

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:13-CR-355-T-30TGW

MICHAEL MOSHE SHIMSHONI

15 U.S.C. §§ 2615(b), 2689

42 U.S.C. § 4852d(b)(5)

18 U.S.C. § 1519

18 U.S.C. § 2

**SUPERSEDING INDICTMENT**

The Grand Jury charges:

**COUNTS ONE through FOUR**

**(Failure to Provide Prescribed Lead Paint  
Warning Notice – 15 U.S.C. § 2615(b))**

At times material to Counts One through Four:

1. Defendant Michael Moshe Shimshoni owned, managed, and offered commercial and residential properties for lease through Pinellas Properties, Inc. and Affordable Realty and Property Management, Inc., among other entities. Using entities under his control, Shimshoni leased residential rental units located at 1075 17<sup>th</sup> Avenue North, 1831 Dr. Martin Luther King, Jr. Street South, 863 14th Avenue South, and elsewhere in St. Petersburg to tenants.

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2. The U.S. Environmental Protection Agency ("EPA") was an Executive Branch agency of the United States charged with, among other things, the administration of the Lead Hazard Reduction Act, the Toxic Substance Control Act, and related provisions, including federal laws and regulations concerning lead-based paint exposure and removal. Lead is a highly toxic metal that may cause a wide range of health problems, especially in young children.

3. Federal law and regulations required that landlords must provide a prospective tenant of certain "target housing" built prior to 1978, before a tenant is obligated under any lease, with:

- a. A Lead Warning Statement with the following language:

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention;
- b. A statement by the landlord disclosing the presence of any known lead-based paint and/or lead-based paint hazards in the target housing or indicating no knowledge of the presence of lead-based paint and/or lead-based hazards;
- c. A list of records or reports of lead-based paint and/or lead-based paint hazards or an indication that no records or reports are available; and,

- d. A statement by the tenant affirming the receipt of a lead hazard information pamphlet approved by the EPA alerting tenants of the dangers of lead paint and measures to reduce the risk of lead-based hazards.

4. The buildings situated on 1075 17<sup>th</sup> Avenue North, 1831 Dr. Martin Luther King, Jr. Street South, and 863 14th Avenue South were all constructed prior to 1978 and each property housed multiple rental units offered for lease by Shimshoni and corporate entities under his control.

5. On or about the dates listed below, in St. Petersburg within the Middle District of Florida,

**MICHAEL MOSHE SHIMSHONI,**

the defendant herein, knowingly and willfully failed, and knowingly and willfully caused the failure, to provide the prescribed lead paint hazard warning notices and federally approved lead paint hazard brochures to lessees of the properties set forth as to each count below:

<b>Count</b>	<b>On or about date</b>	<b>Property address</b>	<b>Initials of lessee</b>
One	April 1, 2009	1075 17 <sup>th</sup> Avenue North, Unit A	C.K.
Two	June 1, 2011	1075 17 <sup>th</sup> Avenue North, Unit D	S.H.
Three	December 1, 2011	1075 17 <sup>th</sup> Avenue North, Unit F	J.P.
Four	March 1, 2012	1075 17 <sup>th</sup> Avenue North, Unit E	E.H.

All in violation of Title 15, United States Code, Sections 2615(b) and 2689, Title 42, United States Code, Section 4852d(b)(5), and Title 40, Code of Federal Regulations, Sections 745.107(a)(1), 745.113(b)(1), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**(Alteration or Falsification of Records  
in a Federal Investigation – 18 U.S.C. § 1519)**

6. On or about May 21, 2012, in the Middle District of Florida,

MICHAEL MOSHE SHIMSHONI,

the defendant herein, did knowingly alter, falsify, and make a false entry in a record and document, and did aid and abet the same, by producing backdated "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards" forms, with the intent to impede, obstruct, and influence the investigation and proper administration of, and in relation to and contemplation of, a matter within the jurisdiction of an agency of the United States, that is: the Environmental Protection Agency's investigation and proper administration of the Lead Hazard Reduction Act, the Toxic Substance Control Act, and related provisions.

In violation of Title 18, United States Code, Sections 1519 and 2.

**COUNT SIX**

**(Alteration or Falsification of Records  
in a Federal Investigation – 18 U.S.C. § 1519)**

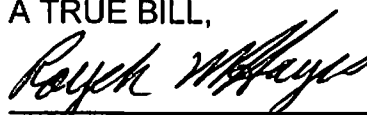
7. On or about May 30, 2012, in the Middle District of Florida,

MICHAEL MOSHE SHIMSHONI,

the defendant herein, did knowingly alter, falsify, and make a false entry in a record and document, and did aid and abet the same, by producing backdated "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards" forms, with the intent to impede, obstruct, and influence the investigation and proper administration of, and in relation to and contemplation of, a matter within the jurisdiction of an agency of the United States, that is: the Environmental Protection Agency's investigation and proper administration of the Lead Hazard Reduction Act, the Toxic Substance Control Act, and related provisions.

In violation of Title 18, United States Code, Sections 1519 and 2.

A TRUE BILL,



Foreperson

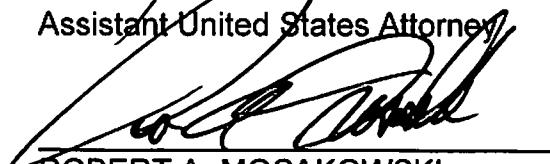
A. LEE BENTLEY, III  
Acting United States Attorney

By:



MATTHEW J. MUELLER  
Assistant United States Attorney

By:



ROBERT A. MOSAKOWSKI  
Assistant United States Attorney  
Chief, Economic Crimes

FORM OBD-34  
APR 1991

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**UNITED STATES DISTRICT COURT**  
Middle District of Florida  
Tampa Division

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THE UNITED STATES OF AMERICA

vs.

MICHAEL MOSHE SHIMSHONI

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**INDICTMENT**

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Violations:

15 U.S.C. §§ 2615(b), 2689  
42 U.S.C. § 4852d(b)(5)  
18 U.S.C. § 1519

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A true bill,

  
Foreperson

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Filed in open court this 12<sup>th</sup> day

of December 2013.

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Clerk

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Bail \$ \_\_\_\_\_

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