

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

CRAIG B. HABER, :

Defendant. :

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INFORMATION

13 CRIM 434

COUNT ONE

The United States Attorney charges:

Relevant Persons and Entities

1. At all times relevant to this Information, a global accounting firm (the "Accounting Firm") provided a variety of auditing, accounting, and tax preparation services to businesses and individuals in the United States and abroad. The Accounting Firm was headquartered in Chicago, Illinois and maintained offices throughout the United States, including in New York, New York and in foreign countries.

2. From at least in or about 1993 through in or about July 2012, CRAIG B. HABER, the defendant, was a partner at the Accounting Firm's offices in New York, New York, and provided tax preparation and advisory services to clients of the Accounting Firm, primarily investment partnerships. In or about July 2012, the Accounting Firm terminated HABER's partnership.

JUDGE CASTEL

The Scheme to Defraud

3. From in or about 2004 through in or about July 2012, CRAIG B. HABER, the defendant, engaged in a scheme to defraud the Accounting Firm by fraudulently diverting client payments owed to the Accounting Firm to a bank account that HABER controlled and used to pay personal expenses. Ordinarily, the Accounting Firm's bills contained payment instructions directing clients to pay the Accounting Firm by wire transfer or by sending a check to the Accounting Firm in Chicago, Illinois. However, on multiple occasions from in or about 2004 through in or about July 2012, HABER instead provided payment instructions to clients directing them to mail checks directly to HABER at the Accounting Firm's offices in New York, New York. HABER then deposited many of the checks into a bank account that he had opened in the name of a sham business with a name very similar to the name of the Account Firm. HABER later used the funds in that account to pay for his personal expenses, such as the mortgage for his apartment in New York, New York. To conceal his fraud, HABER falsely reported to the Accounting Firm than he had collected less money from the clients that he had, in fact, actually collected. From 2004 through 2012, HABER stole a total of approximately \$3,970,000 in payments from clients that were intended for and owed to the Accounting Firm.

Statutory Allegations

4. From in or about 2004, up to and including in or about July 2012, in the Southern District of New York and elsewhere, CRAIG B. HABER, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting to do so, placed and caused to be placed in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom such matters and things, and knowingly caused to be delivered, by mail and such carriers according to direction thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, to wit, HABER, while a partner at the Accounting Firm, fraudulently diverted to his own use approximately \$3,970,000 in client payments that were intended for and that belonged to the Accounting Firm.

(Title 18, United States Code, Sections 1341 & 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offense alleged in Count One of this Information, CRAIG B. HABER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to the following:

a. A sum of money equal to \$3,970,000 in United States currency;

b. all that lot or parcel of land, together with appurtenances, improvements, fixtures, attachments, and easements, located at 200 Chambers Street, Apartment 25F, New York, NY 10007; and

c. \$1,795,000 in United States currency credited to Scottrade Brokerage account number 37014973.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;


d. has been substantially diminished in value;

or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of CRAIG B. HABER, the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.)


Preet Bharara
PREET BHARARA
United States Attorney

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(18 U.S.C. §§ 1341 and 2.)

PREET BHARARA
United States Attorney.

Filed 6/6/13

Judge Castel