

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.  
 :  
 v. : Criminal No.  
 :  
 DANIEL TUMMINIA : 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 DANIEL TUMMINIA ("TUMMINIA") was a resident of Monroe Township, Middlesex County, New Jersey;
  - b. Defendant TUMMINIA was employed as an insurance agent for Massachusetts Mutual Life Insurance Company ("MassMutual");
  - c. Co-conspirator MICHAEL FEUER ("FEUER") was a resident of Monroe Township, Middlesex County, New Jersey;
  - d. Co-conspirator 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, and was a friend of defendant TUMMINIA;
  - 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 defendant 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 July 2004 through in or about August 2010, in Middlesex County, in the District of New Jersey and elsewhere, defendant

DANIEL TUMMINIA

did knowingly and intentionally conspire and agree with FEUER, 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 TUMMINIA, co-conspirators FEUER and MANNARINO, and others to enrich themselves by diverting funds from Fastener to bank accounts controlled by defendant TUMMINIA, co-conspirators FEUER and MANNARINO, and others.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that defendant 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 TUMMINIA, co-conspirators FEUER and MANNARINO, and others.

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

6. It was further part of the conspiracy that, on or about April 9, 2008, co-conspirator 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 co-conspirator FEUER and defendant TUMMINIA solely to falsely represent to Fastener that it was the real MassMutual.

7. It was further part of the conspiracy that co-conspirator FEUER and defendant TUMMINIA deposited approximately \$574,279 from Fastener into the MassMutual Contracting Corp. bank

account.

8. It was further part of the conspiracy that defendant TUMMINIA, co-conspirators FEUER 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 TUMMINIA, co-conspirators FEUER and MANNARINO, and others.

10. It was further part of the conspiracy that, on or about June 21, 2005, defendant TUMMINIA and others caused an interstate wire transfer totaling approximately \$9,355 to be transferred from Fastener's Bank of New York account located in Queens County, New York, to a Bank of America account controlled by defendant TUMMINIA and located in Middlesex 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 TUMMINIA 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 \$1,198,278 in United States currency.

3. If by any act or omission of defendant TUMMINIA, 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

CASE NUMBER: \_\_\_\_\_

---

---

**United States District Court  
District of New Jersey**

---

---

**UNITED STATES OF AMERICA**

**v.**

**DANIEL TUMMINIA**

---

---

**INFORMATION FOR**

**18 U.S.C. § 1349**

---

---

**PAUL J. FISHMAN**

**UNITED STATES ATTORNEY, NEWARK, NEW JERSEY**

---

---

**AARON MENDELSON**

**ASSISTANT U.S. ATTORNEY**

**NEWARK, NEW JERSEY**

**(973) 645-2712**

---

---