

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED  
2007 SEP 5 PM 3:00  
CLERK OF COURT  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:07-CR - 00352-17MAP

KARL H. REHBERG,  
a/k/a "Peggy Helms,"  
a/k/a "Shawn Pierce"

18 U.S.C. § 371

and,

HELEN REHBERG,  
a/k/a "Helen Svekis,"  
a/k/a "Lisa Pierce,"  
a/k/a "Ellen Rivers"

**INDICTMENT**

The Grand Jury Charges:

**COUNT ONE**

**THE CONSPIRACY**

**A. Introduction**

At all times material to this indictment:

1. NOPEC Corporation ("NOPEC"), was a corporation organized under the laws of the State of Florida, with a plant located in Lakeland, Florida. It purported to be in the business of creating alternative fuels, specifically, biodiesel produced from wasted cooking oil. NOPEC was owned and controlled by defendants Karl H. Rehberg and Helen Rehberg.

2. Defendant KARL H. REHBERG was a majority shareholder of NOPEC and President of NOPEC Corporation. His responsibilities included managing the day-by-day affairs of NOPEC and the sale and promotion of unregistered and

fraudulent securities of NOPEC. He, along with HELEN REHBERG and others, was purportedly the inventor of a new process for the production of bio-diesel fuel which was owned by NOPEC.

3. Defendant HELEN REHBERG was a vice-president, secretary and board member of NOPEC. Her responsibilities included the sale and promotion of unregistered and fraudulent securities of NOPEC.

4. The United States Securities and Exchange Commission ("SEC") was an agency of the United States which was responsible for the regulation and sale of the securities.

#### **B. The Conspiracy**

5. Beginning in or about January 1992 and continuing thereafter through and including December 1998, within the Middle District of Florida, and elsewhere,

KARL H. REHBERG,  
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a/k/a "Shawn Pierce,"

and,

HELEN REHBERG,  
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a/k/a "Lisa Pierce,"  
a/k/a "Ellen Rivers,"

defendants herein, did unlawfully, knowingly and willfully combine, conspire, confederate and agree with other individuals, both known and unknown to the grand jury, to commit certain offenses against the United States, specifically: to execute and attempt to execute a scheme and artifice to defraud, and for obtaining money from investor-victims by false and fraudulent pretenses, representations, and promises, and

to cause items to be delivered by the United States mails according to the directions thereon for the purpose of executing said scheme and artifice, in violation of Title 18, United States Code, Sections 1341.

**C. Manner and Means of the Conspiracy**

6. It was a part of the conspiracy that defendants and others would and did offer and sell unregistered securities in the form of stock certificates of NOPEC, to victims, many of whom invested tens of thousands of dollars. The defendants and others would and did sell approximately \$21 million in unregistered securities to over 2500 investor-victims in a variety of states, including Florida, Georgia, South Carolina, Alabama, Maryland and Delaware.

7. It was further a part of the conspiracy that defendants and others would not register the securities with the SEC or any other federal or state entity so as to avoid the mandatory disclosure requirements which would have alerted the investors to the fraudulent activities of the defendants.

8. It was further a part of the conspiracy that defendants issued to themselves and to close affiliates 19.5 million shares of NOPEC's stock in order to maintain a controlling interest in NOPEC.

9. It was further a part of the conspiracy that defendants and others systematically raised the price of NOPEC stock shares from \$1 to \$5 per share between 1992 and 1997 without any reasonable business basis for the stock increase, except to lure new investors and mollify existing investors into the false belief that the value of NOPEC stock was rising.

10. It was further a part of the conspiracy that defendants and others would and did disseminate false and fraudulent information on the Internet and elsewhere, which contained material misrepresentations as to the nature of the underlying product which they claimed NOPEC could produce.

11. It was further a part of the conspiracy that defendants and others would and did create investor news letters, information booklets and other materials which advertised investment opportunities in NOPEC and would and did utilize these materials in selling the unregistered and fraudulent shares of stock.

12. It was further a part of the conspiracy that defendants and others would and did make materially false and fraudulent representations utilizing the United States mail, to potential investor-victims and investor-victims, including, but not limited, to the following: a) that the investors would be purchasing shares in a business which could obtain used cooking oil from restaurants, hospitals and other such entities and convert it into bio-diesel fuel at its plant in Lakeland, Florida; b) the defendants had developed a revolutionary new method of producing bio-diesel fuel; and c) that because the raw material (waste cooking oil) for the bio-diesel fuel cost practically nothing, the bio-diesel fuel could be produced at a financially attractive and competitive price.

13. It was further a part of the conspiracy that defendants and others would and did cause investor-victims to invest their funds with NOPEC based upon the false and fraudulent representations made.

14. It was further a part of the conspiracy that defendants and others concealed and hid from investors and potential investors the true economic condition of NOPEC, which would have revealed that it, from its inception, was insolvent and, by the end of 1997, was millions of dollars in debt.

15. It was further a part of the conspiracy that defendants would and did fraudulently conceal from investors that KARL REHBERG had been censured by the SEC in 1973 for selling unregistered securities;

16. It was further a part of the conspiracy that defendants and others would and did convert investor funds placed with them to purchase shares in NOPEC into bank accounts which they controlled and would and did convert the investor funds to their personal uses.

17. It was further a part of the conspiracy that defendants and others would and did conduct these activities in a manner calculated to conceal and cover up the fraudulent nature of the investments and to otherwise mislead and deceive investors into placing funds with defendant when a substantial portion of the investor funds were not utilized as represented to make and market bio-diesel fuel. One of the ways in which the defendants and others concealed the fraudulent nature of the conspiracy was the distribution to shareholders of "lulling" communications intended to mollify the investor-victims and keep them investing more monies in NOPEC.

