

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. FRANTZ PIERRE,

2. RONNIE BUSSELL,

3. CHRISTOPHER TORH, and

4. JUNIOR TERVIL,

Defendants.

) **INDICTMENT**

) 18 U.S.C. § 286

) 18 U.S.C. § 982(a)(1)

) 18 U.S.C. § 1957

CR 13-129 PJS/FLN

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Defraud the Government)

1. Beginning in or about July 2010, and continuing through in or about May 2011, in the State and District of Minnesota and elsewhere, the defendants,

**FRANTZ PIERRE,
RONNIE BUSSELL,
CHRISTOPHER TORH, and
JUNIOR TERVIL,**

and others, both known and unknown to the United States Grand Jury (“the co-conspirators”), did knowingly, unlawfully, and willfully agree, combine and conspire with others and each other to defraud the United States and a department and agency thereof, namely the United States Department of the Treasury, Internal Revenue Service



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("IRS"), by obtaining and aiding to obtain the payment and allowance of false, fictitious and fraudulent claims.

MANNER AND MEANS OF THE CONSPIRACY

2. It was part of the conspiracy that the defendants and the co-conspirators agreed to participate in, and participated in, a scheme to obtain and help others obtain payment of false claims for refunds from the IRS.

3. The manner and means used to accomplish the objective of the conspiracy included, among others:

a. Defendant Frantz Pierre and the co-conspirators illegally obtained the personal identifiers of the victims, including the victims' names and social security numbers.

b. Defendant Frantz Pierre and the co-conspirators used the personal identifiers of the victims to create false 2009 and 2010 federal income tax returns claiming refunds to which defendant Frantz Pierre knew the victims, defendant Frantz Pierre and the co-conspirators were not entitled.

c. Using the names and social security numbers of the victims, defendant Frantz Pierre and the co-conspirators created, among other things, false Forms W-2 that contained names of employers who did not employ the victims listed on the Forms W-2, and that contained fabricated amounts of earnings and tax withholdings.

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d. The false Forms W-2 created by defendant Frantz Pierre and the co-conspirators were used by defendant Frantz Pierre and the co-conspirators to prepare false 2009 and 2010 federal income tax returns which were filed electronically with the IRS by defendant Frantz Pierre and the co-conspirators posing as the victims.

e. From in or about July 2010 through in or about May 2011, defendant Frantz Pierre and the co-conspirators filed approximately 1,066 false 2009 and 2010 federal income tax returns claiming approximately \$6.9 million in fraudulent refunds using the personal identifiers of the victims.

f. In order to receive the payment of refunds for the false 2009 and 2010 federal income tax returns filed, defendant Frantz Pierre created and established a fictitious business in the State of Minnesota purporting to be involved in the preparation of income tax returns. Defendant Frantz Pierre and the co-conspirators also recruited individuals to create and establish fictitious businesses in the State of Minnesota, and elsewhere, in order to receive the payment of refunds for the false federal income tax returns filed.

g. Defendant Frantz Pierre also opened, and, with the co-conspirators, recruited the individuals to open bank accounts in the name of the fictitious businesses into which refunds based on the false 2009 and 2010 federal income tax returns were deposited.

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h. For example, in or about July 2010, defendant Frantz Pierre filed documents with the Minnesota Secretary of State's Office to establish a fictitious business, Tax Association of America, Inc.

i. Defendant Frantz Pierre then opened bank accounts, xxxxxx8252 and xxxxxx2650, at Wells Fargo Bank in the name of the fictitious business, Tax Association of America, Inc. Thereafter, defendant Frantz Pierre and the co-conspirators filed approximately 98 false 2009 federal income tax returns claiming approximately \$791,000 in refunds which were directed to be deposited into the Tax Association of America, Inc. bank account opened by defendant Frantz Pierre.

j. Beginning on or about July 22, 2010, defendant Frantz Pierre began receiving into the Tax Association of America, Inc. bank account ending with 8252, deposits representing refunds from false 2009 federal income tax returns filed by defendant Frantz Pierre and the co-conspirators. These deposits continued through on or about September 24, 2010 and totaled approximately \$450,000.

k. In the following months, defendant Frantz Pierre withdrew from and transferred to the Tax Association of America, Inc. bank account ending with 2650 and two other bank accounts held by defendant Frantz Pierre and V.G. at Bank of America, xxxxxxxx0963 and xxxxxxxx5608, portions of the proceeds representing the funds from the false 2009 federal tax returns filed by defendant Frantz Pierre and the co-conspirators.

For example, on or about August 12, 2010, defendant Frantz Pierre transferred and

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caused to be transferred \$180,000 from the bank account ending with 2650 to the bank account ending with 0963. On or about September 13, 2010, defendant Frantz Pierre transferred and caused to be transferred \$45,000 from the bank account ending with 8252 to the bank account ending with 0963. Between on or about August 13, 2010 and September 13, 2010, defendant Frantz Pierre transferred and caused to be transferred approximately \$224,000 from the bank account ending with 0963 to the bank account ending with 5608.

l. In or about February 2011, defendant Frantz Pierre and the co-conspirators recruited another co-conspirator, C.M., to file documents with the Minnesota Secretary of State's Office to establish a fictitious business, C and M Tax Preparation.

m. In addition, at the direction of defendant Frantz Pierre and the co-conspirators, C.M. opened two bank accounts at Wells Fargo Bank, a savings account number xxxxxx6149, and a checking account number xxxxxx5562, in the name of the fictitious business, C and M Tax Preparation. Thereafter, defendant Frantz Pierre and the co-conspirators filed approximately 213 false 2010 federal income tax returns claiming approximately \$1,567,000 in refunds which were directed to be deposited into the C and M Tax Preparation bank accounts opened by co-conspirator C.M.

n. Beginning on or about February 17, 2011, co-conspirator C.M. began receiving into the C and M Tax Preparation bank accounts, deposits representing refunds from false 2010 federal income tax returns filed by defendant Frantz Pierre and

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the co-conspirators. These deposits continued through on or about March 25, 2011 and totaled approximately \$397,000.

o. Beginning on or about February 17, 2011, at the direction of defendant Frantz Pierre and the co-conspirators, C.M. transferred and withdrew from the C and M Tax Preparation bank accounts portions of the proceeds representing the refunds from the false 2010 federal tax returns filed by defendant Frantz Pierre and the co-conspirators. The proceeds were given to defendant Frantz Pierre and the co-conspirators, including transfers of more than \$300,000 from the C and M Tax Preparation bank accounts to defendant Frantz Pierre's bank account ending with 5608.

p. Similarly, in or about March 2011 defendant Frantz Pierre and the co-conspirators recruited defendant Ronnie Bussell to file documents with the Minnesota Secretary of State's Office to establish a fictitious business, One Stop Tax Services.

q. At the direction of defendant Frantz Pierre and the co-conspirators, on or about March 11, 2011 defendant Ronnie Bussell opened a bank account at Wells Fargo Bank, account number xxxxxx5486, in the name of the fictitious business, One Stop Tax Services. On the same date, defendant Ronnie Bussell opened a personal bank account at Wells Fargo Bank, account number xxxxxx9064, in his own name. Thereafter, defendant Frantz Pierre and the co-conspirators filed approximately 96 false 2010 federal income tax returns claiming approximately \$665,000 in refunds which were directed to

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be deposited into the personal bank account opened by defendant Ronnie Bussell ending with 9064.

r. Beginning on or about March 24, 2011, defendant Ronnie Bussell began receiving into his personal bank account, deposits representing refunds from false 2010 federal income tax returns filed by defendant Frantz Pierre and the co-conspirators. These deposits continued through on or about April 1, 2011 and totaled approximately \$149,000.

s. Between March 24, 2011 and March 31, 2011, approximately \$21,000 was transferred from defendant Ronnie Bussell's personal bank account ending with 9064 to co-conspirator N.W. These funds were proceeds representing the refunds from the false 2010 federal tax returns filed by the defendant and the co-conspirators.

t. Between on or about March 31, 2011 and on or about April 1, 2011, approximately \$118,000 was transferred from defendant Ronnie Bussell's personal bank account ending with 9064 to the One Stop Tax Services bank account that he opened at the direction of defendant Frantz Pierre and the co-conspirators. These funds were proceeds representing the refunds from the false 2010 federal tax returns filed by the defendant and the co-conspirators.

u. On or about April 25, 2011, defendant Ronnie Bussell opened a new bank account at TCF Bank in the name of the fictitious business One Stop Tax Services. Defendant Ronnie Bussell deposited approximately \$115,000 of the proceeds of the

