

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Criminal No. 12-
	:	
v.	:	18 U.S.C. § 1341
	:	
TIMOTHY PROVOST	:	<u>INFORMATION</u>

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information, defendant TIMOTHY PROVOST was an attorney licensed to practice law in the state of New Jersey who was a partner at a law firm ("Law Firm") with at least one other attorney. In his capacity as a partner at the Law Firm, defendant TIMOTHY PROVOST had access to the financial accounts of the Law Firm, including attorney trust and business accounts of the Law Firm which were maintained at Chase Bank and Amboy Bank in New Jersey.

The Scheme and Artifice to Defraud

2. From in or about April 2004 to in or about January 2011, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

TIMOTHY PROVOST

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud and to obtain money, namely approximately \$885,364.71, by means of false and fraudulent pretenses, representations and promises.

Object of the Scheme and Artifice to Defraud

3. The object of the scheme and artifice to defraud was for defendant TIMOTHY PROVOST to embezzle money from the Law Firm's attorney trust and business accounts, without the knowledge or consent of the clients or the other Law Firm partners, and to use those embezzled funds for his own personal benefit and the benefit of his family.

The Manner and Means of the Scheme and Artifice to Defraud

4. It was part of the scheme to defraud that defendant TIMOTHY PROVOST issued checks from the Law Firm's attorney trust and business accounts made payable to himself, and then negotiated those checks by cashing them or depositing them into bank accounts he controlled.

5. It was further part of the scheme to defraud that defendant TIMOTHY PROVOST issued checks from the Law Firm's attorney trust and business accounts made payable to his creditors for his and his family's personal expenses, including mortgage, tuition, and horse stable expenses.

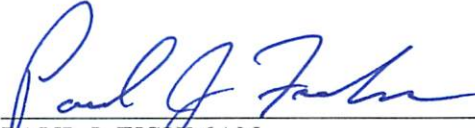
6. It was further part of the scheme to defraud that defendant TIMOTHY PROVOST intercepted checks drawn on the Law Firm's attorney trust accounts issued to the Ocean and Monmouth County Clerks for costs associated with clients' real estate closings, added himself as a payee, and then negotiated those checks, by cashing them or depositing them into bank accounts he controlled.

7. It was further part of the scheme to defraud that defendant TIMOTHY PROVOST, in an attempt to hide his embezzlement of Law Firm funds, obtained Chase Bank counter checks drawn on the Law Firm's attorney trust accounts and made payable to Chase bank, and used those counter checks to obtain cashier's checks made payable to his creditors or

to himself. Defendant TIMOTHY PROVOST then sent the cashier's checks to his creditors or negotiated them, by cashing them or depositing them into bank accounts he controlled.

8. It was further part of the scheme to defraud that, from in or about April 2004 to in or about January 2011, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendant TIMOTHY PROVOST did knowingly cause to be placed in a post office and authorized depository for mail matter, matter to be sent and delivered by the Postal Service, including a cashier's check, number 31490001, dated August 6, 2009, for \$10,709.25, made payable to Elon University, which check was obtained using a Chase Bank counter check drawn against the Law Firm's attorney trust account.

All in violation of Title 18, United States Code, Section 1341.



PAUL J. FISHMAN
United States Attorney