18. It was further a part of the conspiracy that defendants would and did conduct these activities in a manner calculated to conceal and cover up the fraudulent nature of the conspiracy by fleeing the state of Florida in or about late 1998, when they knew they were under investigation for their fraudulent activities, and thereafter establishing false identities in order to avoid accountability to the investor-victims and elude law enforcement.

**D. Overt Acts**

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

(1) On or about April 24, 1991, defendants formed NOPEC Corporation, a Florida corporation.

(2) In or about late 1992 defendants leased office space and facilities for a plant at 1248 George Jenkins Boulevard, Lakeland, Florida, 33801.

(3) On or about May 27, 1993, defendants caused a "Dear Shareholder" Letter to be issued to investor-victims and mailed through the U.S. mails which contained misrepresentations about the NOPEC process for converting waste cooking oil into bio-diesel fuel at the Lakeland plant and the financial condition of the company.

(4) On or about September 2, 1993, the defendants and others caused a letter to be mailed from NOPEC to Mr. And Mrs. James Young in Plant City, Florida regarding their purchase of founding shares in NOPEC and included a stock certificate for 1000 shares of NOPEC stock.

(5) On or about November 21, 1994, defendants caused a NOPEC stock certificate for 1,000 shares of unregistered NOPEC common stock to be mailed from NOPEC, 1248 George Jenkins Boulevard, Lakeland, Florida 33801 to George and Judith Asche in Lakeland, Florida. This certificate was signed by "Helen D.S. Rehberg" as Secretary of NOPEC and "Karl H. Rehberg" as President of NOPEC.

(6) On or about April 29, 1995, defendants and others caused a "NOPEC Corporation Business Plan, Feasibility Aspects, Projections and Forecasts" information package to be issued which described various terms and aspects of the fraudulent scheme.

(7) On or about December 1, 1995, defendants and others caused a NOPEC stock certificate for <sup>RA Fialto</sup> 2,000 shares of unregistered NOPEC stock to be mailed from NOPEC, 1248 George Jenkins Boulevard, Lakeland, Florida, 33801 to Mr. and Mrs. James Young in Plant City, Florida.

(8) On or about June 19, 1996, defendants and others convened a shareholders meeting at the Lakeland Civic Center, Lakeland, Florida on behalf of the fraudulent scheme.

(9) On or about July 11, 1996, defendants caused a NOPEC newsletter to be mailed to NOPEC victim-investors which addressed various aspects of the fraudulent scheme.

(10) On or about December 21, 1996, defendants caused a "NOPEC Corporation Business Plan, Feasibility Aspects, Projections and Forecasts" information package to be issued which described various terms and aspects of the fraudulent scheme.

(11) On or about October 26, 1997, the defendants and others appeared at a NOPEC shareholders' meeting at the Lakeland Civic Center, in Lakeland Florida and made numerous fraudulent representations to shareholders relating to the production of bio-diesel fuel at the NOPEC plant.

(12) On or about October 26, 1997, KARL REHBERG led the NOPEC shareholders' meeting at the Lakeland Civic Center, in Lakeland, Florida, and stated that NOPEC intentionally sold unregistered securities to investors and fraudulently stated that this was for the benefit of the investors. Defendant KARL REHBERG also told investor-victims that they would be able to determine the price for stock when NOPEC registered its stock with the SEC.

(13) On or about October 26, 1997, HELEN REHBERG spoke at the NOPEC shareholders' meeting at the Lakeland Civic Center in Lakeland, Florida, and encouraged victim-investors to use the new NOPEC website, which contained information about various aspects of the fraudulent scheme.

In violation of Title 18, United States Code, Section 371.

#### **FORFEITURE**

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

2. From their engagement in the violations alleged in Count One of this Indictment, punishable by imprisonment for more than one year, the defendants KARL H. REHBERG, a/k/a "Peggy Helms," a/k/a "Shawn Pierce" and HELEN REHBERG, a/k/a "Helen Svekis," a/k/a "Lisa Pierce," a/k/a "Ellen Rivers," shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to the following:

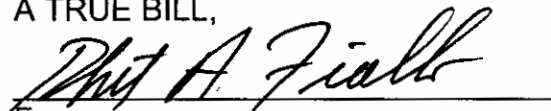


A sum of money equal to \$21,000,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offense, for which the defendants are jointly and severally liable.

3. If any of the property described in paragraph two, as a result of any act or omission of the defendants:
- 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,


the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,

  
Foreperson

JAMES R. KLINDT  
Acting United States Attorney

By:   
CHERIE L. KRIGSMAN  
Assistant United States Attorney

By:   
ROBERT A. MOSAKOWSKI  
Assistant United States Attorney  
Chief, Criminal Division, Tampa

FORM OBD-34  
APR 1991

No. 8:07-Cr-

**UNITED STATES DISTRICT COURT**

Middle District of Florida  
Tampa Division

THE UNITED STATES OF AMERICA

VS.

KARL H. REHBERG,  
a/k/a "Peggy Helms,"  
a/k/a "Shawn Pierce,"

and,

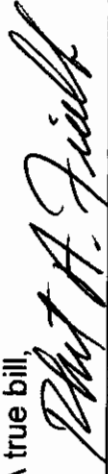
HELEN REHBERG,  
a/k/a "Helen Svekis,"  
a/k/a "Lisa Pierce,"  
a/k/a "Ellen Rivers,"

**INDICTMENT**

Violations:

18 U.S.C. § 371 (Conspiracy to Commit Mail Fraud 18 U.S.C. § 1341)

A true bill,



Foreperson

Filed in open court this 5<sup>th</sup> day

of September, A.D. 2007.

Clerk

Bail \$