

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	<u>SUPERSEDING</u>
- v. -	:	<u>INDICTMENT</u>
	:	
ANDREW BARTOK,	:	S4 10 Cr. 510 (CS)
a/k/a "Drew Bartok,"	:	
	:	
Defendant.	:	
- - - - -	x	

COUNT ONE

(Conspiracy to Commit Mail and Wire Fraud)

The Grand Jury charges:

Relevant Entity and Individuals

1. At all times relevant to this Indictment, Revelations Consulting LLC ("Revelations") was a limited liability company that maintained at least one place of business in New Jersey. At times relevant to this Indictment, Revelations did business under the name "Foreclosure Club of America."

2. At all times relevant to this Indictment, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, was the President and General Manager of Revelations.

3. From in or about 2000 through in or about August 2009, a co-conspirator not named as a defendant herein ("CC-1") worked as a client manager at Revelations.

4. From in or about early 2007 through in or about February 2011, another co-conspirator not named as a defendant herein ("CC-2") worked at Revelations.

Background

5. A bankruptcy filed under Chapter 13 of the United States Bankruptcy Code enables debtors with income to develop a plan to repay all or part of their debts. Under Chapter 13, debtors propose a plan to make installment payments to creditors until their debts are repaid. During the time covered by the Chapter 13 repayment plan, federal law forbids creditors from starting or continuing collection efforts. By filing under Chapter 13, debtors can stop foreclosure proceedings and may cure delinquent mortgage payments over time. Debtors must, however, make all mortgage payments that come due during the time period covered by the repayment plan.

6. In order to file a Chapter 13 bankruptcy, a debtor typically completes a voluntary petition form which lists, among other things, the debtor's basic personal identification information. In addition, the debtor is required to complete supporting schedules which list the debtor's assets, liabilities, income, and expenditures.

7. Since in or about October 2004, in order to file a Chapter 13 bankruptcy petition, a debtor must also complete Exhibit D to the bankruptcy petition. Exhibit D requires the debtor to certify, under penalty of perjury, that s/he has complied with a credit counseling requirement. The credit counseling requirement requires debtors to receive a briefing

from a credit counseling agency approved by the United States Trustee or bankruptcy administrator outlining opportunities for available credit counseling and assisting the debtor in performing a related budget analysis.

8. After a Chapter 13 bankruptcy petition is filed, a debtor typically receives an official notice from the United States Bankruptcy Court setting forth the date, time and place of a "Section 341" meeting of the debtor and his or her creditors to be convened by the United States Trustee. The debtor must attend the meeting and submit to an examination under oath. At the meeting, the debtor is questioned about his debts, income, and assets. In addition, the debtor is required to produce documents concerning the debtor's financial condition, including but not limited to, the debtor's federal tax return.

9. Eventually, if the debtor does not attend court proceedings concerning the Chapter 13 bankruptcy petition, the debtor's petition is dismissed. Should the debtor seek to file bankruptcy on a subsequent occasion during the following six years, the debtor will be required to list the prior dismissed bankruptcy case on the subsequent petition.

Overview of The Scheme to Defraud

10. ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and his co-conspirators, through Revelations, solicited individuals who were facing foreclosure proceedings on their

homes, promising those individuals that - in exchange for fees paid to Revelations - the individuals would be able to stay in their homes without making their mortgage payments and would be able to purchase their homes at foreclosure auctions for a fraction of the dollar amount of their mortgage obligations. Revelations conducted its solicitation of "clients" primarily through mailings sent to the clients' homes.

11. In truth and in fact, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and his co-conspirators defrauded Revelations' clients and did so in part by use of the United States Bankruptcy courts. In order to delay foreclosures, BARTOK and his co-conspirators, among other things, filed fraudulent bankruptcy petitions and other false documents in their clients' names and instructed the clients not to attend bankruptcy court proceedings. In doing so, BARTOK and his co-conspirators sought to obtain as much money as possible, for as long as possible, from Revelations' clients. When the fraudulent bankruptcy petitions filed by BARTOK and his co-conspirators ultimately were dismissed by the bankruptcy courts, Revelations ceased contact with its clients, who faced imminent eviction from their homes, and who already had paid significant sums of money to Revelations.

The Scheme to Defraud

12. During the time period relevant to this Indictment, flyers were mailed in Revelations' name to individuals who were in danger of foreclosure stating that Revelations could assist the individuals in delaying the foreclosure of their homes. The flyers typically advised individuals that they would be able to stay in their homes without making their mortgage payments. The flyers, each of which contained similar language, purported to be sent by both ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and CC-1 through the use of the alias "Kathleen Kelly." In order to gain the trust of the homeowners, the flyers claimed that Bartok and CC-1 had previously been served with foreclosure summonses with respect to their own homes.

13. Individuals who called Revelations in response to the solicitation were typically instructed to travel to Revelations' offices in New Jersey. There, the individuals would meet with one or more of ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, CC-1 and CC-2. Generally, the individuals would be told that Revelations could delay or prevent their foreclosure proceedings in exchange for an initial upfront fee and subsequent monthly fees. In addition, the individuals typically would be told that they would not have to pay their mortgages for approximately two years and that after two years, they could

repurchase their homes at a fraction of the dollar amount of their outstanding mortgage obligation and that Revelations would assist them in doing so.

14. Thereafter, with or without informing the clients, employees of Revelations, at the direction of one or more of ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, CC-1 and CC-2, often prepared and filed Chapter 13 bankruptcy petitions in the clients' names. The Chapter 13 petitions were not filed for the purpose of having the clients engage in Chapter 13 reorganization of their debts, but for the improper purpose of using the United States bankruptcy laws to forestall the foreclosure of the clients' homes as long as possible while Revelations continued to collect its monthly fees.

15. The clients' Chapter 13 petitions, signed under penalty of perjury, purported to have been filed pro se by the clients, without assistance from any bankruptcy petition preparer or attorney and each contained a Chapter 13 voluntary petition form which listed, among other things, basic personal identification information for the client.

16. In furtherance of the scheme to defraud, Revelations' employees included false information about the client's finances on required schedules to the bankruptcy petitions. For instance, the schedules listed only a single creditor – the mortgage holder for the client's home – and

fraudulently omitted Revelations as an unsecured creditor even though the clients had agreed to pay monthly fees to Revelations as ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, CC-1 and CC-2 well knew.

17. On the schedules describing the clients' personal property, which included approximately thirty-five possible categories of personal property, the petitions routinely listed personal property in the same few categories, and fraudulently failed to list personal property in the other categories, which included common items such as automobiles, alimony or support agreements, and sports equipment.

18. In furtherance of the scheme to defraud, employees of Revelations, including CC-2, frequently called credit counseling agencies, pretending to be the clients for the purposes of the credit counseling briefings. These employees then falsely signed statements of compliance with the credit counseling requirement.

19. Also in furtherance of the scheme to defraud, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, CC-1 and CC-2 routinely instructed clients to: (1) forward any court documents to Revelations; (2) not attend court proceedings, including Section 341 meetings of the creditors, and (3) in some instances, not mention Revelations if contacted by court personnel.

20. In order to delay the eventual dismissal of a

client's bankruptcy petition as long as possible and in order to continue collecting monthly payments from clients, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and his co-conspirators filed and caused to be filed in the United States Bankruptcy Courts motions seeking relief, which motions falsely claimed to have been signed by the pro se clients.

21. In other instances, employees of Revelations prepared, signed and mailed fraudulent letters, purporting to be from clients to the Chapter Thirteen Standing Trustee setting forth phony excuses as to why the clients could not attend the Section 341 creditors' meetings and asking for postponements of the meetings.

22. In some instances, when a bankruptcy petition was dismissed, employees of Revelations filed a subsequent bankruptcy petition, again for the sole purpose of improperly using the United States bankruptcy laws to delay foreclosure of a client's home. In doing so, employees of Revelations failed to disclose the first dismissed bankruptcy as required.

23. Revelations also utilized a marketing program known as "Cash for Keys" to defraud its clients. Under "Cash for Keys," a client facing foreclosure would hand over his/her home to ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, via a quitclaim deed - which is a deed that terminates an individual's right to own a certain piece of property and authorizes the

transfer of the property to another person. BARTOK or a co-conspirator not named as a defendant herein ("CC-3") would then cause the homes be renovated and thereafter rented to individuals looking to rent a house. Bartok or CC-3 would own the property through a limited liability company ("LLC") with a fictitious name as President of the LLC. When a bank would attempt to initiate foreclosure proceedings, a bankruptcy would be filed in the name of the LLC.

