

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **DATE: August 1, 2006**

v. : **CRIMINAL NO.:**

ALBERT KOFSKY : **VIOLATIONS:**

: **21 U.S.C. § 843(a)(3) (false statements to**

: **obtain controlled substances – 2 counts)**

: **21 U.S.C. § 841(a)(1), (b)(1)(D)(1)**

: **(possession with intent to distribute**

: **phendimetrazine – 1 count)**

: **21 U.S.C. § 841(a)(1), (b)(1)(D)(2)**

: **(possession with intent to distribute**

: **phentermine – 4 counts)**

: **21 U.S.C. § 841(a)(1), (b)(1)(D)(2)**

: **(distribution of controlled substances –**

: **3 counts)**

: **18 U.S.C. § 1341 (mail fraud – 18**

: **counts)**

: **31 U.S.C. § 5324(a),(d)(2) (aggravated**

: **structuring – 100 counts)**

: **18 U.S.C. § 2 (aiding and abetting)**

: **Notices of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant ALBERT KOFSKY was a doctor of osteopathy (D.O.) who described himself as having a family medical practice. In fact, beginning in approximately 1995, almost all that defendant KOFSKY did was sell Schedule III and Schedule IV controlled

substances commonly known as prescription diet pills.

2. Defendant ALBERT KOFSKY distributed phentermine, a Schedule IV controlled substance and phendimetrazine, a Schedule III controlled substance (the “diet pills”). The distribution of diet pills is regulated by the Drug Enforcement Administration (D.E.A.).

3. Defendant ALBERT KOFSKY engaged in and directed the sales of diet pills from street level space at 3201 Birch Road, Philadelphia, Pennsylvania.

4. To the end of selling more pills than he could distribute by himself, defendant ALBERT KOFSKY paid, among others, D.H. to sell diet pills and facilitate the distribution of diet pills from 3201 Birch Road, Philadelphia.

5. D. H. was a cleaning lady. Beginning in approximately the early 1990's, defendant ALBERT KOFSKY paid D.H. to clean his home and to package diet pills into retail sales packets of 28 pills.

6. Beginning in about 1996, D.H. started to work for defendant ALBERT KOFSKY at his sales location at 3201 Birch Road, Philadelphia. There, among other jobs defendant Kofsky paid her to do, she opened the location, offered and sold to customers, first-come, first-served, the kind and quantity of pills for which they asked, collected payments for the drugs and sorted the cash she received by denomination. She also accepted deliveries of diet pills and packaging material from defendant KOFSKY’s suppliers, and packaged the diet pills for retail distribution.

7. Defendant ALBERT KOFSKY created a list for each day of names of people who came to the Birch Road office to buy diet pills and the numbers of pills sold to

each.

8. At the direction of defendant ALBERT KOFSKY, D.H. and others who sold diet pills for defendant KOFSKY, kept on an index card for each person to whom they sold diet pills the date and number of pills that person bought. D.H. also would write a weight and blood pressure measurement for each date. At defendant KOFSKY's direction, D.H. called these index cards "diet patient charts."

9. When D.H. became ill, her mother came to work for defendant ALBERT KOFSKY. When D.H. recovered, her mother continued to work for defendant KOFSKY. D.H. paid her mother to help her package diet pills into retail packets of 28.

10. D.E.A. authorizes medical practitioners who are licensed to dispense schedule III and schedule IV substances to dispense diet pills only within the scope of a professional practice for a legitimate medical purpose.

11. Defendant ALBERT KOFSKY was licensed by D.E.A. to dispense controlled substances, including phentermine and phendimetrazine, only when it was within the scope of a legitimate professional practice and for a legitimate medical purpose.

12. Wesley Pharmacal was the largest pharmaceutical wholesale distributor of diet pills in the Eastern District of Pennsylvania and beginning in or about July 2002, defendant ALBERT KOFSKY was its largest customer for diet pills.

13. From in or about July 2002, defendant ALBERT KOFSKY ordered new supplies of thousands of additional diet pills every week from Wesley Pharmacal.

