

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
v.	:	Criminal No.
MARK CLEVETT and	:	18 U.S.C. § 1349
HAROLD CLEVETT	:	18 U.S.C. § 1343
	:	18 U.S.C. § 371
	:	18 U.S.C. § 641
	:	18 U.S.C. § 2
	:	18 U.S.C. § 981
	:	28 U.S.C. § 2461

I N D I C T M E N T

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

COUNT 1  
(CONSPIRACY TO COMMIT WIRE FRAUD)

Defendants and Other Parties

1. At various times relevant to this Indictment:
  - a. Clevett Worldwide Mailers ("CWW") was a bulk-mailing company located in Succasunna, New Jersey. CWW received mass shipments of advertisements, periodicals, and catalogues from international and domestic clients, and agreed both to prepare the mailings for delivery to the United States Postal Service ("Post Office") and to ensure that the mailings were indeed delivered to the Post Office. CWW charged its clients by each piece of mail and by the total weight of the mail.
  - b. Defendant MARK CLEVETT resided in Randolph, New Jersey and owned CWW.

c. Defendant HAROLD CLEVETT represented himself to customers as an owner of CWW. He was involved in CWW's day-to-day activities, including meetings and telephone calls with clients, business decisions, and directions to CWW employees.

### The Conspiracy

2. From at least as early as in or about 2007 through on or about June 16, 2011, in Morris County, in the District of New Jersey, and elsewhere, defendants

**MARK CLEVETT and  
HAROLD CLEVETT**

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and, for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, and sounds, contrary to Title 18, United States Code, Section 1343.

### Object of the Conspiracy

3. The object of the conspiracy was for MARK CLEVETT and HAROLD CLEVETT to obtain money by falsely and fraudulently representing to certain of CWW's customers that their mailings had been delivered to the Post Office for mailing, when in fact all or some of those mailings had been discarded or destroyed.

### Manner and Means of the Conspiracy

4. It was part of the conspiracy that CWW agreed with customers to perform services related to the preparation and distribution of large-scale mailings. These mailings consisted of anywhere from hundreds to thousands of pieces of mail. CWW promised its customers that their pieces of mail would be mailed. In return, CWW's customers paid fees based upon the total number of pieces mailed and the total weight of the mailings. In fact, defendants HAROLD CLEVETT and MARK CLEVETT invoiced and collected fees from CWW's clients without delivering all of the clients' mailings to the Post Office.

5. It was further part of the conspiracy that MARK CLEVETT and HAROLD CLEVETT decided how much of each customer's mail would actually be delivered to the Post Office, and which portion of each customer's mail would not be so delivered, notwithstanding CWW's obligation to its clients to deliver to the Post Office all of the mail it received.

6. It was further part of the conspiracy that MARK CLEVETT and HAROLD CLEVETT directed CWW employees to throw away the mail that they had decided not to deliver to the Post Office and/or called in a shredding company to haul away and destroy the un-sent mail.

7. It was further part of the conspiracy that MARK CLEVETT and HAROLD CLEVETT assured CWW's clients, mostly via email communications in foreign commerce, sent from New Jersey to the

United Kingdom, that their pieces of mail had actually been mailed. On certain occasions, MARK CLEVETT and HAROLD CLEVETT created and sent to CWW's clients fraudulent Post Office forms purportedly indicating that a client's mail had been delivered to the Post Office for mailing, when in fact it had not been so delivered.

8. It was further part of the conspiracy that, despite destroying a substantial percentage of the mail that they were supposed to deliver, MARK CLEVETT and HAROLD CLEVETT invoiced CWW's clients for the full amount of the mail that they had agreed to deliver and received payments in respect of those invoices. In particular, MARK CLEVETT and HAROLD CLEVETT transmitted, and caused to be transmitted, by means of email wire communications in interstate and foreign commerce, namely the Internet, invoices to CWW's clients requesting payment in connection with the mail that CWW had destroyed in part or in full. Receipt of these invoices caused CWW's clients to generate wire transfers from their respective bank accounts in the United Kingdom to CWW's bank account in New Jersey.

9. It was further part of the conspiracy that MARK CLEVETT and HAROLD CLEVETT, through CWW, received approximately \$1.5 million from CWW's clients for mail that CWW had discarded or destroyed.

All in violation of Title 18, United States Code, Section  
1349.

COUNTS 2 THROUGH 5  
(WIRE FRAUD)

1. The allegations set forth in paragraphs 1 and 3 through 9 of Count 1 of this Indictment are realleged and incorporated as if set forth herein.

2. On or about the dates listed below, in Morris County, in the District of New Jersey, and elsewhere, defendants

MARK CLEVETT and  
HAROLD CLEVETT

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud CWW's clients, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce to New Jersey, certain writings, signs, signals, and sounds, namely the specified wire transfers described below:

<u>Count</u>	<u>Date</u>	<u>Amount Paid to CWW by Client (\$)</u>	<u>Percentage of Client's Mail Discarded or Destroyed</u>	<u>Client</u>	<u>From</u>	<u>To</u>
2	12/10/09	14,281.55	19	MF	United Kingdom	N.J.
3	1/25/10	6,629.98	37	MHI	United Kingdom	N.J.
4	5/24/11	4,765.40	100	IOS	United Kingdom	N.J.
5	07/07/10	31,646.73	40	G3	United Kingdom	N.J.

