



Plaintiff, United States of America, by its attorney, Paul J. Fishman, United States Attorney for the District of New Jersey (by Evan S. Weitz, Assistant United States Attorney) brings this Verified Complaint for Forfeiture *In Rem* and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

### **NATURE OF THE ACTION**

1. This is a civil action *in rem* to forfeit and condemn to the use and benefit of the United States the above-captioned defendant properties pursuant to 31 U.S.C. § 5317, as property involved in a violation or violations of 31 U.S.C. § 5324 or a conspiracy to commit any such violations, and/or as property traceable to any such violation or conspiracy.

### **THE DEFENDANT IN REM**

2. The defendant properties consist of: (i) 9 Polhemus Terrace, Whippany, New Jersey; (ii) 340 Highland Avenue, Kearny, New Jersey; (iii) 180 Windsor Street, Kearny, New Jersey; (iv) 355 Maple Street, Kearny, New Jersey; (v) 212 Van Houten Street, Paterson, New Jersey; (vi) 120 Forest Way, Essex Fells, New Jersey; (vii) 193 Kearny Avenue, Kearny, New Jersey; and (viii) 1420-32 West Front Street, Plainfield, New Jersey (collectively the "defendant properties").

### **JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant properties. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant properties under 28 U.S.C. § 1355.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1395.

### **BASIS FOR FORFEITURE**

6. The defendant properties are subject to forfeiture pursuant to the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in, or traceable to, a violation of 31 U.S.C. § 5324 or a conspiracy to violate that section.

### **STATUTORY BACKGROUND**

7. Pursuant to 31 U.S.C. § 5313(a) and its related regulations, when a domestic financial institution, including a bank or money service business, is involved in a transaction for the payment, receipt, or transfer of U.S. currency in an amount greater than \$10,000, the institution is required to file a currency transaction report ("CTR") for each cash transaction, such as, by way of example, a deposit, withdrawal, exchange of currency, or other payment or transfer by, though, or to a financial institution.

8. CTR forms, which are filed with the Internal Revenue Service, require disclosure of, among other information, the identity of the individual who

conducted the transaction and the individual or organization for whom the transaction was completed.

9. Similarly, pursuant to 31 U.S.C. § 5325 and its related regulations, no financial institution may issue or sell a money order in connection with a transaction or group of transactions which involves United States currency in amounts or denominations of \$3,000 or more without obtaining certain information, including the name and address of the purchaser.

10. Many individuals involved in illegal activities, such as narcotics trafficking, tax evasion, and money laundering, are aware of the reporting requirements and take active steps to cause financial institutions to fail to file CTRs or to record the identity of the purchaser of money orders in order to avoid detection of the movement of large amounts of cash. Among these is the process of "structuring," which involves making multiple cash deposits or withdrawals in amounts less than \$10,000 in order to avoid the filing of a CTR. Structuring may also involve purchasing multiple money orders over a short span of time, all below \$3,000, but which in the aggregate exceed \$3,000.

11. Structuring transactions to avoid the filing of a CTR is prohibited by 31 U.S.C. § 5324(a)(3). Specifically, it is a crime for an individual to "structure or assist in structuring. . .any transaction with one or more domestic financial institutions" for the purpose of evading the reporting requirements of 31 U.S.C. § 5313(a).

12. Furthermore, 31 U.S.C. § 5317 provides for the forfeiture of any property involved in a violation of 31 U.S.C. § 5324, or any conspiracy to commit

any such violation, and any property traceable to any such violation or conspiracy.

### **OVERVIEW**

13. Emanuel Marques and Monique Marques are husband and wife who reside in New Jersey. Emanuel Marques (hereinafter "E. Marques") is the president and owner of several auto parts stores in northern New Jersey. Monique Marques (hereinafter "M. Marques") is a homemaker.

14. Between December 2, 2004 and June 16, 2011, the Marqueses and/or companies the Marqueses own purchased and improved the defendant properties for a total of at least \$3,195,000.00. The majority of the equity in the defendant properties was acquired with structured funds. The defendant properties include two personal properties, four revenue-generating rental properties, and two revenue-generating business properties. As described below, structured money order purchases and structured cash deposits totaling \$2,024,504.18 funded, in part, the purchases, mortgage payments, and/or capital improvements of the defendant properties.