14. Defendant ALBERT KOFSKY kept his Birch Road location open three days a week for a total of 14 hours. In the late 1990's, he was also open for some hours on

Fridays.

15. Between on or about August 2, 2001 and on or about August 1, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally acted to acquire and obtain possession and willfully caused the acquisition and obtaining of controlled substances, that is, approximately 500,000 pills containing phendimetrazine, a Schedule III controlled substance, by misrepresentation, fraud, deception, and subterfuge, namely by misrepresenting to Wesley Pharmacal, a pharmaceutical wholesaler, that he was dispensing controlled substances within the scope of his professional medical practice, when, in fact, he was distributing them on a first-come, first-served basis, to whomever walked into 3201 Birch Road, Philadelphia.

In violation of Title 21, United States Code, Section 843(a)(3), and Title 18, United States Code, Section 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations of paragraphs 1 through 14 of Count One are realleged here.

2. Between on or about August 2, 2001 and on or about August 1, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally acted to acquire and obtain possession and willfully caused the acquisition and obtaining of controlled substances, that is, approximately 2,000,000 pills containing phentermine, a Schedule IV controlled substance, by misrepresentation, fraud, deception, and subterfuge, namely by misrepresenting to Wesley Pharmacal, a pharmaceutical wholesaler, that he was dispensing controlled substances within the scope of his professional medical practice, when in fact he was distributing them on a first-come, first-served basis, to whomever walked into 3201 Birch Road, Philadelphia.

In violation of Title 21, United States Code, Section 843(a)(3), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 13, 2006, in Huntingdon Valley, in the Eastern District of Pennsylvania and elsewhere, defendant

ALBERT KOFSKY

knowingly and intentionally possessed with intent to distribute over approximately 12,000 pills that were a mixture and substance containing a detectable amount of phendimetrazine, a Schedule III controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 13, 2006, in Huntingdon Valley, in the Eastern District of Pennsylvania and elsewhere, defendant

ALBERT KOFSKY

knowingly and intentionally possessed with intent to distribute over approximately 15,000 pills that were a mixture and substance containing a detectable amount of phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally possessed with intent to distribute, and willfully caused the possession with intent to distribute of, 28 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally distributed, and willfully caused the distribution of, 28 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (B)(1)(D)(2), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 4, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally possessed with intent to distribute, and willfully caused the possession with intent to distribute of, 56 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 4, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally distributed, and willfully caused the distribution of, 56 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2), and Title 18, United States Code, Section 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally possessed with intent to distribute, and willfully caused the possession with intent to distribute of, 140 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2) and Title 18, United States Code, Section 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ALBERT KOFSKY

knowingly and intentionally distributed, and willfully caused the distribution of, 140 pills that were a mixture and substance containing a detectable amount phentermine, a Schedule IV controlled substance, outside the usual course of professional practice.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D)(2), and Title 18, United States Code, Section 2.

COUNTS ELEVEN THROUGH TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 14 of Count One are realleged here.

THE SCHEME

2. From in or about 1995 to on or about April 13, 2006, defendant

ALBERT KOFSKY

devised and intended to devise a scheme to defraud D.E.A., suppliers and others, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

3. Defendant ALBERT KOFSKY sold between approximately 10,000 and 15,000 diet pills a week, in packs of 28 in small medical envelopes to whomever walked into his offices at 3201 Birch Road, Philadelphia and asked for them. Defendant KOFSKY paid his suppliers approximately 10 cents a diet pill and sold each pill for approximately \$2.00.

4. Defendant ALBERT KOFSKY fraudulently attempted to make it appear to D.E.A., to suppliers and to others that his sales of diet pills in small medical envelopes were in the course of a legitimate professional practice.

5. To this end, defendant ALBERT KOFSKY referred to his diet pill customers as “patients” and referred to D.H., an individual with no medical training and who had been originally hired to clean defendant’s home, as his “nurse.”