Statutory Allegations

24. From in or about 2000 up to and including in or about February 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, knowingly and willfully, did combine, conspire, confederate, and agree together and with each other, to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343.

25. It was a part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, 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 deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and take and receive therefrom, such matters and things, and knowingly cause to be delivered by mail and such carriers according to the direction thereon, and at the place at which they were directed to be delivered by the person to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

26. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, 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 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

27. In furtherance of the conspiracy and to effect the illegal objects thereof, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, CC-1, CC-2, and others known and unknown, committed

the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about May 2005, a co-conspirator caused a Revelations employee to mail a one-page flyer that was signed in the name "Kathleen Kelly" to an individual residing in Newburgh, New York ("Client 1").

b. In or about May 2005, Client 1 called Revelations and had a conversation with CC-1.

c. In or about May 2005, BARTOK and CC-1 met with Client 1 at Revelations' office in North Bergen, New Jersey.

d. In or about May 2005, during a meeting with Client 1 at Revelations' office in North Bergen, New Jersey, BARTOK informed Client 1 that Client 1 would have to make an initial payment of \$1,500 and monthly payments thereafter.

e. In or about May 2005, BARTOK endorsed a check in the amount of \$200 from Client 1 that was later deposited in a Revelations Consulting LLC account at a Valley National Bank branch.

f. On or about May 20, 2005, a co-conspirator caused a Revelations employee to fill out and file a bankruptcy petition in the name of Client 1 in the United States Bankruptcy Court for the Southern District of New York in Poughkeepsie, New York.

g. On or about October 14, 2005, a co-

conspirator caused a Revelations employee to fill out and file a bankruptcy petition in the name of Client 1 in the United States Bankruptcy Court for the Southern District of New York in Poughkeepsie, New York.

h. In or about 2005, BARTOK and CC-1 instructed Client 1 not to attend any court proceedings related to Client 1's bankruptcy case.

i. In or about 2006, during a telephone conversation, BARTOK instructed Client 1 to file a quitclaim deed for Client 1's house with the Orange County Clerk's Office to reflect that Client 1's mother owned 5% of the house even though Client 1's mother in fact had no ownership interest in Client 1's house.

j. On or about January 12, 2006, a co-conspirator caused a Revelations employee to prepare and file an "OBJECTION AND CERTIFICATION TO CREITOR'S [sic] DISMISSAL MOTION" in Client 1's bankruptcy case.

k. On or about June 15, 2006, BARTOK sent a written objection opposing the United States Trustee's proposed order "authorizing examination of Revelations and production of documents," via overnight mail, to the United States Bankruptcy Court in Poughkeepsie, New York.

l. On or about July 5, 2006, BARTOK mailed a motion to the United States Bankruptcy Court in Poughkeepsie, New

York seeking: (i) reconsideration of United States Bankruptcy Judge Cecelia Morris's June 19, 2006 Order authorizing the examination of "Kathleen Kelly" and directing the production of documents by Revelations; and (ii) the removal of Judge Morris from Client 1's bankruptcy case.

m. In or about September 2007, a co-conspirator caused a Revelations employee to mail a solicitation to an individual residing in Yonkers, New York ("Client 2").

n. In or about September 2007, BARTOK and CC-1 met with Client 2 at Revelations' office in New Jersey.

o. In or about September 2007, during a meeting with Client 2 at Revelations' office in North Bergen, New Jersey, BARTOK informed Client 2 that Client 2 would have to make an initial payment of \$1,500 and monthly payments thereafter.

p. On or about September 17, 2007, a co-conspirator caused a Revelations' employee to fill out, under penalty of perjury, and file, a bankruptcy petition in the name of Client 2 in the United States Bankruptcy Court for the Southern District of New York in White Plains, New York.

q. On or about December 3, 2007, BARTOK negotiated a check in the amount of \$500 from Client 2 at a Valley National Bank branch.

r. In or about April 2009, CC-1 met at Revelations' offices in New Jersey with an individual residing in

White Plains, New York ("Client 3").

