

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :  
 : Hon.  
 :  
 v. : Criminal No. 09-  
 :  
 : 18 U.S.C. §§ 1344 & 1349  
 OLIVER CHUKWUMA : 18 U.S.C. § 215  
 : 18 U.S.C. § 1956  
 : 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey,  
sitting at Newark, charges:

COUNT 1  
(Conspiracy to Commit Bank Fraud)  
18 U.S.C. § 1349

1. At all times relevant to this Indictment:

a. Defendant OLIVER CHUKWUMA resided in Franklin Township, New Jersey. Between in or about September 1997 and in or about September 2003, defendant OLIVER CHUKWUMA was employed as a project manager by Fleet Bank ("Fleet"). As a project manager, defendant OLIVER CHUKWUMA's responsibilities included, among other things, hiring contractors to perform capital improvement projects on Fleet facilities, periodically supervising their work on-site, and upon completion of the work, approving payment of the contractors' invoices.

b. Fleet was a financial institution within the meaning of Title 18, United States Code, Section 20 whose deposits were insured by the Federal Deposit Insurance

Corporation.

c. Jack Lubin ("Lubin"), a coconspirator who is not charged as a defendant herein, owned and operated Basic Services, Inc., a Cranford, New Jersey-based contracting company ("Basic").

2. From at least as early as in or about April 2001 to in or about September 2003, in Union County, in the District of New Jersey and elsewhere, defendant

OLIVER CHUKWUMA

did knowingly conspire and agree with Jack Lubin and others to execute a scheme and artifice with the intent to defraud a financial institution, namely Fleet Bank, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, Fleet Bank by means of materially false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was for defendant OLIVER CHUKWUMA to receive kickbacks from Lubin after having Fleet pay Basic on fraudulent invoices for work that Basic and Lubin never performed on Fleet facilities.

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy to defraud that, in or about June 2001, defendant OLIVER CHUWKUMA hired Lubin and Basic to complete capital improvement projects at Fleet facilities.

5. It was further part of the conspiracy to defraud that, as a condition of Basic being hired to complete capital improvement projects for Fleet, Lubin would pay defendant OLIVER CHUWKUMA a percentage of the payments that Lubin and Basic received from Fleet.

6. It was further part of the conspiracy to defraud that, by in or about November 2001, defendant OLIVER CHUWKUMA and Lubin further agreed that Basic would submit false invoices to Fleet for work that Lubin and Basic had not performed ("the Fraudulent Invoices").

7. It was further part of the conspiracy to defraud that defendant OLIVER CHUWKUMA would approve the Fraudulent Invoices and cause Fleet to pay Basic despite knowing that Basic had not performed the work described in the Fraudulent Invoices.

8. It was a further part of the conspiracy to defraud that defendant OLIVER CHUWKUMA shared in the proceeds of the conspiracy by receiving cash and in-kind payments from Lubin, including, among other things, the construction of a gazebo and a fence at defendant OLIVER CHUWKUMA's Franklin Township, New Jersey home, as well as automobiles.

9. As a result of the conspiracy to defraud through the use of the Fraudulent Invoices, defendant OLIVER CHUKWUMA and Lubin stole approximately \$1,000,000 from Fleet between in or about June 2001 and in or about July 2003.

In order to further the object of the conspiracy, defendant OLIVER CHUKWUMA and his coconspirators committed the following acts in the District of New Jersey and elsewhere:

#### The East Orange Facility

10. On or about May 1, 2003, Lubin submitted a Fraudulent Invoice - Basic invoice number 10754 - that sought approximately \$23,929 for "masonry work, parking lot repair and sealing" purportedly performed at a Fleet facility in East Orange, New Jersey ("the East Orange Facility").

11. On or about May 13, 2003, defendant OLIVER CHUKWUMA approved payment of Basic invoice number 10754, despite the fact that Fleet leased the East Orange Facility and was not responsible for the maintenance of the East Orange Facility's parking lot.

#### The Bethlehem Facility

12. On or about May 19, 2003, Lubin submitted a Fraudulent Invoice - Basic invoice number 10803 - that sought approximately \$2,400 for the "repair of a generator room ceiling and walls" at

a Fleet facility in Bethlehem, Pennsylvania ("the Bethlehem Facility").

13. On or about June 6, 2003, defendant OLIVER CHUKWUMA approved payment of Basic invoice number 10803, despite the fact that Basic had not performed any work at the Bethlehem Facility; that defendant OLIVER CHUKWUMA was not the Fleet project manager assigned to the Bethlehem Facility; and that defendant OLIVER CHUKWUMA was not authorized to approve invoices for work at the Bethlehem Facility.

14. The work at the Bethlehem Facility, which had been performed by a contractor other than Basic and supervised by another Fleet project manager, was in fact to remove an oil storage tank and did not involve ceiling and wall repairs.

#### The Horsham Facility

15. On or about June 13, 2003, Lubin submitted a Fraudulent Invoice - Basic invoice number 10833 - that sought approximately \$3,680 to "provide demolition and additional interior office construction" at a Fleet facility in Horsham, Pennsylvania ("the Horsham Facility").

16. On or about July 11, 2003, defendant OLIVER CHUKWUMA approved Basic invoice number 10833, despite the fact that Basic had not performed any work at the Horsham Facility; that defendant OLIVER CHUKWUMA was not then the Fleet project manager

assigned to the Horsham Facility; and that defendant OLIVER CHUKWUMA was not then authorized to approve invoices for work at the Bethlehem Facility.

17. The work at the Horsham Facility, which had been performed by a contractor other than Basic and supervised by another Fleet project manager, was in fact to dismantle two office cubicles and to assemble and replace them with two new cubicles.