6. Defendant ALBERT KOFSKY wrote down and caused to be written

down on index cards the names that people gave him to whom he was selling diet pills. He called and caused to be called the index cards “diet patient records.”

7. Defendant ALBERT KOFSKY gave and caused to be given to his diet pill customers a written weight-loss diet plan.

8. Defendant ALBERT KOFSKY initially, and thereafter occasionally at the time of further sales, took and caused to be taken blood pressure readings of his diet pill customers. When no one took a customer’s blood pressure reading, defendant KOFSKY wrote or caused to be written down on the diet pill customer’s index card the same reading as had been written at the time of the previous sale.

9. Defendant ALBERT KOFSKY at the time of sales of diet pills weighed and caused to be weighed his customers. When no one weighed a diet pill customer, often because there was no time given the volume of sales, defendant KOFSKY wrote or caused to be written down on a customer’s index card the same weight as had been written at the time of the previous diet pill sale.

10. Defendant ALBERT KOFSKY maintained separate index cards for his diet pill customers and others to whom he issued prescriptions for Xanax, an anti-anxiety medication, to counteract the stimulating effects of the diet pills, and for other medicines. He referred to these index cards and caused others to refer to these index cards as his “medical patient records.”

11. Defendant ALBERT KOFSKY packaged and caused to be packaged diet pills for sales to his customers in small white medical envelopes that defendant KOFSKY ordered from Histacount and the Histacount Division of Rapidforms, Inc. (collectively

“Histacount”), a medical supplier. The envelopes did not show the names or strengths of the diet pills defendant KOFSKY sold. Sometimes, the envelopes bore a code for the color or other description of the diet pills, such as B.S. for “blue speckled,” or “Y” for yellow and a number for the number of pills contained in the envelopes.

12. Defendant ALBERT KOFSKY accepted cash and checks from diet pill customers. Defendant KOFSKY’s diet pill cash receipts each week were usually in excess of \$10,000. The rest was in the form of checks.

13. To conceal from the government the true nature and extent of his business, defendant KOFSKY hid over one million dollars in cash in his home.

14. Each year, during the term of the scheme, defendant KOFSKY generated from his sales of diet pills in excess of approximately \$750,000, and since 2000, in excess of approximately one million dollars.

15. Defendant ALBERT KOFSKY ordered, had delivered to his Birch Road location and used, and caused to be ordered, delivered to his Birch Road location and used, as needed, the small white medical envelopes from Histacount.

16. On or about the dates listed below, each transaction constituting a separate count of this indictment, in the Eastern District of Pennsylvania, and elsewhere, defendant

ALBERT KOFSKY,

for the purpose of executing and attempting to execute the scheme, and aiding and abetting its execution, knowingly caused to be sent packages by commercial interstate carrier, that is United Parcel Service (“UPS”), according to the directions thereon, from Histacount to Dr. Albert

Kofsky, to aid in the fraudulent misrepresentation that defendant KOFISKY was lawfully distributing the diet pills.

COUNT	APPROXIMATE DATE OF SHIPMENT	CONTENTS
11.	08.23.01	6000 Medical Envelopes
12.	11.23.01	6000 Medical Envelopes
13.	01.18.02	6000 Medical Envelopes
14.	04.16.02	6000 Medical Envelopes
15.	07.18.02	6000 Medical Envelopes
16.	10.02.02	6000 Medical Envelopes
17.	01.09.03	6000 Medical Envelopes
18.	04.09.03	6000 Medical Envelopes
19.	06.27.03	6000 Medical Envelopes
20.	09.29.03	6000 Medical Envelopes
21.	01.15.04	6000 Medical Envelopes
22.	04.05.04	6000 Medical Envelopes
23.	09.30.04	6000 Medical Envelopes
24.	06.18.04	6000 Medical Envelopes
25.	01.10.05	6000 Medical Envelopes
26.	04.04.05	6000 Medical Envelopes
27.	06.27.05	6000 Medical Envelopes
28.	10.10.05	6000 Medical Envelopes

All in violation of Title 18, United States Code, Section 1341, and Title 18, United States Code, Section 2.

