

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** February 10, 2011  
**JASON GUSOFF** : **VIOLATIONS:**  
**JOSEPH BRAUBITZ** : **18 U.S.C. § 371 (conspiracy to commit**  
: **arson - 1 count)**  
: **18 U.S.C. § 844(i) (malicious destruction**  
: **of a building by fire - 1 count)**  
: **18 U.S.C. § 1341 (mail fraud - 2 counts)**  
: **18 U.S.C. § 844(h) (use of fire to commit a**  
: **federal felony - 1 count)**  
: **18 U.S.C. § 2 (aiding and abetting)**  
: **Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. In or about November 2007, defendant JASON GUSOFF purchased JW Tanning d/b/a California Tanning Salon, located at 6573 Roosevelt Boulevard, Philadelphia, Pennsylvania, which was a business engaged in interstate commerce, providing tanning services to clients, using products produced in and transported from other states to Pennsylvania.

2. California Tanning Salon was insured through an insurance policy (“the California Tanning Salon insurance policy”) with Zurich North America Insurance Company, whose headquarters are located in Schaumburg, Illinois.

3. The California Tanning Salon insurance policy with Zurich North America Insurance Company provided coverage in the event of accidental fire at California Tanning Salon in the amount of \$260,000, which consisted of \$130,000 in coverage for business

income and \$130,000 in coverage for contents of the business.

4. From at least on or about July 21, 2008 through on or about December 18, 2008, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JASON GUSOFF and  
JOSEPH BRAUBITZ**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, namely, to maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a building and equipment therein, used in interstate commerce and in activities affecting interstate commerce, that is, California Tanning Salon, located at 6543 Roosevelt Boulevard, Philadelphia, Pennsylvania, in violation of Title 18, United States Code, Section 844(i).

**MANNER AND MEANS**

5. It was part of the conspiracy that defendant JASON GUSOFF obtained the services of defendant JOSEPH BRAUBITZ to set fire to California Tanning Salon.

6. It was further part of the conspiracy that defendant JASON GUSOFF submitted and caused to be submitted requests for payment of insurance proceeds from Zurich North America Insurance Company to defendant GUSOFF, making materially false representations that defendant GUSOFF was not responsible for the loss caused by the fire to California Tanning Salon.

## OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants JASON GUSOFF and JOSEPH BRAUBITZ committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

1. On July 30, 2008, defendants JASON GUSOFF and JOSEPH BRAUBITZ spoke at least four times via cellular phone.

2. On July 30, 2008, defendant JOSEPH BRAUBITZ, acting at the direction of defendant JASON GUSOFF, entered through the rear door of California Tanning Salon and set fire to the building.

3. On October 6, 2008, defendant JASON GUSOFF signed and submitted a proof of loss statement to Zurich North America Insurance Company requesting an advance payment on the California Tanning Salon insurance policy, in the amount of \$75,000.00, claiming a loss on behalf of California Tanning Salon, and representing that the loss did not originate by any act, design or procurement on defendant GUSOFF's part.

4. On October 14, 2008, as a result of the proof of loss statement submitted by defendant JASON GUSOFF on October 6, 2008, Zurich North America Insurance Company sent, via the United States Mail, check number 1100528478, in the amount of \$75,000.00, payable to JW Tanning.

5. On December 17, 2008, defendant JASON GUSOFF signed and submitted a proof of loss statement to Zurich North America Insurance Company requesting the balance of the payment due on the California Tanning Salon insurance policy, in the amount of \$30,486.00, claiming a loss on behalf of California Tanning Salon, and representing that the loss did not

originate by any act, design or procurement on defendant GUSOFF's part.

6. On December 18, 2008, as a result of the proof of loss statement submitted by defendant JASON GUSOFF on December 17, 2008, Zurich North America Insurance Company sent via the United States Mail, check number 1100543807, in the amount of \$30,486.00, payable to JW Tanning d/b/a California Tanning Salon.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**THE GRAND JURY CHARGES THAT:**

1. Paragraphs 1 through 3, 5 and 6, and Overt Acts 1 through 6 of Count One of this indictment are incorporated here.
2. On or about July 30, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JASON GUSOFF and  
JOSEPH BRAUBITZ**

maliciously damaged and destroyed, and attempted to damage and destroy, and aided and abetted in maliciously damaging and destroying, by means of fire, a building and equipment contained therein, used in interstate commerce and in activities affecting interstate commerce, that is, California Tanning Supply, located at 6543 Roosevelt Boulevard in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i) and 2.

**COUNTS THREE AND FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 3, and Overt Acts 1 through 6 of Count One of this indictment are incorporated here.
2. Between on or about July 22, 2008 through on or about December 18, 2008, defendant

**JASON GUSOFF**

devised and intended to devise a scheme to defraud Zurich North America Insurance Company, 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:

3. Defendant JASON GUSOFF obtained the services of another, namely JOSEPH BRAUBITZ, to intentionally set fire to California Tanning Salon.
4. Defendant JASON GUSOFF submitted and caused to be submitted requests for payment of insurance proceeds from Zurich North America Insurance Company to defendant GUSOFF, making materially false representations that defendant GUSOFF was not responsible for the loss caused by the fire to California Tanning Salon.
5. On or about the dates listed below (each date constituting a separate count of this indictment), in the Eastern District of Pennsylvania, and elsewhere, defendant

**JASON GUSOFF,**

for the purpose of executing the scheme or artifice described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by United States mail,

according to the directions thereon, checks made payable to defendant GUSOFF from Zurich North America Insurance Company in payment of defendant GUSOFF's false and fraudulent insurance claims, as follows:

<b>COUNT</b>	<b>APPROX. DATE OF MAILING OF CHECK</b>	<b>CHECK NUMBER</b>	<b>AMOUNT OF CHECK</b>
3	10/14/08	110528478	\$75,000.00
4	12/18/08	110543807	\$ 30,486.00

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 30, 2008, in the Eastern District of Pennsylvania, defendant

**JASON GUSOFF**

knowingly used fire, and aided and abetted the knowing use of fire, to commit mail fraud as charged in Counts Three and Four of this indictment, felonies for he may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, Sections 844(h) and 2.



**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 844(i), 844(h) and 1341 as set forth in this indictment, defendants JASON GUSOFF and JOSEPH BRAUBITZ shall forfeit to the United States of America any property that constitutes or is derived from gross proceeds traceable to the commission of such offenses, including, but not limited to, the sum of \$105,486.00

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; or
- (d) has been substantially diminished in value;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), 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 982(a)(2).

**A TRUE BILL:**

\_\_\_\_\_  
**GRAND JURY FOREPERSON**

\_\_\_\_\_  
**ZANE DAVID MEMEGER**  
**UNITED STATES ATTORNEY**