

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) No.
)
 v.) Violation: Title 18, United States Code,
) Section 371 and Title 31, United States
) Code, Section 5313(a)
FAMILY BANK AND TRUST CO.)
) INFORMATION

COUNT ONE

The UNITED STATES ATTORNEY charges:

1. At all times material to this Information:

A. FAMILY BANK AND TRUST CO. (“FBT”) (formerly known as First State Bank and Trust Co. of Palos Hills) was a financial institution organized, licensed and doing business under the laws of the United States and the State of Illinois.

B. FBT was located at 10360 S. Roberts Road, Palos Hills, Illinois.

C. FBT was a “financial institution” as defined in 31 U.S.C. §5312 and 31 C.F.R. 103.22(a)(1); an “insured bank” as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. §1813(h)); and a “State member bank” of the Federal Reserve system (12 U.S.C. §1813(d)).

D. Community Holdings Corporation, organized under the laws of the State of Illinois, was a one-bank holding company and held 93% of the outstanding bank stock of FBT.

E. Marvin A. Siensa (Siensa) was the President of FBT as well as the Chief Executive Officer; a Trust Officer; and Chairman of the Board of Directors.

F. Siensa, along with family members, held 55.2% of the outstanding shares of Community Holdings Corporation stock.

G. Financial institutions and any director, officer, employee and agent of any financial institution were required, pursuant to 31 U.S.C. §5313(a) and 31 C.F.R. §103.22 to file with the Department of Treasury, a Currency Transaction Report for any deposit, withdrawal, exchange of currency or other payment or transfer, by, through, or to such financial institution which involves a transaction in currency of more than \$10,000.

H. Multiple currency transactions shall be treated as a single transaction if the financial institution has knowledge that they are by or on behalf of any person and result in either cash in or cash out totaling more than \$10,000 during any one business day.

3. From in or about March 2001 through August 2001, at Palos Hills in the Northern District of Illinois, Eastern Division, and elsewhere,

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defendant herein, together with Marvin Siensa and other individuals known and unknown, did conspire and agree to knowingly and willfully fail to file Currency Transaction Reports as required by the Secretary on various currency transactions involving funds totaling in excess of \$800,000.

4. It was part of the conspiracy that FB&T through Marvin Siensa and other bank employees received cash, in amounts exceeding \$10,000, to be deposited into various customer accounts held by FB&T.

5. It was further part of the conspiracy that the cash, received in amounts exceeding \$10,000, was deposited into various customer accounts while FB&T through Marvin Siensa and other bank employees failed to file Currency Transactions Reports.

6. It was further part of the conspiracy that FB&T opened multiple accounts held in the names of nominees or other business entities so that the cash deposits, on any one day in excess of \$10,000, could be deposited into the various accounts, in order to conceal the relationship between the transactions and the depositors and to avoid the filing of any reports.

7. It was further part of the conspiracy that Marvin Siensa and FB&T accepted and caused to be accepted, on any one day, cash deposits in excess of \$10,000 that were made to appear as though the funds were proceeds of

legitimate businesses, when in fact, significant portions of the deposited funds were proceeds of specified unlawful activity.

In violation of Title 18, United States Code, Section 371 and Title 31 United States Code, Section 5313(a) and Title 31, Criminal Federal Regulations, Section 103.22.

FORFEITURE ALLEGATION

The UNITED STATES ATTORNEY charges:

1. The allegations of Count One of this Information are realleged and incorporated by reference as if fully restated herein for the purpose of alleging that certain property is subject to forfeiture to the United States, pursuant to Title 31, United States Code, Section 5317(c).

2. As a result of its violations of Title 31, United States Code, Section 5313, or the conspiracy to commit such violation, as alleged in the foregoing Information,

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defendant herein, shall forfeit all property, real or personal, involved in the charged offense and any property traceable to the offense.

3. The interests of defendant subject to forfeiture to the United States pursuant to Title 31, United States Code, Section 5317 include funds in the amount of \$800,000.

4. By virtue of the commission of the offenses charged in Count One of this Information by the defendant, all right, title or interest that defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to Title 31, United States Code, Section 5317(c).

5. If any of the forfeitable property described above, as a result of any act or omission by 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by reference in Title 31, United States Code, Section 5317(c)(1)(B).

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

UNITED STATES ATTORNEY