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refunds from the false 2010 federal tax returns filed by defendant Frantz Pierre and the co-conspirators into the TCF Bank One Stop Tax Services bank account. On or about May 4, 2011, defendant Ronnie Bussell entered the TCF Bank branch in Eagan, Minnesota and attempted to obtain approximately \$109,625 of the proceeds from the One Stop Tax Services bank account.

v. In or about February 2011, co-conspirator N.W. filed documents with the Minnesota Secretary of State's Office to establish a fictitious business, On Time Tax Service.

w. Thereafter, at the direction of defendant Frantz Pierre and the co-conspirators and with documents provided by co-conspirator N.W., on or about April 6, 2011 defendant Christopher Torh opened a bank account at Wells Fargo Bank, account number xxxxxx3454, in the name of the fictitious business, On Time Tax Service. Thereafter, defendant Frantz Pierre and the co-conspirators filed approximately 117 false 2010 federal income tax returns claiming approximately \$664,000 in refunds which were directed to be deposited into the On Time Tax Service bank account opened by defendant Christopher Torh.

x. Beginning on or about May 6, 2011, defendant Christopher Torh began receiving into the On Time Tax Service bank account, deposits representing refunds from false 2010 federal income tax returns filed by defendant Frantz Pierre and the co-conspirators. These deposits totaled approximately \$16,600.

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y. In or about May 2011, defendant Christopher Torh made several withdrawals of money from the On Time Tax Service bank account. The money represented a portion of the proceeds derived from the refunds from the false 2010 federal tax returns filed by defendant Frantz Pierre and the co-conspirators.

z. In or about April 2011, defendant Frantz Pierre and the co-conspirators recruited defendant Junior Tervil to file documents with the Minnesota Secretary of State's Office to establish a fictitious business, Smith Financial Services.

aa. At the direction of defendant Frantz Pierre and the co-conspirators, on or about April 8, 2011 defendant Junior Tervil opened a bank account at Wells Fargo Bank, account number xxxxxx3850, in the name of the fictitious business, Smith Financial Services. Thereafter, defendant Frantz Pierre and the co-conspirators filed approximately 252 false 2010 federal income tax returns claiming approximately \$1,561,000 in refunds which were directed to be deposited into the Smith Financial Services bank account opened by defendant Junior Tervil.

bb. Beginning on or about May 2, 2011 and continuing through June 6, 2011, defendant Junior Tervil began receiving into the Smith Financial Services bank account, deposits representing refunds from false 2010 federal income tax returns filed by defendant Frantz Pierre and the co-conspirators. These deposits totaled approximately \$215,300.

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cc. On or about June 18, 2011, defendants Junior Tervil and Frantz Pierre entered the Wachovia Bank branch in North Miami Beach, Florida and attempted to obtain over \$198,000 from the Smith Financial Services bank account previously opened by defendant Junior Tervil. The money represented a portion of the proceeds derived from the refunds from the false 2010 federal tax returns filed by defendant Frantz Pierre and the co-conspirators.

All in violation of Title 18, United States Code, Section 286.

COUNT 2

(Monetary Transactions in Criminally Derived Property)

4. Paragraphs 1 through 3 are hereby realleged and incorporated by reference.

5. On or about September 16, 2010, in the State and District of Minnesota and elsewhere, the defendant,

FRANTZ PIERRE,

did knowingly engage in and attempt to engage in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, that is, a wire transfer in the amount of \$216,000 from defendant Frantz Pierre's Bank of America bank account ending with 5608, to the Bank of America bank account of New Door Title LLC Escrow Account ending with 2082, which property was derived from specified unlawful activity, that is, wire fraud, for the purpose of purchasing property located at 9619 Clemmons Street, Parkland, Florida 33076.

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All in violation of Title 18, United States Code, Section 1957.

FORFEITURE ALLEGATIONS

Count 2 of this Indictment is hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

As the result of the offense alleged in Count 2 of this Indictment, the defendant FRANTZ PIERRE shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in the violation charged in Count 2, and in any property traceable thereto, including the following property: the real property and premises located at 9619 Clemmons Street, Parkland, Florida 33076.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All in violation of Title 18, United States Code, Sections 286, 982(a)(1), and 1957.

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON