

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff.	§	NO: 4:21-cv-00325
	§	
V.	§	
	§	
(1) 369 SWEET BAY AVENUE,	§	
PLANTATION, FL 33324	§	
INCLUDING ALL BUILDINGS,	§	
APPURTENANCES, AND	§	
IMPROVEMENTS THEREON,	§	
	§	
(2) 366 SWEET BAY AVENUE,	§	
PLANTATION, FL 33324	§	
INCLUDING ALL BUILDINGS,	§	
APPURTENANCES, AND	§	
IMPROVEMENTS THEREON,	§	
	§	
(3) 3535 S. OCEAN DRIVE, UNIT 2901,	§	
HOLLYWOOD, FL 33019	§	
INCLUDING ALL BUILDINGS,	§	
APPURTENANCES, AND	§	
IMPROVEMENTS THEREON,	§	
	§	
(4) 3843 OAK RIDGE CIRCLE,	§	
WESTON, FLORIDA 33331	§	
INCLUDING ALL BUILDINGS,	§	
APPURTENANCES, AND	§	
IMPROVEMENTS THEREON,	§	
Defendants.	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

In accordance with Fed. R. Civ. P. Supplemental Rule G(2), the United States of America, Plaintiff, alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to a violation of 18 U.S.C. § 1084 (Transmission of wagering information), 18 U.S.C. § 1955 (Illegal Gambling Business), 18 U.S.C. §§1956 and 1957 (Money Laundering), and 18 U.S.C. § 371 (Conspiracy to commit said criminal offenses).

Defendant in Rem

2. The Defendant Property is the real property located at:
 - a. 369 Sweet Bay Avenue, Plantation, Florida 33324. According to a land survey, the property was further described as: THE ENCLAVE 143-26 B PORTION OF TRACT A DESC AS:COMM AT NE COR OF TRACT B(143-26B),W1468.07 ALG N/L,S 1726.01 TO POB SE 140,SWLY ARC DIST 65.10,SW 140,NW 115.34,NE 115.34 TO POB TOGETHER WITH:COMM NE COR TR B,W 1468.07,S 1726.01 TO POB,SW 41.97,SW 28.18,SW 46.65,NE 115.34 TO POB AKA: LOT 381 & STRIP ABUTTING LOT 381 HAWKS LANDING, and
 - b. 366 Sweet Bay Avenue, Plantation, Florida 33324. According to a land survey, the property was further described as: THE ENCLAVE 143-26 B PART OF TRACT A DESC'D AS,COMM AT NE COR OF TR B OF THE ENCLAVE2ND SEC,WLY 1383.79 ALG N/L OF TR B,S 1647.27 TO POB,SELY FOR 115.34,SWLY 140.00,SWLY 65.10, NWLY 140.00,NELY 115.34 TO POB AKA: LOT 382 HAWKS LANDING, and

- c. 3535 S. Ocean Drive, Unit 2901, Hollywood, Florida 33019. According to a land survey, the property was further described as: DIPLOMAT OCEANFRONT RESIDENCES CONDO UNIT 2901 PER CDO BK/PG: 43233/746, and
- d. 3843 Oak Ridge Circle, Weston, Florida 33331. According to a land survey, the property was further described as: SECTORS 8,9 AND 10 PLAT (BLOCKS 1-10) 161-3 BLOT 36 BLK 1.

(hereinafter, "Defendant Property").

Jurisdiction and Venue

- 3. The Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture pursuant to 28 U.S.C. § 1355(a).
- 4. The Court has *in rem* jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.
- 5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

- 6. The Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it is any property, real or personal, which constitutes or is derived from the proceeds traceable to a violation of 18 U.S.C. §§ 371, 1084, and 1955; and the property is subject to forfeiture pursuant to 18 U.S.C. 981(a)(1)(A)

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because it is any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 and 1957.

Facts

7. The facts and circumstances supporting the forfeiture of the above-described property are contained in the Affidavit of Homeland Security Investigations Special Agent Nicole Hendricks, which is attached hereto and incorporated herein by reference and summarized below:

- a. An investigation by law enforcement disclosed the criminal activities of Clarence Gary Austin (hereinafter, "Austin"), and others located in the United States and Costa Rica. Austin is the owner and operator of the Costa Rican based sports book wagering website, TRADEWINDS, which Austin has operated illegally via the Internet at www.trdwd.com, and www.trdwd.ec, within the jurisdiction of the United States since at least 1998. Individuals operating as bookmakers (also known as agents) located throughout the U.S. utilize the TRADEWINDS sports wagering website as a means to allow their group of bettors to place wagers on college and professional sporting events and then access the "Agent Only" portion of the website. The "Agent Only" site allows the bookmakers to easily manage large illegal gambling operations by viewing and/or obtaining automated reports reflecting their bettors' weekly wagering activities with balances to be collected or paid out.
- b. The collection of losses and payouts of winnings between bookmakers and their bettors occur within the borders of the United States. The monetary arrangement

between Austin and bookmakers utilizing TRADEWINDS is a percentage split of the

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winnings/losses of the bookmaker's group of bettors, usually a 50/50 split or with Austin taking a larger percentage, sometimes up to 75%. A portion of AUSTIN'S/TRADEWINDS' U.S. clients are large individual bettors that place wagers directly on the website and deal directly with Austin or his operatives to settle up winnings or losses.

c. Austin's illegal Internet gambling enterprise has produced in excess of \$22 million in illegal proceeds during its operation. The investigation disclosed that Austin has established an intricate domestic and international money laundering organization and methods to surreptitiously conduct monetary transactions with the bookmakers and bettors located in the U.S. in order to ultimately receive and utilize the illicit earnings.

d. Austin has set up numerous domestic and offshore corporations, business entities, and trusts, many with nominee owners and for no legitimate activity. Austin has obtained U.S. and international bank accounts, many in the names of the aforementioned corporations or nominees, in order to introduce the illegal proceeds into the U.S. and international banking systems. Austin and his operatives then funnel and transfer the illegal proceeds to other domestic and offshore bank accounts under their control, all in an attempt to disguise the true source, nature and ultimate beneficial owner of the illicit funds generated by the operation of the illegal Internet sports wagering website.

e. The four real properties comprising the Defendant Property were purchased during the time Austin operated the illegal gambling business in his name, or in the name of

nominee corporations. Austin has no legitimate income except a monthly social security check he receives.

Potential Claimants

Potential claimants to the Defendant Property may include:

- a. Clarence Gary Austin – 366 Sweet Bay Avenue, Plantation, Florida 33324, and
- b. Three Waters SA – 369 Sweet Bay Avenue, Plantation, Florida 33324, and
- c. Pacheco Coto – 3535 S. Ocean Drive, Unit 2901, Hollywood, Florida 33019, and
- d. Clarence Gary Austin – 3843 Oak Ridge Circle, Weston, Florida 33331.

Claim for Relief

The United States respectfully requests that the Court forfeit Defendant Property to the United States, award costs and disbursements in this action to the United States, and order any other relief that the Court deems appropriate.

Respectfully submitted,

NICHOLAS J. GANJEI
Acting United States Attorney

/s/

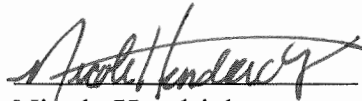
Kevin McClendon
Assistant United States Attorney
State Bar No. 13408620
101 East Park Blvd., Suite 500
Plano, Texas 75074
(972) 509-1201
(972) 509-1209 (fax)

VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I, Nicole Hendricks, hereby state that:

1. I am a Special Agent with Homeland Security Investigations.
2. I have read this Complaint, and the information contained herein is true and correct to the best of my knowledge.
3. The information contained in this Complaint comes from the official files and records of the United States, statements from other law enforcement officers, and my investigation of this case.

I state and verify under penalty of perjury that the foregoing is true and correct.



Nicole Hendricks
Special Agent
Homeland Security Investigations

Dated: 4/19/2021

CERTIFICATION OF FILING OF MOTION TO SEAL

Pursuant to Local Rule CV-5(a)(7)(A), undersigned counsel certifies that on April 23, 2021, Plaintiff filed a Motion to Seal Affidavit Supporting the Complaint for Forfeiture In Rem.

[Doc. #2]

/s/ Kevin McClendon

Kevin McClendon
Assistant United States Attorney

**Affidavit Supporting the
Complaint for Forfeiture In Rem
Filed Under Seal**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS United States of America</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Kevin McClendon, USAO, 101 E. Park Blvd., Suite 500 Plano, Texas 75074 (972) 509-1201</p>	<p>DEFENDANTS 369 Sweet Bay Avenue, Plantation, Florida, et al</p> <p>County of Residence of First Listed Defendant <u>Collin County</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p style="text-align: center;">LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p style="text-align: center;">SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align: center;">FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 This is an in rem civil forfeiture proceeding pursuant to 18 USC 981

Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 04/23/2021 SIGNATURE OF ATTORNEY OF RECORD: /s/ Kevin McClendon

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____