

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 07-
DAVID J. KAYE, : 18 U.S.C. §§ 1341 and 2
a/k/a "JONATHAN KAYE," :
a/k/a "DAVID KAIMOWITZ" :

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, unless otherwise stated:

a. Defendant DAVID J. KAYE was a resident of New Jersey, who held himself out to potential investors as the owner and operator of businesses that dealt in "duty free" merchandise in Europe and elsewhere.

b. Intaport Trading ("Intaport") was a company based in New Jersey and controlled by Defendant KAYE. KAYE represented to investors that Intaport purchased goods from manufacturers and distributors for shipment out of the United States and sale in "duty free" stores in Europe and elsewhere.

Scheme to Defraud

2. From at least as early as in or about 1998 to in or

about June 2003, in the District of New Jersey and elsewhere,
defendant

DAVID J. KAYE

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud potential investors and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth below.

The Object of the Scheme

3. The primary object of defendant KAYE's scheme and artifice to defraud was to obtain monies from investors purportedly to invest in Intaport and various ventures run by KAYE and Intaport, and then unlawfully and fraudulently divert the investor monies for KAYE's own personal use.

The Means and Methods of the Scheme

4. Among the means and methods employed by defendant KAYE to carry out the scheme and artifice included the following:

a. From at least in or about 1998 through in or about June 2000, defendant KAYE solicited approximately \$13.7 million from investors purportedly to finance transactions conducted by Intaport and KAYE. Instead, defendant KAYE fraudulently used the investors' funds for his own personal use and to pay interest payments to other investors to present the appearance that the investment agreement was performing as promised. In fact, no legitimate business was being conducted.

b. From at least in or about 1998 through at least in or about June 2003, defendant KAYE used the United States mails, among other means, to send false and fraudulent documents to Intaport investors, including false and fraudulent invoices, financial statements, account statements, and wire transfer notices. KAYE provided these false and fraudulent documents to Intaport investors to conceal his scheme to defraud.

5. In or about June 2000, for the purpose of executing, and attempting to execute, the scheme and artifice to defraud, in the District of New Jersey and elsewhere, the defendant

DAVID J. KAYE

did knowingly and willfully place and cause to be placed in a post office and authorized depository for mail matter, and cause to be delivered by mail in accordance with directions thereon, certain mail matter and things to be sent and delivered by the United States Postal Service, namely false and fraudulent Intaport financial statements for the periods ending June 30, 1999 and June 30, 2000 addressed to W.C., a victim of the scheme, which statements intentionally overstated the financial status of Intaport.

In violation of Title 18, United States Code, Sections 1341 and 2.

CHRISTOPHER J. CHRISTIE
United States Attorney