

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> _____
	:	
v.	:	<b>DATE FILED:</b> _____
	:	
<b>JAMES K. EDLER, JR.</b>	:	<b>VIOLATION:</b>
	:	<b>18 U.S.C. § 664 (theft from employee</b>
	:	<b>benefit plan - 1 count)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Defendant JAMES K. EDLER, JR., was the President and managing member of the McFaul and Lyons Group, LLC (“McFaul”), whose offices were located at 181 Witmer Road in Horsham, Pennsylvania, and then moved to 300 Welsh Road, Building 4, Suite 100, in Horsham, Pennsylvania.
2. On or about September 1, 2002, McFaul established the 401(k) Savings Plan for employees, which was an employee pension benefit plan subject to Title I of the Employee Retirement Income Security Act of 1974. Defendant JAMES K. EDLER, JR., was the trustee, who exercised authority and control respecting management or disposition of the Plan’s assets.
3. Participating employees of McFaul made contributions through payroll deductions and defendant JAMES K. EDLER, JR., as Plan trustee, was responsible for ensuring that employee contributions were forwarded to the Principal Financial Group, the third party administrator of the Plan.

4. For McFaul's payroll period ending April 9, 2004, defendant JAMES K. EDLER, JR., remitted only a portion of employee contributions to the Principal Financial Group, although defendant EDLER continued to withhold the total amount of funds from employees' paychecks.

5. For McFaul's payroll period ending August 27, 2004, defendant JAMES K. EDLER, JR., ceased remitting employee contributions to the Principal Financial Group, although defendant EDLER continued to withhold these funds from employees' paychecks.

6. From on or about April 9, 2004 through on or about April 8, 2005, defendant

**JAMES K. EDLER, JR.,**

knowingly and willfully embezzled, stole, abstracted, and converted to his own use or the use of another, the moneys, funds, and other assets, that is, approximately \$105,173.72, of employee 401(k) salary deferral contributions of the McFaul and Lyons Group, LLC.

In violation of Title 18, United States Code, Section 664.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**LAURIE MAGID**  
**United States Attorney**