

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

**SUPERSEDING
INFORMATION**

MICHAEL LEVITIS, :

S1 13 Cr. 327 (PGG)

Defendant. :

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COUNT ONE

(Conspiracy to Commit Mail and Wire Fraud)

The United States Attorney charges:

1. From at least in or about 2009 up to and including in or about April 2013, in the Southern District of New York and elsewhere, MICHAEL LEVITIS, the defendant, and others known and unknown, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343, to wit, LEVITIS and others engaged in a scheme to defraud customers of Mission Settlement Agency ("Mission") by, among other things, making misrepresentations about Mission's fees, results, and affiliations.

2. It was a part and an object of the conspiracy that MICHAEL LEVITIS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending

to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

3. It was further a part and object of the conspiracy that MICHAEL LEVITIS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce,

writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

OVERT ACTS

4. In furtherance of the conspiracy and to effect its illegal objects, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 8, 2012, at the direction of MICHAEL LEVITIS, the defendant, a Mission employee falsely represented to a prospective customer that Mission's fees were just \$49.99 a month.

b. In or about 2011, MICHAEL LEVITIS, the defendant, caused a fraudulent and deceptive solicitation letter to be mailed to prospective customers on behalf of MISSION.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Commit Wire Fraud)

The United States Attorney further charges:

5. From at least in or about 2011 up to and including in or about 2013, in the Southern District of New York and elsewhere, MICHAEL LEVITIS, the defendant, and others known and unknown, willfully, and knowingly did combine, conspire,

confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, to wit, LEVITIS and others engaged in a scheme to defraud customers of Alpha Debt Settlement ("Alpha") by, among other things, making misrepresentations about Alpha's fees, results, and affiliations.

6. It was a part and object of the conspiracy that MICHAEL LEVITIS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

OVERT ACT

7. In furtherance of the conspiracy and to effect its illegal object, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 11, 2012, MICHAEL LEVITIS, the defendant, sent an e-mail to employees of Alpha instructing

them to make certain misrepresentations to prospective customers on behalf of Alpha.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

8. As the result of committing the conspiracy offenses, in violation of Title 18, United States Code, Section 371, alleged in Counts One and Two of this Information, MICHAEL LEVITIS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to the following:

a. A sum of money equal to \$2,196,522 in United States currency representing the amount of proceeds obtained as a result of the offenses alleged in the Information; and

b. LEVITIS's right, title, and interest in the following:

i. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4276217613 held in the name of Marina Plaza LLC;

ii. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account

No. 4270189800 held in the of Mission Abstract LLC d/b/a Mission Settlement Agency;

iii. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4276217225 held in the name of Prime Marketing Group Corp.;

iv. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4266233827 held in the name of Vermar Management LLC d/b/a Rasputin;

v. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4276216243 held in the name of Alpha Debt Settlement Inc.;

vi. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 7928814313 held in the name of Denis Kurlyand;

vii. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 8920471128 held in the name of Denis Kurlyand;

viii. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4276218132 held in the name of Michael Levitis;

ix. Any and all United States currency, funds or other monetary instruments credited to TD Bank Account No. 4276216889 held in the name of Denis Kurlyand; and

x. Any and all United States currency, funds or other monetary instruments credited to J.P. Morgan Chase Bank Account No. 994932309 held in the name of Denis Kurlyand.

Substitute Asset Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of MICHAEL LEVITIS, the defendant,

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of LEVITIS up to the value of the forfeitable property described above, including but not limited to the defendants' interest in the following property:

- i. RASPUTIN, a restaurant/nightclub located at 2670 Coney Island Avenue, Brooklyn, New York;
- ii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 132 Norfolk Street, Brooklyn, New York 11235;
- iii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1001 Oriental Boulevard, Brooklyn, New York 11235.

(Title 18, United States Code, Section 981(a)(1)(C);
Title 21, United States Code, Section 853(p);
and Title 28, United States Code, Section 2461.)



PREET BHARARA
United States Attorney

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(18 U.S.C. § 371)

PREET BHARARA
United States Attorney.
