

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 13-____**
v. : **DATE FILED:**
LAWRENCE NICOLETTI : **VIOLATION:**
: **18 U.S.C. § 641 (conversion of government**
: **funds – 1 count)**
: **Notice of Forfeiture**

I N F O R M A T I O N

C O U N T O N E

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Social Security Administration (“SSA”), an agency of the United States, administered certain government benefit programs, including the Retirement and Survivor’s Insurance (“RSI”) benefit program, pursuant to Title 42, United States Code, Sections 401-433.
2. The RSI program was an earned-right program funded through Social Security wage taxes. When an individual worked, that individual paid taxes on his or her wages into the Social Security trust fund. If that individual paid sufficient Social Security taxes to earn sufficient “credits,” as that term was defined for purposes of the Social Security Act, he or she was eligible to receive retirement benefits upon reaching a certain age.
3. RSI payments continued until the individual died.
4. The Office of Personnel Management (“OPM”) was a federal agency that administered the Civil Service Retirement System (“CSRS”) annuity benefits program. Under

this program, CSRS annuity benefits were paid to a covered federal employee, or annuitant, who met certain requirements for entitlement upon retirement from civil service. When the annuitant died, a surviving family member was not entitled to receive the annuity unless he or she applied to, and was approved by, OPM.

5. CSRS annuity benefits were paid from the Civil Service Retirement and Disability Fund, which was funded primarily from payroll contributions paid by civil service workers, and the Federal Government, who made matching contributions. Benefits paid from this fund were disbursed by the United States Department of the Treasury.

6. The father-in-law of defendant LAWRENCE NICOLETTI, identified in this information as "H.W.," was a former United States Postal Service worker who received RSI and CSRS benefits during his lifetime. The SSA and OPM, via the United States Treasury Department, electronically deposited H.W.'s RSI and CSRS payments into a bank account with JPMorgan Chase.

7. H.W. died on or about December 22, 2005.

8. SSA and OPM were not timely notified of H.W.'s death and continued to issue RSI and CSRS payments into his JPMorgan Chase bank account.

9. Defendant LAWRENCE NICOLETTI, who had access to his deceased father-in-law's bank account, improperly received and converted to his own use the RSI and CSRS benefit payments that were intended for the deceased H.W., after H.W.'s death.

10. In or about July and August, respectively, of 2012, subsequent to learning of H.W.'s death, SSA and OPM terminated his RSI and CSRS payments.

11. Between on or about December 22, 2005 and in or about July 2012, defendant LAWRENCE NICOLETTI improperly received and converted to his own use approximately \$31,765 in RSI payments that were intended for H.W., who was deceased, which defendant LAWRENCE NICOLETTI knew he was not entitled to receive.

12. Between on or about December 22, 2005 and in or about August 2012, defendant LAWRENCE NICOLETTI improperly received and converted to his own use approximately \$156,799.70 in CSRS payments that were intended for H.W., who was deceased, which defendant LAWRENCE NICOLETTI knew he was not entitled to receive.

13. Beginning on or about December 22, 2005, and continuing through in or about August 2012, in the Eastern District of Pennsylvania and elsewhere, defendant

LAWRENCE NICOLETTI

knowingly converted to his own use money of the United States in excess of \$1,000, that is, approximately \$188,564.70 in federal government payments, of which \$31,765 was RSI benefit payments, and \$156,799.70 was CSRS benefit payments, that were intended for H.W., who was deceased.

In violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 641, set forth in this information, including but not limited to the sum of \$188,564.70, defendant

LAWRENCE NICOLETTI

shall forfeit to the United States of America:

(a) any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offense.

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;

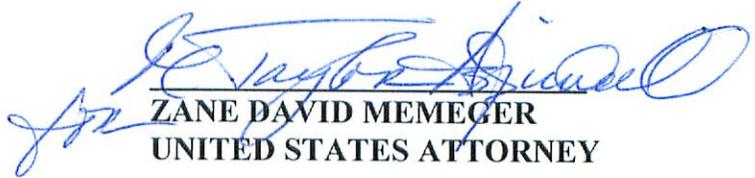
(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

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


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY