

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 10 -</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: September 16, 2010</b>
<b>BRIAN GELLER</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1344 (Bank fraud– 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>18 U.S.C. § 1957 (Use of proceeds to</b>
	<b>:</b>	<b>make purchases in excess of \$10,000 –</b>
	<b>:</b>	<b>21 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (Aiding and abetting)</b>
		<b>Notices of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At times relevant to this indictment:

1. JPMorgan Chase & Co. is the bank holding company of JPMorgan Services Inc. and JPMorgan Chase Bank, National Association (“the Bank”), a federally insured financial institution.

2. The Bank had an office in Delaware which included a private banking services section, a division that handled accounts for clients with a net worth of at least \$25 million.

3. From in or about January 2003 through in or about August 2009, defendant BRIAN GELLER worked for JPMorgan Services, Inc. in Delaware in the private banking services section of the Bank.

4. At the Bank, defendant BRIAN GELLER was, among other

things, responsible for reconciling funds transfers to and from the Bank. To do his work, defendant BRIAN GELLER had to be and was knowledgeable of the internal accounting systems of the Bank and its wire transfer department. He also had access to the Bank's internal ledger accounts and had the ability to initiate wire transfers.

5. The Bank's ledger accounts were accounts that constituted a summary of the asset and debit transactions of the Bank and its customers each day, which summary was, in turn, sent to JPMorgan Chase & Co, the holding company, for its daily analysis of the assets and liabilities of all its companies.

6. To effect a wire transfer of funds from the Bank to an outside financial institution, defendant BRIAN GELLER had to prepare and submit paperwork that identified the amount of the funds to be transferred, the source of the funds, the reason for the transfer, the outside financial institution to which the funds were to be transferred, and the beneficiary, i.e., the account to which the funds were to be credited at the outside financial institution. Defendant GELLER also was required to obtain the approval of his supervisor, which was to be evidenced by the supervisor's signature on the paperwork request.

7. In approximately 2005, the mother of defendant BRIAN GELLER became unable to attend to her business and personal financial affairs because of illness. She therefore gave to her son, defendant BRIAN GELLER, access to all bank accounts in which she and her husband had right, title and interest. They had accounts at the Wilmington Trust Bank and Commerce Bank (now TD Bank).

8. Beginning in or about June 2005 and continuing through on or about April 8, 2009, to acquire money or funds to which he was not entitled but which he

wanted and used to advance various personal goals and interests, defendant BRIAN GELLER fraudulently initiated and caused to be executed wire transfers of money from the Bank to other financial institutions to the benefit of accounts in which he, his parents or his life partner had right, title, interest or other control.

9. From in or about June 2005 through in or about April 2010, in the Eastern District of Pennsylvania and elsewhere, defendant

**BRIAN GELLER**

knowingly executed and attempted to execute a scheme to defraud the Bank and to obtain money owned by and under the care, custody and control of that Bank by means of false and fraudulent pretenses, representations and promises.

**THE SCHEME**

It was part of the scheme that:

10. Defendant BRIAN GELLER requested and caused to be initiated wire transfers of funds from the Bank to his accounts, accounts over which he and his family had control, and the account of his life partner, at outside financial institutions.

11. To fund his wire transfer requests, at different times defendant BRIAN GELLER directed transfers of funds from several different demand deposit accounts at the Bank and created and executed paperwork that falsely made it appear on the Bank's ledger accounts that the accounts of the Bank were reconciled.

12. To conceal the fraudulent nature of his wire transfer requests, defendant BRIAN GELLER disguised the true identities of the recipients and their relation to him, to whose accounts he directed wire transfers be made. On internal Bank documents,

defendant GELLER made it appear as though the wire transfers were for legitimate purposes when they were not, and he avoided the reporting of certain accounting discrepancies in the Bank's accounts that would have risked exposure of the fraudulent scheme.

13. Defendant BRIAN GELLER forged and caused to be forged preparer signatures on general ledger paperwork and approval signatures on his requests for wire transfers of money from the Bank, to accounts in which he, his family or his life partner had right, title, interest or control.

14. Defendant BRIAN GELLER used the proceeds of these fraudulent wire transfers, as needed, to acquire real and personal property and intangible things of value.

15. In furtherance of the scheme, on the dates listed below, defendant BRIAN GELLER fraudulently caused cash in the approximate amounts described below to be transferred from the Bank to accounts over which he, his family or his life partner had right, title and control:

Date	To	Account Title	Amount
06.27.05	Wilmington Trust, Delaware	Brian Geller's parents	\$4,133.04
08.03.05	Wilmington Trust, Delaware	Brian Geller's parents	\$5,533.16
08.09.05	Wilmington Trust, Delaware	Brian Geller's parents	\$ 3,938.98
08.11.05	Wilmington Trust, Delaware	Brian Geller's parents	\$1,200.00
09.06.05	Wilmington Trust, Delaware	Brian Geller's parents	\$6,008.00
09.19.05	Wilmington Trust, Delaware	Brian Geller's parents	\$9,188.97