#### The Christiana Facility

18. On or about June 13, 2003, Lubin submitted a Fraudulent Invoice - Basic invoice number 10832 - that sought approximately \$7,982 to "provide additional office buildout" at a Fleet facility in Christiana, Delaware ("the Christiana Facility").

19. On or about July 28, 2003, defendant OLIVER CHUKWUMA approved payment of Basic invoice number 10832, despite the fact that Basic had not performed any work at the Christiana Facility; that defendant OLIVER CHUKWUMA was not the Fleet project manager assigned to the Christiana Facility; and that defendant OLIVER CHUKWUMA was not authorized to approve invoices for work at the Christiana Facility.

20. The work at the Christiana Facility, which had been performed by a contractor other than Basic and supervised by another Fleet project manager, was in fact to deliver office

chairs and did not involve "office buildout."

In violation of Title 18, United States Code, Section 1349.

COUNTS 2 THROUGH 5  
(Bank Fraud)  
18 U.S.C. § 1344 and § 2

1. Paragraphs 1 and 3 through 20 of Count 1 are realleged as if set forth in full herein.

2. On or about the dates set forth in the table below, in Union County, in the District of New Jersey, and elsewhere, defendant

OLIVER CHUKWUMA

did knowingly execute a scheme and artifice with the intent to defraud a financial institution, namely Fleet Bank, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, Fleet Bank by means of materially false and fraudulent pretenses, representations, and promises, namely, by approving the payment by Fleet Bank of the Fraudulent Invoices in the approximate amounts set forth in the table below despite knowing that Lubin and Basic had not performed the work described therein.

COUNT	APPROVAL DATE	INVOICE NUMBER	AMOUNT
2	05/13/2003	10754	\$23,929
3	06/06/2003	10803	\$2,400
4	07/11/2003	10832	\$3,680
5	07/28/2003	10833	\$7,982

In violation of Title 18, United States Code, Section 1344 and Section 2.



COUNT 6  
(Corrupt Demand of Payment by a Bank Employee)  
18 U.S.C. § 215 and § 2

1. Paragraphs 1 and 3 through 20 of Count 1 are realleged as if set forth in full herein.

2. At all times relevant to Count 6 of the Indictment:

a. Valley National Bank ("Valley") was a financial institution within the meaning of Title 18, United States Code, Section 20 whose deposits were insured by the Federal Deposit Insurance Corporation.

b. "Company S" was a New York City-based construction company. Between in or about late 2002 and in or about June 2006, Company S performed capital improvement projects at Valley branches in New York City.

c. "S.K.", who is not charged as a defendant herein, was a vice president of Company S.

3. In or about June 2004, Valley hired defendant OLIVER CHUKWUMA as a project manager. As at Fleet, defendant OLIVER CHUKWUMA's responsibilities at Valley included, among other things, selecting contractors to perform capital improvement on the bank's facilities.

4. In or about late 2005, defendant OLIVER CHUKWUMA assumed responsibility for awarding construction projects at Valley branches in New York City. Defendant OLIVER CHUKWUMA awarded approximately three such projects to Company S between late 2005 and in or about June 2006.

5. In or about early June 2006, defendant OLIVER CHUKWUMA approached S.K. and demanded a \$20,000 cash payment from Company S as a condition of Company S remaining eligible to bid on future Valley construction projects.

6. S.K. agreed to make the payment, but he refused to pay in cash. Defendant OLIVER CHUKWUMA thereafter directed S.K. to make out a \$20,000 check payable to Company D, a company that had never provided any services to Company S.

7. On or about June 8, 2006, S.K. caused a \$20,000 check payable to Company D to be sent via UPS to an address in South Plainfield, New Jersey.

8. On or about June 15, 2006, defendant OLIVER CHUKWUMA caused Company D to issue three checks from its bank account payable to defendant OLIVER CHUKWUMA for \$10,000, \$5,000, and \$4,500, respectively.

9. On or about June 16, 2006 and June 17, 2006, defendant OLIVER CHUKWUMA deposited the \$10,000, \$5,000 and \$4,500 checks into personal checking accounts that he controlled.

10. On or before June 8, 2006, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

OLIVER CHUKWUMA

being an officer, employee, and agent of a financial institution, namely Valley National Bank, did corruptly solicit and demand for the benefit of himself and others, and did corruptly accept and agree to accept, \$20,000 from Company S and S.K., intending to be

influenced and rewarded in connection with any business or transaction of Valley National Bank.

In violation of Title 18, United States Code, Section 215(a)(2) and Section 2.

COUNTS 7 THROUGH 9  
(Money Laundering)  
18 U.S.C. § 1956(a)(1)(B)(i) and § 2

1. Paragraphs 1 through 9 of Count 6 are realleged as if set forth in full herein.

2. On or about June 15, 2006, in the District of New Jersey and elsewhere, defendant

OLIVER CHUKWUMA

did conduct, attempt to conduct, and cause to be conducted a financial transaction in the approximate amount specified by count below which in fact involved the proceeds of a specified unlawful activity, namely the corrupt demand of payment by a bank employee, contrary to Title 18, United States Code, Section 215(a)(2) and Section 2, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity:

COUNT	AMOUNT	TYPE	SOURCE	FROM
7	\$10,000	Check	\$20,000 Company D Check	Company S Citibank account ending in 6884
8	\$5,000	Check	\$20,000 Company D Check	Company S Citibank account ending in 6884
9	\$4,500	Check	\$20,000 Company D Check	Company S Citibank account ending in 6884

In violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

A TRUE BILL

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FOREPERSON

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RALPH J. MARRA, JR.  
Acting United States Attorney