s. On or about April 6, 2009, CC-1 received \$2,000 in cash from Client 3 at Revelations' offices in New Jersey and provided Client 3 with a receipt.

t. On or about April 8, 2009, a co-conspirator caused a Revelations employee to fill out and file a bankruptcy petition and schedules in the name of Client 3 in the United States Bankruptcy Court for the Southern District of New York in White Plains, New York.

u. In or about 2009, CC-1 told Client 3 not to attend any court proceedings concerning Client 3's bankruptcy petition.

v. On or about May 5, 2009, a co-conspirator caused a Revelations employee to write a letter to the Chapter Thirteen Standing Trustee, in the name of Client 3, claiming that Client 3 would be unable to attend a May 8, 2009 meeting in connection with the bankruptcy petition filed in Client 3's name.

w. On or about May 6, 2009, a co-conspirator caused a Revelations employee to mail the May 5, 2009 letter purporting to be from Client 3 to the Chapter Thirteen Standing Trustee in White Plains, New York.

x. On or about June 9, 2009, a co-conspirator caused a Revelations employee to mail a letter purporting to be from Client 3 to the Chapter Thirteen Standing Trustee in White

Plains, New York.

y. In or about June 2009, BARTOK and CC-1 met at Revelations' offices in New Jersey with an individual residing in Poughkeepsie, New York ("Client 4").

z. On or about June 8, 2009, a co-conspirator caused a Revelations employee to fill out a bankruptcy petition and schedules in the name of Client 4, which were later filed in the United States Bankruptcy Court for the Southern District of New York in Poughkeepsie, New York.

aa. On or about June 8, 2009, CC-1 received approximately \$1,000 in cash from Client 4 at Revelations' offices in New Jersey.

bb. On or about June 9, 2009, a co-conspirator caused a Revelations employee to receive approximately \$1,860 in cash from Client 4 at Revelations' offices in New Jersey.

cc. On or about July 7, 2009, a co-conspirator caused a Revelations employee to mail a letter purporting to be from Client 4 to the Chapter Thirteen Standing Trustee in White Plains, New York.

dd. On or about July 28, 2009, a co-conspirator caused a Revelations employee to mail a letter purporting to be from Client 4 to the Chapter Thirteen Standing Trustee in White Plains, New York.

ee. On or about October 8, 2009, CC-2 received

\$100 in cash from Client 4 at Revelations' offices in New Jersey.

ff. In or about February 2010, a co-conspirator caused a Revelations employee to mail a multi-page flyer that was signed in the name "Andrew Bartok" to an individual residing in Monroe, New York ("Client 5").

gg. On or about March 11, 2010, BARTOK met with Client 5 at Revelations' office in Clifton, New Jersey.

hh. On or about March 11, 2010, CC-2 met with Client 5 at Revelations' office in Clifton, New Jersey.

ii. On or about March 11, 2010, CC-2 received approximately \$300 in cash from Client 5 at Revelations' offices in New Jersey.

jj. On or about March 15, 2010, a co-conspirator caused a Revelations employee to call Cricket Debt Counseling, located in Clackamas, Oregon, pretend to be Client 5, and take a credit counseling session on behalf of Client 5.

kk. On or about March 15, 2010, CC-2 caused a Revelations employee to fill out a bankruptcy petition in the name of Client 5, which was later filed by Client 5 in the United States Bankruptcy Court for the Southern District of New York in Poughkeepsie, New York.

ll. On or about March 15, 2010, CC-2 instructed Client 5 not to attend any court proceedings related to Client 5's bankruptcy case.

mm. From in or about April 15, 2010 through in or about May 13, 2010, BARTOK and CC-2 received \$600 from Client 5.

nn. In or about late 2007, a co-conspirator caused a Revelations employee to mail a flyer that was signed in the name "Andrew Bartok" to an individual residing in Sussex, New Jersey ("Client 6").

oo. In or about December 2007, BARTOK met with Client 6 at Revelations' offices in New Jersey.

pp. In or about December 2007, CC-2 received approximately \$1,500 in cash from Client 6 at Revelations' offices in New Jersey.

qq. In or about December 2007, CC-2 met with Client 6 at Revelations' offices in New Jersey.

rr. On or about January 7, 2008, a co-conspirator caused a Revelations employee to fill out a bankruptcy petition in the name of Client 6, which was later filed in the United States Bankruptcy Court for the District of New Jersey.

