6, 2012, after he entered into a "Custody-Plus" Depository Account Agreement, Victim 1 wire transferred to CAMI approximately \$1,200,000 for the purchase of silver.

14. On February 9, 2012, HIGGINS sent Victim 1 an invoice, recording a purchase for Victim 1 of 31 silver bars for approximately \$1 million. In fact, HIGGINS had not made that purchase.

15. On May 16, 2012, when Victim 1 requested that all his silver be sold, HIGGINS sent Victim 1 a CAM-INT sales invoice, documenting the sale for approximately \$850,000. In fact, that sale did not occur.

16. In 2015, at Victim 1's request, an employee of HIGGINS returned to Victim 1 approximately \$250,000 of his funds. Otherwise, HIGGINS never returned to Victim 1 any of the approximate \$828,000 that was due and owing him. Instead, over the next several years, in response to Victim 1's repeated demands for the full return of his investment, HIGGINS stalled in making any substantive answer and variously: said he needed Victim 1 to forward his relevant account documents to HIGGINS, so that he could research Victim 1's account; scheduled meetings with Victim 1, only to later cancel or postpone them; and ultimately met with Victim 1, and lied to him about the true history of his investment.

#### Charging Paragraphs

17. From on or about February 2, 2012, through on or about August 1, 2019, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, devised and intended to devise a scheme and artifice to defraud investor Victim 1, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as described in paragraphs 6 through 16 above.

18. On or about each of the dates set forth below, in the District of Delaware, for the purpose of executing and attempting to execute the scheme described above, HIGGINS knowingly caused to

be delivered by United States Mail envelopes, addressed to 100 Todds Lane, Wilmington, Delaware 19802, according to the directions thereon.

<u>COUNT</u>	<u>DATE</u>
6	August 22, 2017
7	March 20, 2019

All in violation of Title 18, United States Code, Section 1341.

**Counts 8 - 13**

19. Paragraphs 6 through 16 are incorporated herein.

20. From on or about February 2012, through on or about August 1, 2019, in the District of Delaware and elsewhere, ROBERT L. HIGGINS, the Defendant, devised and intended to devise a scheme and artifice to defraud investor Victim 1, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as described in paragraphs 6 through 16 above.

20. On or about each of the dates set forth below, in the District of Delaware, for the purpose of executing and attempting to execute the scheme described above, HIGGINS knowingly transmitted and caused to be transmitted by means of wire and radio communications in interstate commerce, telephone calls and emails, as set forth below:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION</u>
8	December 11, 2018	Email
9	March 14, 2019	Email
10	May 8, 2019	Telephone call
11	May 29, 2019	Telephone call

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION</u>
12	July 30, 2019	Telephone call
13	August 1, 2019	Email

All in violation of Title 18, United States Code, Section 1343.

**NOTICE OF FORFEITURE**

Upon conviction of the offenses in violation of 18 U.S.C. §§ 1341 and 1343 set forth in Counts 6 through 13 of this Indictment, the defendant, ROBERT L. HIGGINS shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

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

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

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL:

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Foreperson

DAVID C. WEISS  
United States Attorney

By: 

Edmond Falgowski  
Alexander Ibrahim  
Assistant United States Attorneys

Dated:

8 - 11 - 22