

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 10-
: :
: :
v. : 18 U.S.C. § 1960 and § 2
: 18 U.S.C. § 982(a)(1)
: :
: :
NAFTOLY WEBER : I N F O R M A T I O N

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:
 - a. Defendant NAFTOLY WEBER resided in Brooklyn, New York and maintained an office at 129-133 South 8th Street in Brooklyn (hereinafter, "the Office").
 - b. Avrohom Y. Polack, a/k/a "Abraham Pollack," (hereinafter "Polack") resided in Brooklyn and worked with defendant WEBER at the Office.
 - c. Mordchai Fish, a/k/a "Mordechai Fisch" (hereinafter, "Fish"), resided in Brooklyn and was the principal rabbi of a synagogue located in Brooklyn. Through his position as a rabbi, Fish operated or was affiliated with several purportedly charitable organizations, including Boyoner Gemilias Cheshed.
 - d. There was a cooperating witness (hereinafter, the "CW") who had been charged in a federal criminal complaint with bank

fraud in or about May 2006. At the direction, and with the approval of, the Federal Bureau of Investigation ("FBI"), the CW represented to Fish that the CW sought to conceal and transmit illicit funds through an already-established underground money transfer network to which Fish, as well as defendant WEBER and Polack, had access. The CW also repeatedly represented to Fish that the funds that the CW sought to conceal and transmit were proceeds from the CW's illegal schemes and businesses, including the trafficking of counterfeit goods.

2. At all times relevant to this Information:

a. The law of the State of New Jersey, N.J.S.A. 17:15C-4(a), provided that "no person . . . shall engage in the business of money transmission without a license. . . ." Violations of this law were punishable as a felony.

b. The law of the State of New York, McKinney's Banking Law § 641, provided that "[n]o person shall engage in the business . . . of receiving money for transmission or transmitting the same, without a license" Violations of this law were punishable as a misdemeanor.

c. Federal law provided that "[a]ny person who owns or controls a money transmitting business shall register the business (whether or not the business is licensed as a money transmitting business in any State) with the Secretary of the Treasury. . . ." See 31 U.S.C. § 5330(a)(1).

d. Neither defendant WEBER, Polack or Fish, nor any business affiliated with any of them, were licensed with the States of New Jersey or New York, or registered with the Secretary of the Treasury, as a money transmitting business.

3. At various times relevant to this Information:

a. Fish agreed to accept and accepted checks from the CW drawn upon a bank account located in New Jersey and made payable to one of the charitable organizations affiliated with Fish, namely Boyoner Gemilias Cheshed. In return for those checks, Fish agreed to return and returned cash to the CW, less a fee of approximately ten percent for conducting the transactions.

b. After accepting the checks and causing them to be deposited into a bank account for Boyoner Gemilias Cheshed, Fish arranged for the amount of the checks minus a fee to be made available in cash at various locations, including the Office at which defendant WEBER worked.

c. Fish and the CW would then travel to the Office where Polack, with the knowledge and agreement of defendant WEBER, would provide the CW with the cash owed to the CW in return for which defendant WEBER and Polack retained a fee. These meetings with defendant WEBER, Polack and Fish were coordinated by the CW placing telephone calls from New Jersey to Fish at locations in New York.

d. On or about the following dates, at the following locations in Brooklyn, defendant WEBER transmitted cash or caused to be transmitted cash in the following amounts to the CW:

<u>DATE OF TRANSACTION</u>	<u>LOCATION</u>	<u>APPROXIMATE AMOUNT OF TRANSACTION</u>
February 10, 2009	The Office	\$24,375
February 26, 2009	The Office	\$90,000

4. From in or about January 2009 to in or about July 2009, in the Eastern District of New York, and elsewhere, defendant
NAFTOLY WEBER,
Avrohom Y. Polack and others knowingly conducted, controlled, managed, supervised, directed, and owned all and part of an unlicensed money transmitting business, and aided and assisted in the same, which business affected interstate and foreign commerce and (a) was operated without an appropriate money transmitting license in New Jersey and New York, where such operation was punishable as a felony or a misdemeanor under those States' laws; and (b) failed to comply with the money transmitting business registration requirements under Title 31, United States Code, Section 5330 and regulations prescribed under that Section.

In violation of Title 18, United States Code, Section 1960
and Section 2.

FORFEITURE ALLEGATION

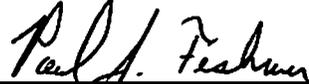
(18 U.S.C. § 982)

As the result of committing the aforementioned offense in violation of Title 18, United States Code, Section 1960, as alleged in this Information, defendant WEBER shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all property, real and personal, that was involved in such offense or traceable to such property.

If any of the above-described forfeitable property, as a result of any act or omission of defendant WEBER:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of defendant WEBER up to the value of the above forfeitable property.



PAUL J. FISHMAN
UNITED STATES ATTORNEY