

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>JONATHAN PAUL WIKTORCHIK</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 844(i) (malicious damage by means of fire of a building used in interstate commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 844(h) (use of fire to commit a felony - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1341 (mail fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1001(a) (false statement - 3 counts)</b>
	<b>:</b>	<b>26 U.S.C. § 7212 (obstruction of administration of Internal Revenue Code - 1 count)</b>

**INDICTMENT**

**COUNT ONE**

*Arson: Malicious Damage and Destruction of Buildings and Equipment by Fire*

**THE GRAND JURY CHARGES THAT:**

**Introduction**

At all times material to this indictment:

1. Defendant JONATHAN PAUL WIKTORCHIK and his wife, H.W. owned and operated a chiropractic office, known as “Upper Bucks Chiropractic Center,” located at 2544 Mountain View Road, in Nockamixon Township, Bucks County, in the Eastern District of Pennsylvania.

2. The real property at 2540 - 48 Mountain View Road, in Nockamixon Township, consisted of a one-story strip mall-type building owned by Meadow Investment Group, which leased space to several businesses, including:

- (a) Valley Auto Supply,
- (b) Ink Additions Tattoo Parlor,
- (c) The Sportsman's Table, and
- (d) and E-Clips,

in addition to defendant JONATHAN WIKTORCHIK's chiropractic office, the Upper Bucks Chiropractic Center. Three of these businesses also were commercial ventures, the activities of which affected interstate commerce in that "The Sportsman's Table" sold their products to customers outside the Commonwealth of Pennsylvania; "Valley Auto Supply" received its products by tractor-trailer from outside the Commonwealth of Pennsylvania; and Upper Bucks Chiropractic Center purchased vitamins from New Jersey for sale to their patients.

3. Defendant JONATHAN PAUL WIKTORCHIK maintained a \$212,200 insurance policy on the chiropractic business issued on May 25, 2007, by Maryland Casualty Company, *t/a* Zurich American Insurance Company ("Zurich"). Zurich was a provider of insurance based in the Commonwealth of Maryland, with corporate headquarters located in the State of Illinois, and which was licensed by the Commonwealth of Pennsylvania to issue insurance policies.

4. On or about June 7, 2007, defendant JONATHAN PAUL WIKTORCHIK pleaded guilty to a felony in Bucks County Court of Common Pleas, in Doylestown. As a result, defendant WIKTORCHIK business' began to experience a loss of income.

5. On or about January 24, 2008, defendant JONATHAN PAUL WIKTORCHIK's chiropractic license was suspended by order of the Commonwealth of Pennsylvania Board of Chiropractic.

6. Following defendant JONATHAN PAUL WIKTORCHIK's guilty plea on or about June 7, 2007, and the suspension of his chiropractic license on or about January 24, 2008, defendant WIKTORCHIK's chiropractic business experienced a significant loss of income due, in part to a reduction in reimbursable patient fees from Independence Blue Cross.

7. On or about March 30, 2008, a fire destroyed the entire Mountain View Plaza, located at 2540 - 48 Mountain View Road, Nockamixon Township, in Bucks County, PA.

8. At the time of the fire, defendant JONATHAN PAUL WIKTORCHIK had sustained a significant loss of income from his chiropractic practice.

9. On or about March 30, 2008, defendant JONATHAN PAUL WIKTORCHIK used an accelerant, that is, gasoline, to set fire to his business, the Upper Bucks Chiropractic Center.

10. On or about March 30, 2008, in Nockamixon Township, Bucks County, in the Eastern District of Pennsylvania, defendant

**JONATHAN PAUL WIKTORCHIK**

maliciously damaged and destroyed, by means of fire, a building and equipment contained therein, used in interstate commerce and in activities affecting interstate commerce, that is, each of the following business located in the Mountain View Road strip mall located in Nockamixon Township, Bucks County, Pennsylvania:

- (a) Valley Auto Supply, 2540 Mountain View Road,
- (b) Ink Additions Tattoo Parlor,
- (c) The Sportsman's Table, and E-Clips ,2546 Mountain View Road,
- (d) The Upper Bucks Chiropractic Center, 2544 Mountain View Road.

All in violation of Title 18, United States Code, Section 844(i).

**COUNT TWO**

***Knowing Use of Fire and an Explosive to Commit a Felony***

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs One through Nine of Count One of this indictment are incorporated here.
2. On or about March 30, 2008, in Nockamixon Township, Bucks County, in the Eastern District of Pennsylvania, defendant

**JONATHAN PAUL WIKTORCHIK**

knowingly used fire and explosive to commit a felony, that is, mail fraud, which may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, Section 844(h).

**COUNT THREE**

***Mail Fraud***

**THE GRAND JURY FURTHER CHARGES THAT:**

At times material to this indictment:

1. Paragraphs One through Nine of Count One of this indictment are incorporated here.
2. Maryland Casualty Company, *t/a* Zurich American Insurance Company (“Zurich”) was a provider of insurance based in the Commonwealth of Maryland, with corporate headquarters located in the State of Illinois, and which was licensed by the Commonwealth of Pennsylvania to issue insurance policies.
3. Defendant JONATHAN PAUL WIKTORCHIK purchased an insurance policy from Zurich in the amount of \$212,200 for his chiropractic practice known as “Upper Bucks Chiropractic Center, located at 2544 Mountain View Road, Nockamixon Township, Bucks County, Pennsylvania

**THE SCHEME**

4. From in or about March 2008, to on or about May 2, 2008, defendant  
**JONATHAN PAUL WIKTORCHIK**  
devised and intended to devise a scheme to defraud Maryland Casualty Company, *t/a* Zurich American Insurance Company (“Zurich”) and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

**MANNER AND MEANS**

It was part of the scheme that:

5. On or about March 30, 2008, defendant JONATHAN PAUL WIKTORCHIK used gasoline to ignite a fire which completely destroyed the real property located at 2540 - 48 Mountain View Road, Nockamixon Township, Bucks County.

6. After the fire, defendant JONATHAN PAUL WIKTORCHIK prepared and filed a proof of loss claim with Maryland Casualty Company, *t/a* Zurich American Insurance Company (“Zurich”) in accordance with the terms and conditions of the insurance policy.

7. Defendant JONATHAN PAUL WIKTORCHIK caused Zurich Insurance to mail a check in the amount of approximately \$50,000 to him as an advance partial payment on the insurance policy issued on May 25, 2007.

8. On or about May 2, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

**JONATHAN PAUL WIKTORCHIK,**

for the purpose of executing the scheme described above, and attempting to do so, knowingly placed in an authorized depository for mail matter any matter or thing to be sent and delivered by the Postal Service according to the directions thereon, the following: An envelope from defendant’s home address in Southampton, Pennsylvania, to Zurich American Insurance Company, containing a Sworn Statement in Partial Proof of Loss

All in violation of Title 18, United States Code, Section 1341.

**COUNT FOUR**

***False Statements to Federal Investigators***

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs One through Nine of Count One of this indictment are incorporated here.
2. On or about March 30, 2008, in Southampton, in the Eastern District of Pennsylvania, defendant

**JONATHAN PAUL WIKTORCHIK,**

in a matter within the jurisdiction of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, an agency of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, that is:

- (1) defendant WIKTORCHIK falsely denied to investigators that he started the fire, on or about March 30, 2009, when as the defendant knew, he had used gasoline to ignite a fire at his chiropractic practice, all in order to terminate his lease with Meadows Investment Group and to receive an insurance payment for the damage caused by the fire to his chiropractic practice to which he was not entitled;
- (2) defendant WIKTORCHIK falsely denied to investigators that he was at the scene of the fire and explosion at his chiropractic practice on March 30, 2008; and
- (3) defendant WIKTORCHIK falsely explained to investigators that from Friday night March 28, 2008 through the morning of March 30, 2008, he was on a camping trip with his son and others and never left the campsite the entire

weekend, when, as the defendant knew, he left the campsite in the early morning hours of March 30, 2008, drove to his chiropractic practice, and started the fire and caused the explosion that consumed his business and others;

each statement, which defendant knew was false, was intended to obstruct and impede the investigation into the arson and fire, which occurred on or about March 30, 2008, and which destroyed a number of businesses, including but not limited to, the Upper Bucks Chiropractic Center.

In violation of Title 18, United States Code, Section 1001(a).

**COUNT FIVE**

***False Statements to Federal Investigators***

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs One through Nine of Count One of this indictment are incorporated here.
2. On or about April 16, 2008, in Dublin, in the Eastern District of Pennsylvania, defendant

**JONATHAN PAUL WIKTORCHIK,**

in a matter within the jurisdiction of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, an agency of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, that is:

- (1) defendant WIKTORCHIK falsely explained to investigators that from Friday night March 28, 2008 through the morning of March 30, 2008, he was on a camping trip with his son and others and never left the campsite the entire weekend, when as defendant knew he left the campsite in the early morning hours of March 30, 2008, drove to his chiropractic practice, and started the fire and caused the explosion that consumed his business and others; and
- (2) defendant WIKTORCHIK falsely explained to investigators that he received a burn on his face on March 29, 2008 was a wood burning stove that he used between 10:30 and 11:00 p.m. on March 29, 2008, when, as defendant knew, he was burned when he started the fire and explosion that consumed his chiropractic office and others,

each statement, which defendant knew was false, was intended to obstruct and impede the investigation into the arson and fire, which occurred on or about March 30, 2008, and which destroyed a number of businesses, including but not limited to, the Upper Bucks Chiropractic Center.

In violation of Title 18, United States Code, Section 1001(a).

## COUNT SIX

### *False Statements to Federal Investigators*

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

1. Paragraphs One through Nine of Count One of this indictment are incorporated here.
2. On or about May 29, 2008, in Upper Southampton, in the Eastern District of Pennsylvania, defendant

#### **JONATHAN PAUL WIKTORCHIK,**

in a matter within the jurisdiction of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, an agency of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, that is:

- (1) defendant WIKTORCHIK falsely claimed to investigators that he received a burn on his face on March 29, 2008 after loading a wood burning stove between 10:30 and 11:00 p.m.;
- (2) defendant WIKTORCHIK falsely claimed to investigators that on March 30, 2008, after he drove from the campsite to his chiropractic office to check on the heater in his office, he was assaulted and rendered unconscious by an unknown Spanish-speaking assailant; and
- (3) defendant WIKTORCHIK falsely claimed to investigators that on March 30, 2008, that he heard at least three unknown Spanish-speaking persons inside his office, saying “viva trece,” [long live 13] after which when he attempted to open the door to his office, he saw a large blue flash and there was an explosion;

each statement, which defendant knew was false, was intended to obstruct and impede the investigation into the arson and fire, which occurred on or about March 30, 2008, and which destroyed a number of businesses, including but not limited to, the Upper Bucks Chiropractic Center.

All in violation of Title 18, United States Code, Section 1001(a).

**COUNT SEVEN**

***Obstruction of Internal Revenue Service***

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 17, 2008, in Doylestown, Bucks County, in the Eastern District of Pennsylvania, defendant

**JONATHAN PAUL WIKTORCHIK**

corruptly endeavored to obstruct and impede, and aided, abetted and willfully caused the obstruction and impeding of, the due administration of the Internal Revenue Code, Title 26 of the United States Code, by falsely telling a federal revenue agent of the Internal Revenue Service (IRS) that all of the tax records of his business, the Upper Bucks Chiropractic Center, including receipts and disbursements for the business, for the 2005 tax year were destroyed in a fire, on or about March 30, 2008, when, as the defendant knew, the 2005 tax records were stored in his residence, all for the purpose of evading the Internal Revenue Service Notice of Examination served on the defendant and his wife on or about February 12, 2008, which would result in the concealment from the IRS of income received from the business.

All in violation of Title 26, United States Code, Section 7212(a), and Title 18, United States Code, Section 2.

**A TRUE BILL:**

**GRAND JURY FOREPERSON**

**MICHAEL L. LEVY**  
*United States Attorney*