

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No.
 :
 MICHAEL FEUER : 18 U.S.C. § 1349

INFORMATION

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 MICHAEL FEUER ("FEUER") was a resident of Monroe Township, Middlesex County, New Jersey;

b. Defendant FEUER was the owner of Cypress Lawn Care, a landscaping company in New Jersey, was a practicing attorney from in or about 1990 through in or about 2001;

c. Co-conspirator DANIEL TUMMINIA ("TUMMINIA") was a resident of Monroe Township, Middlesex County, New Jersey;

d. Co-conspirator TUMMINIA was employed as an insurance agent for Massachusetts Mutual Life Insurance Company ("MassMutual"), was a friend of defendant FEUER, and used Cypress Lawn Care at his home;

e. Co-conspirator DENNIS MANNARINO ("MANNARINO") was a resident of Monroe Township, Middlesex County, New Jersey;

f. Co-conspirator MANNARINO was the owner of J&D Italian Specialty Meats, delicatessens located in New Jersey and

New York, and was a friend of co-conspirator TUMMINIA;

f. Fastener Dimensions ("Fastener") was a New York-based manufacturer and distributor of aircraft, aerospace, and military components and hardware; and

g. An Individual ("Individual 1") was the President of Fastener.

2. From in or about November 2005 through in or about August 2010, in Middlesex County, in the District of New Jersey and elsewhere, defendant

MICHAEL FEUER

did knowingly and intentionally conspire and agree with TUMMINIA, MANNARINO, and others to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, contrary to 18 U.S.C. § 1343.

Object of the Conspiracy

3. It was the object of the conspiracy for defendant FEUER, co-conspirators TUMMINIA and MANNARINO, and others to enrich themselves by diverting funds from Fastener to bank accounts controlled by defendant FEUER, co-conspirators TUMMINIA and MANNARINO, and others.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that co-conspirator TUMMINIA, who represented Fastener and Individual 1 as an agent for MassMutual and who handled all pension and profit sharing accounts and life insurance policies for Fastener's employees, diverted life insurance premium payments and pension and profit sharing checks belonging to Fastener's employees into bank accounts controlled by defendant FEUER, co-conspirators TUMMINIA and MANNARINO, and others.

5. It was further part of the conspiracy that defendant FEUER deposited approximately 30 checks totaling approximately \$516,533 into his Cypress Lawn Care bank account and into his attorney trust bank account.

6. It was further part of the conspiracy that, on or about April 9, 2008, defendant FEUER incorporated and listed himself as the registered agent and officer of MassMutual Contracting Corp., a limited liability company. Mass Mutual Contracting Corp. never performed any services for Fastener or any other clients but, rather, was created by defendant FEUER and co-conspirator TUMMINIA solely to falsely represent to Fastener that it was the real MassMutual and to divert checks from Fastener to the MassMutual Contracting Corp. bank account.

7. It was further part of the conspiracy that defendant FEUER and co-conspirator TUMMINIA deposited

approximately \$574,279 from Fastener into the MassMutual Contracting Corp. bank account.

8. It was further part of the conspiracy that defendant FEUER, co-conspirators TUMMINIA and MANNARINO, and others used the diverted funds for personal expenditures, including ATM cash withdrawals in New Jersey, and rent, cable, utility, and grocery bills.

9. It was further part of the conspiracy that approximately one hundred thirty three (133) transactions, including interstate wire transfers, totaling approximately \$1,437,542 were deposited into bank accounts controlled by defendant FEUER, co-conspirators TUMMINIA and MANNARINO, and others.

10. It was further part of the conspiracy that, on or about November 11, 2005, defendant FEUER, co-conspirator TUMMINIA, and others caused an interstate wire transfer totaling approximately \$8,000 to be transferred from Fastener's Bank of New York account, located in Queens County, New York, to a PNC Bank account controlled by defendant FEUER and located in Essex County, New Jersey.

In violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATION

1. The allegations contained in this Information are incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to defendant FEUER that, upon conviction of the offense charged in this Information, the government will seek forfeiture, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violation of Title 18, United States Code, Section 1349, as alleged in this Information, including but not limited to the following:

a. A sum of money equal to approximately \$115,963 in United States currency.

3. If by any act or omission of defendant FEUER, any of the property subject to forfeiture described in paragraph 2 herein:

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 subdivided without difficulty, the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).



PAUL J. FISHMAN
UNITED STATES ATTORNEY

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INFORMATION FOR

18 U.S.C. § 1349

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