15. Specifically, during the period from on or about November 15, 2005 through on or about December 28, 2011, 951 money orders were purchased by the Marqueses totaling \$909,623.97. The money orders were purchased from various vendors including MoneyGram, the U.S. Postal Service, and Western Union, and were used to make mortgage and other payments towards the defendant properties.

16. Of the 951 money orders purchased, 868 were purchased in increments of \$1,000.00. Many of these money orders were purchased on a daily basis and on consecutive days under the \$3,000.00 limit that requires identification from the purchaser. In other words, these purchases were structured to avoid the reporting requirements of 31 U.S.C. § 5325.

17. Similarly, during the period from on or about June 23, 2008 through on or about February 13, 2012, 490 U.S. currency deposits were made into nine bank accounts at three financial institutions controlled by the Marqueses (hereinafter collectively the "Receiving Accounts") totaling \$1,114,880.21. The currency deposits ranged from \$1,000 to \$7,400. While none of the deposits during this period were in an amount in excess of \$10,000, there were a number of instances in which deposits were made on the same or consecutive business days, or over a short span of time, and the total of these deposits exceeded \$10,000. In other words, the pattern of the deposits indicates that they were made in such a way as to avoid the filing of a CTR. As set forth below, an amount of at least \$1,114,880.21 was used to acquire equity in the defendant properties.

### **FACTS**

18. On June 9, 2009, the Marqueses were the victims of a home invasion. The police reports indicate that the attackers broke E. Marques's collar bone and demanded cash that he had in the home.

19. After police responded to the scene, E. Marques stated that he maintained three safes in the home that contained cash and that were not

disturbed during the home invasion. Police observed one of the safes after E. Marques agreed to open it. The safe was 4' by 4' by 4' and was tightly and fully packed with U.S. currency. E. Marques stated that the source of the cash was the daily cash receipts from two of his auto part stores. A money counter and a ledger detailing U.S. currency transactions were also observed in the residence.

#### Structured Money Orders

20. During the period from on or about November 15, 2005 through on or about December 28, 2011, 951 money orders were purchased totaling \$909,623.97. Many of the purchases of the money orders took place on the same day or consecutive days. Once purchased, the 951 money orders were submitted to various third parties for the benefit of the Marqueses.

21. For instance, sixteen \$1,000.00 money orders totaling \$16,000.00 were purchased during a six-day period and submitted for payment to three different payees in order to pay down mortgages held on the defendant properties. On Monday, April 12, 2010, three \$1,000.00 MoneyGram money orders were purchased and used to pay CitiMortgage. On April 13, 2010, four \$1,000.00 MoneyGram money orders were purchased and used to pay Citi Mortgage. On April 14, 2010, two \$1,000.00 MoneyGram money orders and two \$1,000.00 U.S. Postal money orders were purchased and used to pay Grand Bank. On April 15, 2010, four \$1,000.00 MoneyGram money orders were purchased and used to pay Grand Bank. There were no more than two consecutive serial numbers included in the sixteen money orders purchased, evidencing that not more than two money orders were purchased at the same

time. The purchases of these money orders were therefore all made in amounts under \$3,000.00, thus avoiding the regulation that require identification from the purchaser. The spreadsheet attached as "Schedule A" to this affidavit displays the total money order purchases.

22. Additionally, during the period from on or about February 24, 2009 through on or about November 29, 2011, 203 money orders totaling \$176,539.35 were purchased and used to pay the balance due on an American Express credit card held in the name of E. Marques. Many of the money orders were purchased on the same or consecutive days. For instance, American Express received the following money orders totaling \$10,558.13 for payment against the above account: one \$1,000.00 MoneyGram money order purchased on or around July 26, 2011; one \$558.13 MoneyGram money order purchased on or around July 26, 2011; four \$1,000.00 U.S. Postal Service money orders purchased on or around July 26, 2011; two \$1,000.00 U.S. Postal Service money order purchased on or around July 27, 2011; one \$1,000.00 MoneyGram money order purchased on or around July 28, 2011; and two \$1,000.00 MoneyGram money orders purchased on or around July 29, 2011. The purchases of these money orders were all made in amounts under \$3,000, thus avoiding the regulations that require identification from the purchaser. The spreadsheet attached as "Schedule B" to this affidavit displays the money orders used to pay off the balance of the American Express credit card.