Date	To	Account Title	Amount
10.03.05	Commerce Bank, Philadelphia	Brian Geller's life partner	\$499,526.00
10.03.05	Wilmington Trust, Delaware	Brian Geller's parents	\$92,683.14
10.07.05	Wilmington Trust, Delaware	Brian Geller's parents	\$4,500.00
11.14.05	Commerce Bank, Philadelphia	Brian Geller & mother	\$9,856.23
12.06.05	Commerce Bank, Philadelphia	Brian Geller & mother	\$70,000.00
12.15.08	HSBC	Brian Geller	\$ 583,444.99
04.06.09	HSBC	Brian Geller	\$ 583,444.99

16. From on or about June 27, 2005 through on or about April 6, 2010, in furtherance of the scheme, defendant BRIAN GELLER fraudulently transferred and caused to be transferred from the Bank approximately \$1,873,457.66 in cash to accounts over which he, his family or his life partner had right, title, interest or control.

In violation of Title 18, United States Code, Section 1344.

**COUNTS TWO THROUGH TWENTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. The allegations of paragraphs 1 through 8 and 10 through 16 of Count One are incorporated here.

2. On or about the dates set forth below, each date constituting a separate count, in the Eastern District of Pennsylvania , and elsewhere, defendant

**BRIAN GELLER**

knowingly engaged in, and attempted to engage in, and aided and abetted and willfully caused, a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, described more fully below, and such property was derived from a specified unlawful activity, that is, bank fraud, in violation of 18 U.S.C. § 1344.

<b>Count</b>	<b>Date</b>	<b>Description</b>	<b>Amount</b>
2	10.03.05	Transfer from Wilmington Trust to Geller's JP Morgan Account	\$58,975.14
3	12.06.05	Transfer at Commerce from Joint Account to Geller's Personal Account	\$70,000.00
4	10.22.07	Commerce Check from Geller & Life Partner's Account to Circle Surrogacy	\$21,500.00
5	01.16.08	Commerce Check from Geller & Life Partner's Account to Circle Surrogacy	\$50,000.00
6	08.29.08	New Day Financial Loan secured by 2100 Sorrento Court	\$283,500.00
7	09.05.08	Commerce Check from Geller & Life Partner's Account to Circle Surrogacy	\$22,913.00
8	12.19.08	Purchase of HSBC CD	\$100,000.00
9	01.12.09	Transfer from HSBC to Geller's GMAC Account	\$50,000.00

<b>Count</b>	<b>Date</b>	<b>Description</b>	<b>Amount</b>
10	01.15.09	Transfer from HSBC to Geller's GMAC Account	\$50,000.00
11	02.09.09	GMAC Check to Circle Surrogacy	\$20,000.00
12	04.06.09	GMAC Check to sister and husband	\$30,000.00
13	04.10.09	Transfer from HSBC to Geller's GMAC Account	\$200,000.00
14	04.14.09	Transfer from HSBC to Geller's GMAC Account	\$100,000.00
15	04.21.09	Transfer from HSBC to Geller's GMAC Account	\$250,000.00
16	06.23.09	Transfer from HSBC to Geller's Ally (formerly GMAC) Account	\$50,000.00
17	06.25.09	Geller Purchase of 2009 Acura MDX	\$44,641.80
18	07.15.09	TD (formerly Commerce) Check to Circle Surrogacy	\$20,000.00
19	08.01.09	Ally Transfer to TD Bank	\$20,000.00
20	08.19.09	Purchase of 360 Chapel Heights Road, Sewell, New Jersey	\$525,045.12
21	08.19.09	Ally Check to Raymour & Flanigan	\$14,440.45
22	01.28.10	Purchase of 2010 Chevrolet Traverse	\$39,900.00

All in violation of Title 18, United States Code, Sections 1957 and 2.

## **NOTICE OF FORFEITURE ONE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Section 1344, set forth in this indictment, defendant

#### **BRIAN GELLER**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$1,873,457.66 U.S. currency and:

The following real property:

- A. 360 Chapel Heights Road  
Sewell, New Jersey

The following personal property:

- B. 2009 Acura MDX  
VIN 2HNYD28489H519116
- C. 2010 Chevrolet Traverse  
VIN 1GNLVFED4AS101715

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.



All pursuant to Title 18, United States Code, Section 981(b)(1).

## **NOTICE OF FORFEITURE TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Section 1957, and 18 U.S.C. § 2 set forth in this indictment, defendant

#### **BRIAN GELLER**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$1,980,253.44 U.S. currency and:

The following real property:

- A. 360 Chapel Heights Road  
Sewell, New Jersey

The following personal property:

- B. 2009 Acura MDX  
VIN 2HNYD28489H519116
- C. 2010 Chevrolet Traverse  
VIN 1GNLVFED4AS101715

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,  
United States Code, Section 981(a)(1)(C).

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER  
UNITED STATES ATTORNEY**