COUNTS TWENTY-NINE THROUGH ONE HUNDRED TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations of paragraphs 1 through 14 of Count One are realleged and incorporated here.
2. M & T Bank, Citizens Bank, and Firsttrust Bank are each a domestic financial institution governed by the reporting requirements of Title 31, United States Code, Sections 5313(a), 5325 and 5326 and all regulations and record-keeping and reporting requirements prescribed under such sections, and under Section 21 of the Federal Deposit Insurance Act and Public Law 91-508, Section 123.
3. The government requires banks to give notice to the government by filing a currency transaction report (“CTR”) for, among other things, each and every single transaction, including deposits, that includes more than \$10,000 in cash.
4. To avoid CTR reporting requirements and thus to conceal from the government the true nature and extent of his business, defendant ALBERT KOFSKY made and caused to be made two deposits a week of his business receipts into his business bank account. One deposit included checks usually totaling in excess of \$10,000, for which there is no CTR requirement, and cash. When defendant KOFSKY deposited and caused to be deposited cash, defendant KOFSKY split, structured and caused to be structured the amount of cash in the transaction to be less than \$10,000.
5. Each year since at least 2000, defendant ALBERT KOFSKY structured over \$500,000 of cash from his diet pill sales into deposits into his business bank accounts.

6. On or about the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

ALBERT KOFSKY

knowingly and willfully, for the purpose of evading currency transaction reporting requirements imposed on financial institutions, caused and attempted to cause each of the domestic financial institutions set forth below, as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period, to fail to file a Currency Transaction Report (I.R.S. form 4789) required under Title 31, United States Code, Section 5313(a), regarding the receipt, deposit, exchange and transfer of United States currency in excess of \$10,000, and structured and assisted in structuring and attempted to structure and assist in structuring, transactions with one or more domestic financial institutions, that is, defendant KOFSKY split the cash receipts from his sales of diet pills and prescriptions and deposited and caused to be deposited to his account at the financial institutions set forth below United States currency on the dates and in the amounts under \$10,000 set forth below:

COUNT	BANK	DATE	DAY OF WEEK	AMOUNT
29.	M & T BANK	08.02.01	Thursday	\$ 4,200.00
30.	M & T BANK	08.07.01	Tuesday	9,200.00
31.	M & T BANK	08.09.01	Thursday	4,000.00
32.	M & T BANK	08.14.01	Tuesday	9,900.00
33.	M & T BANK	08.16.01	Thursday	5,000.00
34.	M & T BANK	08.21.01	Tuesday	9,900.00
35.	M & T BANK	08.23.01	Thursday	4,600.00
36.	M & T BANK	08.29.01	Wednesday	9,900.00

COUNT	BANK	DATE	DAY OF WEEK	AMOUNT
37.	M & T BANK	08.30.01	Thursday	4,200.00
38.	M & T BANK	12.04.01	Tuesday	9,800.00
39.	M & T BANK	12.06.01	Thursday	2,000.00
40.	M & T BANK	12.11.01	Tuesday	9,800.00
41.	M & T BANK	12.13.01	Thursday	2,200.00
42.	M & T BANK	12.19.01	Wednesday	9,900.00
43.	M & T BANK	12.20.01	Thursday	4,500.00
44.	M & T BANK	04.02.02	Tuesday	9,800.00
45.	M & T BANK	04.04.02	Thursday	3,000.00
46.	M & T BANK	04.09.02	Tuesday	9,800.00
47.	M & T BANK	04.11.02	Thursday	4,000.00
48.	M & T BANK	04.16.02	Tuesday	9,800.00
49.	M & T BANK	04.18.02	Thursday	2,200.00
50.	M & T BANK	04.23.02	Tuesday	9,800.00
51.	M & T BANK	04.25.02	Thursday	1,500.00
52.	M & T BANK	04.30.02	Tuesday	9,800.00
53.	M & T BANK	07.02.02	Tuesday	9,900.00
54.	M & T BANK	07.03.02	Wednesday	2,000.00
55.	M & T BANK	07.09.02	Tuesday	9,800.00
56.	M & T BANK	07.11.02	Thursday	2,000.00
57.	M & T BANK	07.16.02	Tuesday	9,900.00
58.	M & T BANK	07.18.02	Thursday	2,500.00
59.	M & T BANK	07.23.02	Tuesday	9,800.00
60.	M & T BANK	07.25.02	Thursday	2,000.00
61.	M & T BANK	07.30.02	Tuesday	9,800.00