23. Similarly, between May 13, 2009 and October 11, 2011, 23 U.S. Postal money orders totaling \$23,000.00 were purchased by E. Marques for

payment to various third parties. Many of the money orders were purchased on the same or consecutive days. For instance, on or about October 17, 2011, The Fireplace Place negotiated eight U.S. Postal money orders in the amount of \$8,000.00, consisting of two \$1,000.00 U.S. Postal money orders purchased on or around October 6, 2011; two \$1,000.00 U.S. Postal money orders purchased on or around October 7, 2011; two \$1,000.00 U.S. Postal money orders purchased on or around October 8, 2011; and two \$1,000.00 U.S. Postal money orders purchased on or around October 11, 2011. The purchases of these money orders were all made under \$3,000, thus avoiding the regulations that require identification from the purchaser. The spreadsheet attached as "Schedule C" to this affidavit displays the U.S. Postal money orders purchased and negotiated by additional third parties.

#### Structured Cash Deposits

24. TD Bank account x-5720 is a checking account held in the names of the Marqueses (the "Receiving Account ending in 5720"). From on or about May 11, 2010 through on or about February 13, 2012, 72 deposits totaling \$191,105.21 in U.S. currency were made into the Receiving Account ending in 5720. The currency deposits ranged from \$1,000 to \$4,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 5720.

25. Sovereign Bank account x-1784 is a savings account held in the name of E. Marques (the "Receiving Account ending in 1784"). From on or about

June 23, 2008 through on or about January 17, 2012, 127 deposits totaling \$317,400.00 in U.S. currency were made into the Receiving Account ending in 1784. The currency deposits ranged from \$1,000 to \$5,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 1784.

26. Sovereign Bank account x-6249 is a Uniform Transfers to Minor Act (UTMA) money market savings account held in the names of custodian M. Marques and a minor (the "Receiving Account ending in 6249"). From on or about October 4, 2010 through on or about November 8, 2011, 9 deposits totaling \$17,200.00 in U.S. currency were made into the Receiving Account ending in 6249. The currency deposits ranged from \$1,000 to \$7,400; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 6249.

27. Sovereign Bank account x-3039 is a UTMA money market savings account held in the names of custodian M. Marques and a minor (the "Receiving Account ending in 3039"). Beginning on or about July 8, 2010 through on or about November 8, 2011, 14 deposits totaling \$24,700 in U.S. currency were made into the Receiving Account ending in 3039. The currency deposits ranged from \$1,000 to \$3,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached

as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 3039.

28. Sovereign Bank account x-2547 is a UTMA money market savings account held in the names of custodian M. Marques and a minor (the "Receiving Account ending 2547"). From on or about July 8, 2010 through on or about October 8, 2011, 14 deposits totaling \$25,700 in U.S. currency were made into the Receiving Account ending in 2547. The currency deposits ranged from \$1,000 to \$3,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 2547.

29. PNC Bank account x-1688 is a business checking account held in the name of Little Jem, LLC (the "Receiving Account ending in 1688"). E. Marques is the authorized signatory for the account. Beginning on or about March 10, 2009 through on or about November 29, 2011, 46 deposits totaling \$97,100 in U.S. currency were made into the Receiving Account ending in 1688. The currency deposits ranged from \$1,000 to \$4,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 1688.

30. PNC Bank account x-7552 is a personal checking account held in the names of the Marqueses (the "Receiving Account ending in 7552"). From on or about January 5, 2009 through on or about November 28, 2011, 41 deposits

totaling \$91,700 in U.S. currency were made into the Receiving Account ending in 7552. The currency deposits ranged from \$1,000 to \$4,000.00; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 7552.

31. PNC Bank account x-6641 is a personal money market account held in the names of the Marqueses (the "Receiving Account ending in 6641"). From on or about January 12, 2009 through on or about April 14, 2011, 69 deposits totaling \$159,800 in U.S. currency were made into the Receiving Account ending in 6641. The currency deposits ranged from \$1,000 to \$4,100; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 6641.

32. PNC Bank account x-5106 is a personal checking account held in the name of E. Marques (the "Receiving Account ending in 5106"). From on or about January 2, 2009 through on or about December 12, 2011, 98 deposits totaling \$190,175.00 in U.S. currency were made into the Receiving Account ending in 5106. The currency deposits ranged from \$1,000 to \$4,000; all of them were in amounts under \$10,000.01, the amount that would have triggered the filing of a CTR. The spreadsheet attached as "Schedule D" to this affidavit displays the currency deposits into the Receiving Account ending in 5106.

33. In summary, 490 deposits totaling \$1,114,880.21 in U.S. Currency were made into 9 receiving bank accounts at 3 financial institutions during the

period from on or about June 23, 2008 through on or about February 13, 2012. The currency deposits ranged from \$1,000 to \$7,400. All of these deposits were made under \$10,000.01, the amount that would have triggered the filing of a CTR. While none of the deposits during this period of time were in an amount in excess of \$10,000, there were a number of instances where deposits were made on the same business day, or over a short period of time, and their total exceeded \$10,000. For instance, on or around April 25, 2011, four deposits totaling \$12,200 were made into the following Receiving Accounts : \$3,000 into the Receiving Account ending in 5720; \$3,000 into the Receiving Account ending in 1784; \$3,100 into the Receiving Account ending in 7552; and \$3,100 into the Receiving Account ending in 5106.

Total Structured Money Order Purchases and Structured Cash Deposits

34. As described above, during the period from on or about November 15, 2005 through on or about December 28, 2011, E. Marques purchased 951 money orders totaling \$909,623.97. Also, 490 deposits totaling \$1,114,880.21 in U.S. currency were made into 9 receiving bank accounts at 3 financial institutions during the period from on or about June 23, 2008 through on or about February 13, 2012. In total, \$2,024,504.18 in U.S. currency was either used to purchase money orders or was deposited into the Receiving Accounts. For instance, on April 25, 2011 money orders worth \$6,000 were purchased and cash deposits totaling \$12,200 were made. The spreadsheet attached as "Schedule E" to this affidavit displays the total daily money order purchases and the total daily cash deposits for this period.

## **THE DEFENDANT PROPERTIES**

### 9 Polhemus Terrace, Whippany, New Jersey

35. On or about December 2, 2004, the Marqueses purchased the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey for \$465,000.00. The Marqueses originally obtained a mortgage loan from Countrywide Home Loan in the amount of \$300,000, but that loan has been paid in full.

36. From on or about November 15, 2005, through March 24, 2009, 299 money orders were purchased and received by Countrywide Home Loan totaling \$286,689.58. These money orders were used to pay off the mortgage held on the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey.

37. Many of the money orders received by Country Wide Home Loan were purchased on the same or consecutive days. For instance, on or about May 29, 2007, Countrywide Home Loan received a payment in the amount of \$6,988.70. The payment consisted of 7 money orders; two \$1,000.00 MoneyGram money orders purchased on or about May 21, 2007; two \$1,000.00 MoneyGram money orders purchased on or about May 22, 2007; two \$1,000.00 MoneyGram money orders purchased on or about May 23, 2007; and one \$988.70 MoneyGram money order purchased on or about May 24, 2007. The purchases of these money orders were all made under \$3,000.00, the amount that triggers the identification requirement. The spreadsheet attached as "Schedule F" to this

affidavit displays the money orders received to satisfy the mortgage held on the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey.

38. In addition, on or around April 6, 2009, Countrywide Financial received a check drawn on the Receiving Account ending 5106 in the amount of \$20,653.24. Countrywide Financial credited the check against the mortgage held on the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey.

39. The spreadsheet attached as "Schedule J" to this affidavit displays the total transfers from the Receiving Accounts which were used to purchase and/or pay down the mortgage to the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the total money order purchases and the total transfers from the Receiving Accounts which were used to purchase and/or pay down the mortgages to the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey.

40. A home equity loan for \$250,000 was also issued by TD bank in favor of the Marqueses which was secured by the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey. As discussed below, this home equity loan was used to purchase the defendant property located at 180 Windsor Street, Kearny, New Jersey.

41. On or about April 10, 2010, through December 28, 2011, 165 money orders totaling \$164,000 were purchased and received by TD Bank. These

money orders were used to pay off the home equity loan secured by the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey. Many of these money orders were purchased on the same or consecutive days. For instance, on or about October 14, 2011, TD Bank posted a payment in the amount of \$9,000 towards the home equity loan. The payment consisted of nine \$1,000 money orders; two \$1,000 U.S. Postal Service money orders purchased on or around September 26, 2011; two \$1,000 U.S. Postal Service money orders purchased on or around September 26, 2011; one \$1,000 MoneyGram money orders purchased on or about September 27, 2011; two \$1,000 U.S. Postal Service money orders purchased on or about September 28, 2011; and two \$1,000 MoneyGram money orders money orders purchased on or about September 28, 2011. The purchases of these money orders were made under the \$3,000 regulations that require identification from the purchaser. The spreadsheet attached as "Schedule G" to this affidavit displays the money orders received against the home equity loan secured by the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey. In total, over \$470,000 in structured funds was used to pay off mortgages owed on the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey.

340 Highland Avenue, Kearny, New Jersey

42. On or around November 8, 2007, the Marqueses purchased the defendant real property located at 340 Highland Avenue, Kearny, New Jersey for \$320,000. The Marqueses obtained a mortgage from CitiMortgage in the amount of \$224,000 which was subsequently paid in full. On or about June 30,

2008, the Marqueses transferred ownership of the real property located at 340 Highland Avenue, Kearny, New Jersey to Little Jem, LLC. The Marqueses are listed as officers of Little Jem, LLC.

43. On or about February 18, 2008, through April 16, 2011, 195 money orders were purchased totaling \$193,395.04 and were received by CitiMortgage. These money orders were used to pay off the mortgage held by CitiMortgage secured by the defendant property located at 340 Highland Avenue Kearny, New Jersey. Many of these money orders were purchased on the same or consecutive days. For instance, on or about January 24, 2010, CitiMortgage received a payment in the amount of \$8,000. The payment consisted of eight \$1,000 MoneyGram money orders; four purchased on or about January 19, 2010; and four purchased on or about January 20, 2010. The purchases of these money orders were made under the \$3,000 regulations that require identification from the purchaser. The spreadsheet attached as "Schedule H" to this affidavit displays the money orders received against the mortgage loan on the defendant property located at 340 Highland Avenue, Kearny, New Jersey.

180 Windsor Street, Kearny, New Jersey

44. On or around August 25, 2008, the Marqueses purchased the defendant property located at 180 Windsor Street, Kearny, New Jersey for \$285,000. On or around August 25, 2008, the Marqueses obtained a mortgage loan from Grand Bank in the amount of \$199,500 which was subsequently paid in full. On or around August 1, 2011, the Marqueses transferred ownership of the defendant property located at 180 Windsor Street, Kearny, New Jersey to

Windsor Property, LLC. The Marqueses are listed as officers of Windsor Property, LLC.

45. On or about April 17, 2008, check #242 in the amount of \$1,000, made payable to Exit Golden Realty with the memo "180 Windsor," was drawn from the Receiving Account ending 7552. On or about June 30, 2008, check #0082475 in the amount of \$15,000, made payable to Giantamsi & Olveira with the memo "Attorney Trust Account," was drawn off of Receiving Account ending 1784 .<sup>1</sup> The spreadsheet attached as "Schedule J" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase or pay down the mortgage on the defendant property located at 180 Windsor Street, Kearny, New Jersey.

46. On or about April 17, 2009, through on or about April 15, 2010, 66 money orders were purchased and received by Grand Bank totaling \$66,000, which paid down the mortgage loan on the defendant property located at 180 Windsor Street, Kearny, New Jersey. Many of the money orders were purchased on the same or consecutive days. For instance, on or about January 20, 2010, Grand Bank received a payment in the amount of \$8,000. The payment consisted of eight \$1,000 MoneyGram money orders; four purchased on or about January 14, 2010; and four purchased on or about January 15, 2010. The purchases of these money orders were made under the \$3,000 regulations that require identification from the purchaser. The spreadsheet attached as

---

<sup>1</sup> Based upon the date the check was issued and that the check was made payable to an attorney trust account, it is believed that this check and several other discussed below were used, in part, to purchase the defendant properties.

"Schedule I" to this affidavit displays the money orders received against the mortgage held on the defendant property located at 180 Windsor Street, Kearny, New Jersey.

47. On or about May 19, 2010, a TD Bank official check in the amount of \$144,288.43 was received by Grand Bank and used to pay off a mortgage held on the defendant property located at 180 Windsor Street, Kearny, New Jersey. The TD Bank official check in the amount of \$144,288.43 was drawn from the home equity loan, discussed above, which was secured by the defendant property located at 9 Polhemus Terrace, Whippany, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the total money order purchases and the total transfers from the Receiving Accounts which were used to purchase or pay down the mortgages on the defendant property located at 180 Windsor Street, Kearny, New Jersey.

355 Maple Street, Kearny, New Jersey

48. On or about March 27, 2009, 355 Maple Property, LLC purchased the defendant property located at 355 Maple Street, Kearny, New Jersey for \$225,000. E. Marques is listed as an agent of 355 Maple Property, LLC. On or about March 26, 2009, check #0558826 in the amount of \$60,639.01, made payable to Giantamsi & Olveira with the memo "Attorney Trust Account," was drawn from the Receiving Account ending 1784. On or about March 26, 2009, check #1393509 in the amount of \$134,000.00, made payable to Giantamsi & Olveira Trust Account, was drawn from the Receiving Account ending 6641. The spreadsheet attached as "Schedule J" to this affidavit displays the transfers

from the Receiving Accounts which were used to purchase or pay down the mortgage held on the defendant property located at 355 Maple Street, Kearny, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 355 Maple Street, Kearny, New Jersey.

212 Van Houten Street, Paterson, New Jersey

49. On or about March 30, 2009, E & C Property, LLC purchased the defendant property located at 212 Van Houten Street, Paterson, New Jersey for \$350,000. The defendant property located at 212 Van Houten Street, Paterson, New Jersey is a commercial property and is whereone of the retail stores operated by E. Marques is located. E. Marques is listed as an agent of E & C Property, LLC. On or about March 30, 2009, check #1393515 in the amount of \$159,638.20, made payable to Giantamsi & Olveira Attorney Trust Account, was drawn from the Receiving Account ending 6641. The spreadsheet attached as "Schedule J" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 212 Van Houten Street, Paterson, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 212 Van Houten Street, Paterson, New Jersey.

120 Forest Way, Essex Fells, New Jersey

50. On or about September 4, 2009, the Marqueses purchased the defendant property located at 120 Forest Way, Essex Fells, New Jersey for \$625,000. A visual inspection of this property revealed the property is located in a residential area and undergoing major structural and interior renovations. On or about July 21, 2009, check #170 in the amount of \$1,000, made payable to PNJP (Prudential NJ Properties) with the memo "120 Forest Way," was drawn from the Receiving Account ending 5106. On or about September 3, 2009, check #0559063 in the amount of \$40,000, made payable to Giantamsi & Oliveira with the memo "Attorney Trust Account," was drawn from the Receiving Account ending 1784. On or about September 4, 2009, check #1490002 in the amount of \$529,619.58, made payable to Giantamsi & Oliveira Attorney Trust Account, was drawn from the Receiving Account ending 6641. On or about July 26, 2011, check #204 in the amount of \$12,500.00, made payable to Pugliese Pools, was drawn from the Receiving Account ending 7552. On or about August 8, 2011, check #103 in the amount of \$55,000, made payable to Pugliese Pools, was drawn from the Receiving Account ending 5720. On or about September 1, 2011, check #1035 in the amount of \$3,900, made payable to The Fire Place Place with the memo "120 Forest Way," was drawn from the of Receiving Account ending 1688. On or about September 20, 2011, check #875 in the amount of \$20,000, made payable to Anystone Quarry Connection, was drawn from the Receiving Account ending 5106. On or about September 20, 2011, check #260 in the amount of \$10,000, made payable to International Design & Mfg. with the

memo "120 Forest Way," was drawn from the Receiving Account ending 7552. The spreadsheet attached as "Schedule J" to this affidavit displays the total transfers from the Receiving Accounts which were used to purchase or pay for capital improvements to the defendant property located at 120 Forest Way, Essex Fells, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays to total money order purchases and the total transfers from the Receiving Accounts which were used to purchase or pay for capital improvements to the defendant property located at 120 Forest Way, Essex Fells, New Jersey.

193 Kearny Avenue, Kearny, New Jersey

51. On or about June 14, 2010, 193 Kearny Avenue, LLC purchased the defendant property located at 193 Kearny Avenue, Kearny, New Jersey for \$150,000. E. Marques is listed as an agent of 193 Kearny Avenue, LLC. On or about April 16, 2010, check #1030 in the amount of \$11,000, made payable to Stephan Cochi Trust Account with the memo "Marques from Chapparo," was drawn from the Receiving Account ending 1688. On or about June 11, 2010, check #0807412 in the amount of \$90,000.00, made payable to Genova Burns Giantamsi Trust Account, was drawn from the Receiving Account ending 1784. On or about June 11, 2010, check #1565195 in the amount of \$49,497.07, made payable to Genova Burns Giantamsi Trust Account, was drawn from the Receiving Account ending 6641. The spreadsheet attached as "Schedule J" to this affidavit displays the total transfers from the Receiving Accounts which were used to purchase to the defendant property located at 193 Kearny Avenue,

Kearny, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 193 Kearny Avenue, Kearny, New Jersey.

1420-32 West Front Street, Plainfield, New Jersey

52. On or about June 16, 2011, West Front Holdings, LLC purchased the defendant property located at 1420-32 West Front Street, Plainfield, New Jersey for \$775,000. The defendant property located at 1420-32 West Front Street, Plainfield, New Jersey is a commercial property and where one of the retail stores owned by the Marqueses is located. E. Marques is listed as an agent of West Front Holdings, LLC. On or about October 18, 2010, bank reference #545174914 in the amount of \$60,000, made payable to Frank R. Beniato Trust Account, was drawn from the Receiving Account ending 6641. On or about June 16, 2011, check #1696475, in the amount of \$387,666.34, made payable to Genova, Burns Giantomsi Trust Account, was drawn from the Receiving Account ending 5106. On or about October 18, 2011, check # 0807523 in the amount of \$45,000, made payable to Frank R. Beniato Jr. Trust Account, was drawn from the Receiving Account ending 1784. The spreadsheet attached as "Schedule J" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 1420-32 West Front Street, Plainfield, New Jersey. The spreadsheet attached as "Schedule K" to this affidavit displays the transfers from the Receiving Accounts which were used to purchase the defendant property located at 1420-32 West Front Street, Plainfield, New Jersey.

### **CLAIM FOR FORFEITURE**

53. The allegations contained in paragraphs 1 through 52 of this Verified Complaint are incorporated herein and made part hereof.

54. The defendant properties, and all proceeds traceable thereto, were involved in or are traceable to transactions or attempted transactions that were structured with the intent to avoid transaction reporting requirements under federal law, in violation of 31 U.S.C. § 5324.

55. As a result of the foregoing, the defendant properties and all proceeds traceable thereto are subject to condemnation and to forfeiture to the United States for its use, in accordance with 31 U.S.C. § 5317(c).

**WHEREFORE**, plaintiff requests that the Clerk of the Court issue a warrant for the arrest in rem for the defendant properties; that notice of this action be given to all persons who reasonably appear to be potential claimants in the defendant properties; that the defendant properties be forfeited and condemned to the United States of America; that plaintiff be awarded its costs and disbursements in this action; and that the Court award such other and further relief as it deems proper and just.

PAUL J. FISHMAN  
United States Attorney

By: EVAN S. WEITZ  
Assistant United States Attorney

Dated: August \_\_\_\_, 2012  
Newark, New Jersey

**VERIFICATION**

STATE OF NEW JERSEY :

ss

COUNTY OF ESSEX :

I, Keith Cregan, hereby verify and declare under penalty of perjury that I am a Special Agent with the Internal Revenue Service-Criminal Investigation, that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my information and the grounds of my belief include the official files and records of the United States, information supplied to me by other law enforcement officers, and my own investigation of this case.

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

\_\_\_\_\_  
KEITH CREGAN  
Task Force Officer  
Internal Revenue Service  
Criminal Investigation

Sworn to and subscribed before me this \_\_\_\_\_  
day of August 2012, at Newark, New Jersey.

\_\_\_\_\_  
MARION PERCELL, ESQ.  
Attorney-at-Law of the State of New Jersey