



THE UNITED STATES ATTORNEY'S OFFICE  
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**Department of Justice**

U.S. Attorney's Office

Northern District of California

FOR IMMEDIATE RELEASE

Thursday, February 11, 2016

## **Southern California Man Charged With Bank Fraud, Wire Fraud, And Theft Or Embezzlement Of Pension Funds In Marin And San Mateo Counties**

SAN FRANCISCO –A federal grand jury indicted Alan Weissman with bank fraud, wire fraud, theft or embezzlement from an employee pension benefit plan, and making false statements in documents required by the Employee Retirement Income Security Act (ERISA), announced Acting United States Attorney Brian J. Stretch and the Employee Benefits Security Administration of the Department of Labor

Weissman, 70, of Rancho Palos Verdes, Calif., allegedly served as a professional trustee of pension plans. According to the indictment, from September 2010 to November 2011, he used his position as trustee of two plans to funnel money into his own bank accounts and the accounts of a business he controlled. ERISA is the federal statute governing most pension plans. Under ERISA, a trustee of a plan is responsible for safeguarding pension plan assets and ensuring that they are invested prudently and in conformity with the directives of the trust agreement, and is prohibited from self-dealing. Nevertheless, according to the indictment, Weissman made hundreds of thousands of dollars of payments to himself and his business without the authorization or knowledge of the pension funds, the plan sponsors, or participants. The payments also allegedly violated the plans' trust agreements, Weissman's fiduciary obligations, and the ERISA statute.

The indictment further alleges that Weissman attempted to hide the fact that he stole the money. In part, Weissman accomplished this by falsely telling representatives of the pension plan that the entity holding the funds had been "hacked" and that, as a result, he had not been able to produce account statements. In addition, the indictment alleges that Weissman (1) altered and forged account statements and other documents to give the appearance that the money he converted was not missing from the accounts, (2) falsely reported to an auditor that some of the stolen funds were actually paid as investment fees, and (3) falsely stated at a deposition that some of the funds were moved from one account to another so as to earn "a higher rate of return."

Weissman is charged with five counts of bank fraud, in violation of 18 U.S.C. § 1344; six counts of wire fraud, in violation of 18 U.S.C. § 1343; two counts of theft or embezzlement from an employee benefit plan, in violation of 18 U.S.C. § 664; and one count of making false statements and concealment of facts in relation to documents required by ERISA, in violation of 18 U.S.C. § 1027.

An indictment merely alleges that crimes have been committed, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt. If convicted, the maximum statutory penalty for bank fraud is 30 years' imprisonment and a fine of \$1,000,000 or twice the gross gain or loss resulting from the offense. The maximum statutory penalty for each count of wire fraud is 20 years' imprisonment and a fine of \$250,000 or twice the gross gain or loss resulting from the offense. The maximum statutory penalty for each count in violation of 18 U.S.C. § 664 and 18 U.S.C. § 1027 is 5 years' imprisonment and a fine of \$250,000 or twice the gross gain or loss resulting from the offense. Additional periods of supervised release and restitution also apply. However, any sentence following conviction would be imposed by the court only after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Assistant U.S. Attorney Benjamin Kingsley is prosecuting the case with assistance from Jessica Meegan. The prosecution is the result of an investigation by the San Francisco Regional Office of the Employee Benefits Security Administration of the Department of Labor.

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**Attachment(s):**

[Download Weissman Indictment](#)

**Topic(s):**

Financial Fraud

**Component(s):**

[USAO - California, Northern](#)

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