COUNT	BANK	DATE	DAY OF WEEK	AMOUNT
62.	M & T BANK	12.03.02	Tuesday	9,500.00
63.	M & T BANK	12.10.02	Tuesday	9,500.00
64.	M & T BANK	12.17.02	Tuesday	9,900.00
65.	M & T BANK	12.19.02	Thursday	2,000.00
66.	M & T BANK	12.24.02	Tuesday	9,900.00
67.	M & T BANK	12.26.02	Thursday	3,600.00
68.	M & T BANK	04.01.03	Tuesday	9,900.00
69.	M & T BANK	04.03.03	Thursday	2,200.00
70.	M & T BANK	04.08.03	Tuesday	9,900.00
71.	M & T BANK	04.10.03	Thursday	1,200.00
72.	M & T BANK	04.15.03	Tuesday	9,800.00
73.	M & T BANK	04.17.03	Thursday	1,100.00
74.	M & T BANK	04.22.03	Tuesday	9,800.00
75.	M & T BANK	04.24.03	Thursday	1,500.00
76.	M & T BANK	04.29.03	Tuesday	9,900.00
77.	M & T BANK	07.01.03	Tuesday	9,900.00
78.	M & T BANK	07.03.03	Thursday	1,600.00
79.	M & T BANK	07.08.03	Tuesday	9,900.00
80.	M & T BANK	07.10.03	Thursday	3,000.00
81.	M & T BANK	07.15.03	Tuesday	9,900.00
82.	M & T BANK	07.17.03	Thursday	1,000.00
83.	M & T BANK	07.22.03	Tuesday	9,900.00
84.	M & T BANK	07.24.03	Thursday	2,500.00
85.	M & T BANK	07.29.03	Tuesday	9,900.00
86.	M & T BANK	07.31.03	Thursday	2,200.00

COUNT	BANK	DATE	DAY OF WEEK	AMOUNT
87.	M & T BANK	12.01.03	Monday	9,000.00
88.	M & T BANK	12.02.03	Tuesday	9,900.00
89.	M & T BANK	12.04.03	Thursday	1,200.00
90.	M & T BANK	12.09.03	Tuesday	9,900.00
91.	M & T BANK	12.11.03	Thursday	3,200.00
92.	M & T BANK	12.16.03	Tuesday	9,900.00
93.	M & T BANK	12.18.03	Thursday	1,200.00
94.	M & T BANK	12.19.03	Friday	6,300.00
95.	M & T BANK	12.30.03	Tuesday	9,900.00
96.	M & T BANK	04.01.04	Thursday	1,000.00
97.	M & T BANK	04.06.04	Tuesday	9,900.00
98.	M & T BANK	04.08.04	Thursday	3,000.00
99.	M & T BANK	04.13.04	Tuesday	9,900.00
100.	M & T BANK	04.15.04	Thursday	2,300.00
101.	M & T BANK	04.20.04	Tuesday	9,900.00
102.	M & T BANK	04.22.04	Thursday	500.00
103.	M & T BANK	04.27.04	Tuesday	9,900.00
104.	M & T BANK	04.29.04	Thursday	1,700.00
105.	CITIZENS BANK	12.02.04	Thursday	4,700.00
106.	CITIZENS BANK	12.07.04	Tuesday	8,000.00
107.	CITIZENS BANK	12.09.04	Thursday	2,200.00
108.	CITIZENS BANK	12.14.04	Tuesday	8,500.00
109.	CITIZENS BANK	12.16.04	Thursday	2,500.00
110.	CITIZENS BANK	12.21.04	Tuesday	7,000.00
111.	CITIZENS BANK	12.23.04	Thursday	2,300.00

COUNT	BANK	DATE	DAY OF WEEK	AMOUNT
112.	CITIZENS BANK	12.28.04	Tuesday	8,600.00
113.	CITIZENS BANK	04.05.05	Tuesday	9,000.00
114.	CITIZENS BANK	04.07.05	Thursday	4,000.00
115.	CITIZENS BANK	04.13.05	Wednesday	8,800.00
116.	CITIZENS BANK	04.15.05	Friday	2,200.00
117.	CITIZENS BANK	04.19.05	Tuesday	8,600.00
118.	CITIZENS BANK	04.21.05	Thursday	2,700.00
119.	CITIZENS BANK	04.26.05	Tuesday	9,000.00
120.	CITIZENS BANK	04.28.05	Thursday	3,000.00
121.	CITIZENS BANK	07.05.05	Tuesday	9,000.00
122.	CITIZENS BANK	07.07.05	Thursday	3,600.00
123.	CITIZENS BANK	07.12.05	Tuesday	8,900.00
124.	CITIZENS BANK	07.14.05	Thursday	1,800.00
125.	CITIZENS BANK	07.19.05	Tuesday	9,100.00
126.	FIRSTRUST BANK	12.20.05	Tuesday	9,200.00
127.	FIRSTRUST BANK	12.27.05	Tuesday	9,400.00
128.	FIRSTRUST BANK	04.04.06	Tuesday	9,800.00

All in violation of Title 31, United States Code, Section 5324(a), (d)(2).

NOTICE OF FORFEITURE ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(D)(1) and (2), and 843(a)(3), set forth in this indictment, defendant

ALBERT KOFSKY

shall forfeit to the United States of America:

(a) any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such violations, including, but not limited to, the sum of \$6,048,000 U.S. currency and:

- 1) All funds in First Trust Bank, accounts no. [redacted] and no. [redacted], in the name of Albert Kofsky;
- 2) Funds, up to the amounts listed, in the following Smith Barney (formerly, Legg Mason Wood Walker, Inc.) accounts:
 - a. Account No. [redacted], titled to Dr. Albert Kofsky and Sandra Kofsky – \$1,673.09;
 - b. Account No. [redacted], titled to Albert Kofsky, Trustee for Albert Kofsky MPP – \$137,865.00;
 - c. Account No. [redacted], titled to Albert Kofsky, Trustee for Albert Kofsky PSP – \$175,135.00;
 - d. Account No. [redacted], titled to Dr. Albert Kofsky – \$700,054.78.
- 3) Reward Points in American Express Account No. 3712-[redacted].
- 4) All of the following personal property:
 - a. \$1,530,189.00 U.S. currency seized from the

residence at 78 Boucher Drive, Huntingdon Valley, Pennsylvania;

- b. \$50,000.00 U.S. currency seized from Safe Deposit Box No. 117 at First Trust Bank, Krewstown Road Branch, Philadelphia, Pennsylvania;
- c. \$540,840.00 U.S. currency seized from Safe Deposit Box F-027 at First National Safe Deposit Box Corporation, Jenkintown, Pennsylvania;
- d. \$35,000.00 deposited into First Trust Bank account #[redacted] in lieu of a 2000 Jaguar XJ8, VIN: [redacted], titled to Albert Kofsky, and one men's gold Rolex watch and gold oyster band seized from 78 Boucher Drive, Huntingdon Valley, Pennsylvania;
- e. A 1989 Rolls Royce, VIN: [redacted];
- f. Interest under contract No. 536 in Club Casa Dorada Spa & Golf Resort, Km 10.5 Carretera Transpeninsular, San Jose del Cabo, Baja California Sur 23400, Mexico;
- g. Interest under contract No. 537 in Club Casa Dorada Spa & Golf Resort, Km 10.5 Carretera Transpeninsular, San Jose del Cabo, Baja California Sur 23400, Mexico;
- h. Storage Unit Number 351, Clayton Self Storage, 4015 Ocean Heights Avenue, Egg Harbor, New Jersey.

(b) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense(s), including, but not limited to:

- 1) 3201 Birch Road, Philadelphia, Pennsylvania, titled to Albert and Sandra Kofsky; and

- 2) 78 Boucher Drive, Huntingdon Valley, Pennsylvania, titled to Albert and Sandra Kofsky.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture, including, but not limited to:

- (a) 2700 Atlantic Avenue, Unit 319, Longport, New Jersey, titled to Albert and Sandra Kofsky.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1341, set forth in this indictment, defendant

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shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$8,750,000 U.S. currency and:

- 1) All funds in First Trust Bank, account no. [redacted] and no. [redacted], in the name of Albert Kofsky;
- 2) Funds, up to the amounts listed, in the following Smith Barney (formerly, Legg Mason Wood Walker, Inc.) accounts:
 - a. Account No. [redacted], titled to Dr. Albert Kofsky and Sandra Kofsky – \$1,673.09;
 - b. Account No. [redacted], titled to Albert Kofsky, Trustee for Albert Kofsky MPP – \$137,865.00;
 - c. Account No. [redacted], titled to Albert Kofsky, Trustee for Albert Kofsky PSP – \$175,135.00;
 - d. Account No. [redacted], titled to Dr. Albert Kofsky – \$700,054.78.
- 3) Reward Points in American Express Account No. 3712-[redacted].
- 4) All of the following personal property:
 - a. \$1,530,189.00 U.S. currency seized from the residence at 78 Boucher Drive, Huntingdon Valley, Pennsylvania;

- b. \$50,000.00 U.S. currency seized from Safe Deposit Box No. 117 at First Trust Bank, Krewstown Road Branch, Philadelphia, Pennsylvania;
- c. \$540,840.00 U.S. currency seized from Safe Deposit Box F-027 at First National Safe Deposit Box Corporation, Jenkintown, Pennsylvania;
- d. \$35,000.00 deposited into First Trust Bank account #[redacted] in lieu of a 2000 Jaguar XJ8, VIN: [redacted], titled to Albert Kofsky, and one men's gold Rolex watch and gold oyster band seized from 78 Boucher Drive, Huntingdon Valley, Pennsylvania;
- e. A 1989 Rolls Royce, VIN: [redacted];
- f. Interest under contract No. 536 in Club Casa Dorada Spa & Golf Resort, Km 10.5 Carretera Transpeninsular, San Jose del Cabo, Baja California Sur 23400, Mexico;
- g. Interest under contract No. 537 in Club Casa Dorada Spa & Golf Resort, Km 10.5 Carretera Transpeninsular, San Jose del Cabo, Baja California Sur 23400, Mexico;
- h. Storage Unit Number 351, Clayton Self Storage, 4015 Ocean Heights Avenue, Egg Harbor, New Jersey.

2. If any of the property subject to forfeiture, 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 party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture, including, but not limited to:

- (a) 2700 Atlantic Avenue, Unit 319, Longport, New Jersey, titled to Albert and Sandra Kofsky.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C).

NOTICE OF FORFEITURE THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 31, United States Code, Section 5324(a),(d)(1), set forth in this indictment, defendant

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shall forfeit to the United States of America all property, real or personal, involved in the offense and any property traceable thereto, including, but not limited to, the sum of \$2,266,500 U.S. currency.

2. If any of the property subject to forfeiture, 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 party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 31, United States Code, Section 5317(c)(1)(B), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of

any other property of the defendant up to the value of the property subject to forfeiture,
including, but not limited to:

- (a) 2700 Atlantic Avenue, Unit 319, Longport, New Jersey, titled to Albert and Sandra Kofsky.

All pursuant to Title 31, United States Code, Section 5317(c)(1).

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY