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AT 8:30 _____ M
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

7/31/18
12:00 p.m.

UNITED STATES OF AMERICA : Hon.
: :
: : Criminal No. 18- 443 (AET)
v. : :
: : 18 U.S.C. §§ 1343 & 2

DANIEL RIVERA

INDICTMENT

The Grand Jury, in and for the District of New Jersey, sitting at Newark,
charges:

COUNTS ONE THROUGH THREE
(Wire Fraud)

BACKGROUND

1. At various times relevant to this Indictment:

a. Defendant DANIEL RIVERA was a resident of Staten Island, New York and Hillsborough, New Jersey. Defendant DANIEL RIVERA controlled and was the principal of Rivera & Associates, a/k/a Strategic Wealth Partners of New Jersey, and Daniel Rivera, Inc., through which he sold insurance products and annuities. Defendant DANIEL RIVERA also was affiliated with Horter Investment Management, LLC. Defendant DANIEL RIVERA maintained his office for each of these businesses in Bridgewater, New Jersey.

b. Individual A was a resident of Saylorsburg, Pennsylvania.

Individual A founded Robbins Lane Properties Inc. ("Robbins Lane") with defendant DANIEL RIVERA, and was its sole owner, sole officer and President.

c. Robbins Lane was incorporated in Pennsylvania in or around February 2008. The company was used as a vehicle through which defendant DANIEL RIVERA perpetrated his fraud.

d. Company A was a financial services company that served as a self-directed investment retirement account (“IRA”) custodian or a “passive custodian” of investor funds, which allowed IRA holders to engage in non-traditional investments, such as real estate.

THE SCHEME TO DEFRAUD

2. From at least as early as in or around 2008 through in or around 2017, in the District of New Jersey, and elsewhere, the defendant,

DANIEL RIVERA,

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

GOAL OF THE SCHEME

2. The goal of the scheme and artifice to defraud was for defendant DANIEL RIVERA to unlawfully enrich himself by misappropriating money from investors for his personal use and benefit by making materially false representations, and omitting to state material facts, concerning, among other things, the use of investors’ funds and the profitability of the investments made through defendant DANIEL RIVERA.

MANNER AND MEANS OF THE SCHEME

3. It was part of the scheme and artifice to defraud that defendant

DANIEL RIVERA solicited elderly investors and others, in New Jersey and elsewhere, to invest funds in Robbins Lane.

4. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA misrepresented the nature and performance record of Robbins Lane, including the nature of Robbins Lane's business, Robbins Lane's rates of return, and the suitability of the investment for "senior investors," for the purpose of further inducing the victims to invest money in Robbins Lane.

5. It was further part of the scheme and artifice to defraud that, in or around 2008, defendant DANIEL RIVERA created a Robbins Lane brochure that he provided to several Robbins Lane investors, knowing that the information set forth therein was false. The brochure's false statements included that Robbins Lane:

a. "provid[ed] an opportunity for the senior investor to share in the profits from prudent investments in real estate;"

b. sought out and positioned undervalued "properties for redevelopment or immediate resale at profit yields markedly above market average;"

c. allowed "senior investors . . . to share in [Robbins Lane's] investment portfolio by lending [it] money to invest in real estate;"

d. gave "the senior investor a guaranteed monthly income for a contracted amount of time;"

e. had a "rate of return [that was] based on secure real estate

investments in the Robbins Lane portfolio”; and

f. had “a record of success.”

6. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA repeated these misrepresentations to potential investors during meetings in their homes, in his office in Bridgewater, New Jersey, and at a presentation at a restaurant in Bridgewater, New Jersey.

7. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA created documents relating to their investments in Robbins Lane that were titled, “Promissory Note.” Each Promissory Note stated that Robbins Lane would pay the investor a predetermined amount of principal by a date certain — typically several years after the investment — along with interest.

8. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA met with individual investors, and encouraged some of them to invest in Robbins Lane by transferring their retirement savings or other funds into a self-directed IRA account held at Company A.

9. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA, and investors acting at his direction, provided Company A with documents causing Company A to wire investor funds to Robbins Lane’s bank account.

10. It was further part of the scheme and artifice to defraud that Robbins Lane received investor funds via check and wire transfer into its bank accounts.

11. It was further part of the scheme and artifice to defraud that after receiving investor funds based on the various false representations he made about Robbins Lane, defendant DANIEL RIVERA misappropriated those funds, using them to, among other things, pay personal debts, pay for defendant DANIEL RIVERA's unrelated business expenses, and to pay his child's college tuition and sorority fees.

12. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA made various false excuses and other misrepresentations to the victims to conceal his misappropriation of their funds and to continue to mislead the victims into believing that their money was securely invested with Robbins Lane.

13. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA lulled and persuaded investors to maintain their investments and to invest additional funds with him and/or Robbins Lane by directing Individual A and Company A to distribute periodic payments – either by wire transfer or via check sent by mail – to investors as a supposed return of principal and profits. In reality, the money used to make these payments came from some of the victims, and not from profits.

14. On or about the dates set forth below, in Essex County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, the defendant,

DANIEL RIVERA,

did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce the following writings, signs, signals, pictures, and sounds, each constituting a separate count of this Indictment:

Count	Approximate Date	Description
One	February 26, 2014	\$50,000 wire transmission between New Jersey and Missouri
Two	April 30, 2014	\$50,000 wire transmission between New Jersey and Missouri
Three	November 26, 2014	\$70,000 wire transmission between New Jersey and Virginia

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

FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH THREE

1. The allegations contained in this Indictment are incorporated by reference as though set forth in full herein 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.

2. Upon conviction of the offenses charged in Counts One through Three of this Indictment, the government will seek forfeiture from defendant DANIEL RIVERA, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Sections 1343 and 2 alleged in Counts One through Three this Indictment.

3. If by any act or omission of defendant DANIEL RIVERA 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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c),

to seek forfeiture of any other property of defendant DANIEL RIVERA up to the value of the property described in this forfeiture allegation.

A TRUE BILL




CRAIG CARPENITO
United States Attorney

CASE NUMBER: 18- 443 (AET)

**United States District Court
District of New Jersey**

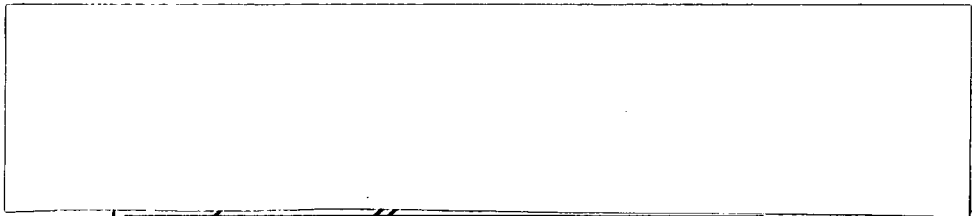
UNITED STATES OF AMERICA

v.

DANIEL RIVERA

INDICTMENT FOR

18 U.S.C. §§ 1343 & 2



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