ss. From in or about February 2008 through in or about April 2008, BARTOK and CC-2 received \$500 per month from Client 6.

tt. In or about January 2008, CC-2 told Client 6 that Client 6 did not have to attend meetings of his creditors held by the United States Bankruptcy Court because Revelations

would attend the meetings for him.

uu. In or about January 2008, CC-2 told Client 6 that Client 6 did not have to make any payments to the United States Bankruptcy Court unless instructed by CC-2 to do so, but that he did have to make payments to Revelations.

vv. In or about December 2008, CC-2 met with an individual residing in East Orange, New Jersey ("Client 7") at Revelations' offices in New Jersey.

ww. On or about December 15, 2008, CC-2 received approximately \$300 in cash from Client 7 at Revelations' offices in New Jersey.

xx. On or about March 9, 2009, a co-conspirator caused a Revelations' employee to sign Exhibit D to Client 7's bankruptcy petition, under penalty of perjury, using an incorrect version of Client 7's name, which was later filed in the United States Bankruptcy Court for the District of New Jersey in Newark, New Jersey.

yy. On or about February 16, 2009, a co-conspirator caused a Revelations employee to fill out a bankruptcy petition in the name of Client 7 and to sign Client 7's name, which petition was later filed in the United States Bankruptcy Court for the District of New Jersey in Newark, New Jersey.

zz. In or about March 2009, CC-2 told Client 7

that he did not have to attend a meeting of his creditors held by the United States Bankruptcy Court and instructed Client 7 to send to CC-2 the notice of the creditors' meeting.

aaa. On or about September 21, 2009, CC-2 called Cricket Debt Counseling, located in Clackamas, Oregon, and pretended to be Client 7's wife in order to obtain a credit counseling certificate for Client 7.

bbb. On or about September 21, 2009, a co-conspirator caused a Revelations employee to fill out a bankruptcy petition in the name of Client 7, which was later filed in the United States Bankruptcy Court for the District of New Jersey in Newark, New Jersey.

ccc. In or about early November 2009, a co-conspirator caused a Revelations employee to mail to the Chapter 13 Standing Trustee a letter, in the name of Client 7, claiming that Client 7 would be unable to attend a November 3, 2009 meeting in connection with the bankruptcy petition filed in Client 7's name.

ddd. In or about early 2011, mailings from the Foreclosure Club of America, including a mailing sent in BARTOK'S name, were sent to an individual residing in New Jersey ("Potential Client 1").

eee. On or about February 3, 2011, BARTOK and CC-2 met with Potential Client 1 at Foreclosure Club of America's

office in Clifton, New Jersey. During the meeting, BARTOK, among other things, (i) prepared a document titled "Map" for Potential Client 1; (ii) told Potential Client 1 that BARTOK would complete bankruptcy documents for Potential Client 1; and (iii) told Potential Client 1 to avoid attending any hearings pertaining to the bankruptcy.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Mail Fraud)

The Grand Jury further charges:

28. The allegations contained in paragraphs 1 through 23 and 27 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

29. From in or about 2000 through in or about February 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly and willfully, 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, placed in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and deposited and caused to be

deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom, such matters and things, and knowingly caused to be delivered by mail and such carriers according to the direction thereon, and at the place at which they were directed to be delivered by the person to whom they were addressed, such matters and things, to wit, BARTOK sent and caused to be sent marketing materials to individuals facing foreclosure.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT THREE

(Bankruptcy Fraud and Obstruction of Justice Conspiracy)

The Grand Jury further charges:

30. The allegations contained in paragraphs 1 through 23 and 27, including allegations of overt acts, are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

31. From in or about 2000 up to and including in or about February 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, knowingly and willfully, did combine, conspire, confederate, and agree together and with each other, to commit violations of Title 18, United States Code, Sections 152(3), 152(5), 152(9), 157, 1505 and 1519.

32. It was a part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly and fraudulently make a false declaration, certificate, verification, and statement under penalty of perjury as permitted under Section 1746 of Title 28, in and in relation to any case under Title 11, in violation of Title 18, United States Code, Section 152(3);

33. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly and fraudulently receive a material amount of property from a debtor after the filing of a case under Title 11, with intent to defeat the provisions of Title 11, in violation of Title 18, United States Code, Section 152(5);

34. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, after the filing of a case under Title 11, would and did knowingly and fraudulently withhold from a custodian, trustee, marshal, and other officer of the court and a United States Trustee entitled to its possession, recorded information (including books, documents, records, and papers) relating to the property and financial affairs of a debtor, in violation of Title 18, United States Code, Section 152(9);

35. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for the purpose of executing and concealing such a scheme and artifice and attempting to do so, would and did file a petition under Title 11, file a document in a proceeding under Title 11, and make a false and fraudulent representation, claim, and promise concerning and in relation to a proceeding under Title 11 at any time before or after the filing of the petition, and in relation to a proceeding falsely asserted to be pending under such title, in violation of Title 18, United States Code, Sections 157(1), (2), and (3);

36. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly corruptly influence, obstruct, and impede and endeavor to influence, obstruct, and impede the due and proper administration of the law under which a pending proceeding is being had before a department and agency of the United States, in violation of Title 18, United States Code, Section 1505; and

37. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly

alter destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States and a case filed under Title 11, and in relation to and contemplation of any such matter and case, in violation of Title 18, United States Code, Section 1519.

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

COUNT FOUR

(Bankruptcy Fraud)

The Grand Jury further charges:

38. The allegations contained in paragraphs 1 through 23 and 27 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

39. From in or about 2000 through in or about February 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud and for the purpose of executing and concealing such a scheme and artifice and attempting to do so, filed a petition under Title 11, filed a document in a proceeding under Title 11, and made a false and fraudulent representation,

claim, and promise concerning and in relation to a proceeding under Title 11 at any time before or after the filing of the petition, and in relation to a proceeding falsely asserted to be pending under such title, to wit, BARTOK filed with bankruptcy courts: (i) fraudulent voluntary bankruptcy petitions and (ii) fraudulent letters and motions.

(Title 18, United States Code,
Sections 157(1), (2), and (3) and 2.)

COUNT FIVE

(Conspiracy to Commit Witness Tampering)

The Grand Jury further charges:

40. The allegations contained in paragraphs 1 through 23 and 27 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

41. From in or about 2000 through in or about February 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, knowingly and willfully, did combine, conspire, confederate, and agree together and with each other, to commit offenses against the United States, to wit, obstruction of justice, in violation of Title 18, United States Code, Section 1512.

42. It was a part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and

others known and unknown, would and did knowingly corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person, with intent to influence, delay, and prevent the testimony of a person in an official proceeding, in violation of Title 18, United States Code, Section 1512(b)(1).

43. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person, with intent to cause and induce a person to withhold testimony, and withhold a record, document, and other object from an official proceeding, in violation of Title 18, United States Code, Section 1512(b)(2)(A).

44. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person, with intent to cause and induce a person to evade legal process summoning that person to appear as a witness, and to produce a record, document, and other object, in an official proceeding, in violation of Title 18, United States Code, Section 1512(b)(2)(C).

45. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly corruptly persuade another person, and attempt to do so, and engage in misleading conduct toward another person, with intent to cause and induce a person to be absent from an official proceeding to which such person had been summoned by legal process, in violation of Title 18, United States Code, Section 1512(b)(2)(D).

46. It was a further part and an object of the conspiracy that ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, and others known and unknown, would and did knowingly corruptly obstruct, influence, and impede an official proceeding, and attempt to do so, in violation of Title 18, United States Code, Section 1512(c)(2).

(Title 18, United States Code, Section 1512(k).)

COUNT SIX

(False Statements)

The Grand Jury further charges:

47. On or about July 5, 2006, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly and willfully, in a matter within the jurisdiction of the judicial branch of the Government of the

United States, falsified, concealed, and covered up by trick, scheme, and device a material fact, made materially false, fictitious, and fraudulent statements and representations, and made and used false writings and documents knowing the same to contain materially false, fictitious, and fraudulent statements and entries, to wit, BARTOK, submitted a "MOTION FOR RECONSIDERATION & TO REMOVE JUDGE CECELIA MORRIS" to United States Bankruptcy Judge Cecelia Morris containing the following false statements and concealed and covered up facts that were material to that motion:

Specification One

BARTOK falsely stated that "Kathleen Kelly" did not have personal knowledge concerning Client 1's bankruptcy case.

Specification Two

BARTOK concealed and covered up that "Kathleen Kelly" was actually an alias for CC-1.

(Title 18, United States Code, Sections 1001(a)(1), (2) and (3).)

COUNT SEVEN

(Obstruction of Justice Concerning
the "Kathleen Kelly" Examination and Production of Documents)

The Grand Jury further charges:

48. From in or about June 2006 through in or about July 2006, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly

altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States and a case filed under Title 11, and in relation to and contemplation of such matter and case, to wit, BARTOK and CC-1 did not produce documents at a July 21, 2006 examination at the Office of the United States Trustee that had been ordered to be produced by the Honorable Cecelia G. Morris in a June 19, 2006 order.

(Title 18, United States Code, Sections 1519 & 2.)

COUNT EIGHT

(Perjury Concerning the March 15, 2011 Financial Affidavit)

The Grand Jury further charges:

49. On or about March 15, 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, in a declaration, certificate, verification, and statement under penalty of perjury as permitted under Section 1746 of Title 28, United States Code, in a proceeding before and ancillary to a court of the United States, knowingly made a false material declaration, to wit, BARTOK completed a Financial Affidavit in Support of Request for Attorney, Expert or Other Court Services Without Payment of Fee

in connection with United States v. Andrew Bartok, et al., 10 Cr. 510 (CS), which he caused to be submitted to the United States District Court for the Southern District of New York and which included the following false material declarations:

Declaration One

BARTOK falsely stated that he did not have "any cash on hand or money in savings or checking accounts."

Declaration Two

BARTOK falsely stated that the only property that he owned, including "any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)" was a \$26,000 IRA Retirement Account.

(Title 18, United States Code, Section 1623.)

COUNT NINE

(Obstruction of Justice Concerning
the June 30, 2011 Release)

The Grand Jury further charges:

50. From in or about June 2011 through in or about July 2011, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly corruptly persuaded another person, and attempted to do so, and engaged in misleading conduct toward another person, with intent to influence, delay, and prevent the testimony of a person in an

official proceeding, to wit, BARTOK signed a "Release" that was sent to CC-1's business partner in which BARTOK stated that he would agree to settle a civil lawsuit filed by BARTOK against former employees of Revelations in exchange for CC-1 and other former employees agreeing: (i) to pay BARTOK \$5,000; and (ii) to not provide any testimony against BARTOK concerning Revelations.

(Title 18, United States Code, Sections 1512(b)(1).)

COUNT TEN

(Contempt of Court)

The Grand Jury further charges:

51. From at least on or about November 11, 2011 through in or about February 2012, in the Southern District of New York and elsewhere, ANDREW BARTOK, a/k/a "Drew Bartok," the defendant, knowingly disobeyed and resisted a lawful order and command of a Court of the United States, to wit, BARTOK refused sell his 2009 Mercedes-Benz automobile, after the Honorable Cathy Seibel, United States District Judge, entered an October 11, 2011 order directing BARTOK to sell the automobile within thirty days.

(Title 18, United States Code, Section 401(3).)

FORFEITURE ALLEGATIONS

52. As the result of conspiring to violate Title 18, United States Code, Sections 1341 (mail fraud) and 1343 (wire fraud) as alleged in Count One of this Indictment; committing mail fraud, in violation of Title 18, United States Code, Section 1341 (mail fraud) as alleged in Count Two of this Indictment; conspiring to commit bankruptcy offenses in violation of Title 18, United States Code, Section 152 as alleged in Count Three of this Indictment; conspiring to violate Title 18, United States Code, Section 1512 as alleged in Count Five of this Indictment; and obstructing justice, in violation of Title 18, United States Code, Section 1512, as alleged in Count Nine of this Indictment, ANDREW BARTOK, a/k/a "Drew Bartok," 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 these offenses, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offenses.

Substitute Asset Provision

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

(1) cannot be located upon the exercise of due

diligence;

(2) has been transferred or sold to, or deposited with,
a third person;

(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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of said
defendant up to the value of the above forfeitable property.

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


FOREPERSON


PREET BHARARA
United States Attorney

