

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
 :
 : Criminal No. 17-
 v. :
 :
 : 18 U.S.C. § 1343
 HARRY WOLFMULLER :

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Relevant Individuals and Entities

1. At all times relevant to this Information:
 - a. “Company A” was an orthopedic care provider with offices in, among other places, Ocean and Monmouth Counties, New Jersey.
 - b. Defendant Harry Wolfmuller (“WOLFMULLER”) was a resident of Ocean County, New Jersey and the Chief Financial Officer (“CFO”) of Company A. As CFO, defendant WOLFMULLER had access to and control over Company A’s bank accounts and accounting records.
 - c. “Bank A” was a depository bank with branch locations in New Jersey and elsewhere. Company A maintained operating and payroll accounts at Bank A.

The Scheme to Defraud

2. From in or about 2007 through in or about 2015, in Ocean County, in the District of New Jersey, and elsewhere, defendant

HARRY WOLFMULLER

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud Company A, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Goal of the Scheme to Defraud

3. The goal of the scheme to defraud was for defendant WOLFMULLER to profit unlawfully by converting funds from Company A and using those funds for personal expenses.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme to defraud that on numerous dates during the time charged in this Information, defendant WOLFMULLER went to Bank A and presented checks made payable to "Petty Cashier" (the "Petty Cashier Checks") that were drawn against Company A's principal operating account. The Petty Cashier Checks usually were in the amounts of between approximately \$500 and \$1,000. Bank A cashed the Petty Cashier Checks for defendant WOLFMULLER, drawing from funds in Company A's account.

5. It was further part of the scheme and artifice to defraud that defendant WOLFMULLER used the money that he received from the Petty Cashier Checks for personal expenses, including paying for meals at restaurants, golf, and other personal social activities, and unauthorized

business expenses. Defendant WOLFMULLER also used Company A's funds for gambling and purchasing scratch off lottery tickets.

6. It was further part of the scheme and artifice to defraud that defendant WOLFMULLER misrepresented to Company A the nature and circumstances of the Petty Cashier Check transactions by recording those transactions in Company A's accounting records as business expenses when, in reality, he spent those funds on his own personal uses.

Execution of the Scheme

7. On or about July 22, 2015, in Ocean County, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute the scheme and artifice to defraud, defendant

HARRY WOLFMULLER

did knowingly and intentionally transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce writings, signs, signals, pictures, and sounds, namely, an electronic wire transfer of funds that defendant WOLFMULLER had misappropriated from Company A from defendant WOLFMULLER's personal bank account in New Jersey through that bank's computer servers in California to a bank account owned by a family member of defendant WOLFMULLER.

In violation of Title 18, United States Code, Section 1343 and Section 2.

Forfeiture Allegation

1. The allegations contained in all paragraphs of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense charged in this Information, defendant WOLFMULLER 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(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, and all property traceable to such property.

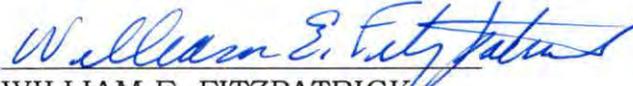
3. If by any act or omission of defendant WOLFMULLER, any of the property subject to forfeiture herein:

- 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

subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by 28 U.S.C. § 2461(c).

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


WILLIAM E. FITZPATRICK
Acting United States Attorney

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UNITED STATES OF AMERICA

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INFORMATION FOR

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