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

COUNT 6  
(CONSPIRACY TO STEAL GOVERNMENT PROPERTY)

1. The allegations set forth in paragraph 1 of Count 1 of this Indictment are realleged and incorporated as if set forth herein.

The PVDS Program

2. At various times relevant to this Indictment, the Post Office operated the Plant Verified Drop Shipment ("PVDS") program. The PVDS program allowed a bulk-mailer such as CWW to obtain a mailing discount if it transported its mail, at its own expense, from a Post Office entry facility ("Entry Facility") to a Post Office destination facility ("Destination Facility").

3. Pursuant to the PVDS program, a CWW employee would take CWW's mail to the Entry Facility in Dover, New Jersey. At the Entry Facility, a Post Office employee would verify, among other things, the weight and volume of the mailing and would confirm that CWW had paid for the mail it sought to deliver. At that point, CWW was required to transport the mail from the Entry Facility to the Destination Facility, located in Jersey City, New Jersey. At the Destination Facility, a Post Office employee would review paperwork confirming that the mailing had been verified and paid for at the Entry Facility in Dover. Upon reviewing the paperwork, the Post Office employee at the Destination Facility would accept the mail for delivery.

The Conspiracy

4. From at least as early as in or about August 2010 through in or about October 2010, in Morris and Hudson Counties, in the District of New Jersey, and elsewhere, defendants

MARK CLEVETT and  
HAROLD CLEVETT

did knowingly and intentionally conspire and agree with each other and others to commit an offense against the United States, namely, to embezzle, steal, purloin, and without authority, convert to their own use and the use of another, money and things of value of the United States Postal Service, namely United States Postal Service postage, in excess of \$1,000, contrary to Title 18, United States Code, Section 641.

Object of the Conspiracy

5. The object of the conspiracy was for MARK CLEVETT and HAROLD CLEVETT to obtain free postage by falsely and fraudulently representing to the Destination Facility that CWW had previously paid for entire sacks and pallets of mail, when in fact CWW had only paid for a fraction of the mail contained within a given sack or pallet.

Manner and Means of the Conspiracy

6. It was part of the conspiracy that CWW participated in the PVDS program. Through its participation, CWW obtained a mailing discount for transporting its mail, at its own expense, from the Entry Facility to the Destination Facility.

7. It was further part of the conspiracy that, at the direction of HAROLD CLEVETT and MARK CLEVETT, a CWW employee would take sacks and pallets of mail to the Entry Facility in Dover, New Jersey, where the sacks and pallets were weighed and verified by a Post Office employee. Then, at the direction of MARK CLEVETT and HAROLD CLEVETT, instead of going directly to the Destination Facility, the sacks and pallets of mail were returned to CWW's warehouse, whereupon they were stuffed with additional pieces of mail. After adding the additional mail, a CWW employee, again at the direction of MARK CLEVETT and HAROLD CLEVETT, took the new, heavier sacks and pallets of mail to the Destination Facility in Jersey City, New Jersey, for delivery. CWW never paid the Post Office for the added postage.

#### Overt Acts

8. In furtherance of the conspiracy and to effect the object thereof, MARK CLEVETT and HAROLD CLEVETT committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

a. On or about September 30, 2010, a CWW employee submitted to the Entry Facility sacks and pallets containing approximately 3,667 pieces of mail. Then, at the direction of MARK CLEVETT and HAROLD CLEVETT, CWW employees added approximately 1,924 pieces of mail to the already-verified sacks and pallets of mail and submitted the heavier sacks and pallets of

mail to the Destination Facility, resulting in a loss to the Post Office of approximately \$2,716.37.

b. On or about October 8, 2010, a CWW employee submitted to the Entry Facility sacks and pallets containing approximately 10,747 pieces of mail. Then, at the direction of MARK CLEVETT and HAROLD CLEVETT, CWW employees added approximately 10,410 pieces of mail to the already-verified sacks and pallets of mail and submitted the heavier sacks and pallets of mail to the Destination Facility, resulting in a loss to the Post Office of approximately \$10,567.80.

c. On or about October 15, 2010, a CWW employee submitted to the Entry Facility sacks and pallets containing approximately 12,544 pieces of mail. Then, at the direction of MARK CLEVETT and HAROLD CLEVETT, CWW employees added approximately 11,969 pieces of mail to the already-verified sacks and pallets of mail and submitted the heavier sacks and pallets of mail to the Destination Facility, resulting in a loss to the Post Office of approximately \$16,736.21.

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

COUNT 7  
(THEFT OF GOVERNMENT PROPERTY)

1. The allegations set forth in paragraphs 1 through 3 and 5 through 9 of Count 6 of this Indictment are realleged and incorporated as if set forth herein.

2. On or about October 15, 2010, in Morris and Hudson Counties, in the District of New Jersey, and elsewhere, defendants

MARK CLEVETT and  
HAROLD CLEVETT

did knowingly embezzle, steal, purloin, and without authority, convert to their own use and the use of another, money and things of value of the United States Postal Service, namely United States Postal Service postage, in excess of \$1,000.

In violation of Title 18, United States Code, Section 641 and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in all paragraphs of Counts 1 through 7 of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice to the defendants, that upon their conviction of any of the offenses charged in this Indictment, the government will seek forfeiture in accordance with Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to such offenses, including but not limited to a sum of money equal to at least \$1,557,132.95, for which the defendants are jointly and severally liable.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 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 divided without difficulty; the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

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FOREPERSON

Paul J. Fishman/rah  
PAUL J. FISHMAN  
UNITED STATES ATTORNEY