

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
:
: Crim. No. 13-
v. :
:
TODD P. HALPERN : 18 U.S.C. § 1343, § 287, and § 2

INFORMATION

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

COUNT ONE
(Wire Fraud)

1. At all times relevant to this Information:
 - a. Defendant TODD P. HALPERN resided in or near Livingston, New Jersey;
 - b. Defendant HALPERN was an accountant and the sole owner and operator of A & V Financial ("A & V"), a tax preparation business located in Guttenberg, New Jersey;
 - c. Defendant HALPERN was also the sole owner and operator of TGB Realty Services LLC ("TGB"), which was a shell company with no operations, employees, or assets other than a bank account, over which HALPERN had sole signatory authority.

The Scheme to Defraud

2. From as early as in or about January 2008 to in or about May 2012, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

TODD P. HALPERN,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, which scheme affected financial institutions, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth below.

Object of the Scheme to Defraud

3. The object of the scheme to defraud was for defendant HALPERN and his co-schemers to obtain money and property from mortgage lenders and other financial institutions by making materially false and fraudulent representations.

Methods and Means of the Scheme to Defraud

4. It was part of the scheme and artifice to defraud that defendant HALPERN prepared false documents for numerous fraudulent mortgage loans primarily involving residential properties in New Jersey, as well as other personal and business loans from various financial institutions.

False Document Maker

5. Specifically, defendant HALPERN prepared Forms W-2, bank statements, and tax returns showing inflated income and asset balances to be used to support loan applications for borrowers,

including himself, to acquire mortgage and other loans from financial institutions.

6. It was further part of the scheme and artifice to defraud that defendant HALPERN prepared false pay stubs, which were made to appear to be from a well-known global payroll service company in order to make the false documents prepared by defendant HALPERN appear legitimate to mortgage lenders and other financial institutions.

7. It was further part of the scheme and artifice to defraud that defendant HALPERN prepared false bank statements, which also were made to appear to be from well-known financial institutions in order to make the false documents prepared by defendant HALPERN appear legitimate to mortgage lenders and other financial institutions.

8. It was further part of the scheme and artifice to defraud that defendant HALPERN used a false tax preparer identification number, in order to conceal his preparation of false tax returns on behalf of the borrowers.

9. It was further part of the scheme and artifice to defraud that defendant HALPERN exchanged email communications with his co-schemers related to the production and transmittal of the false documents that defendant HALPERN prepared. These emails were transmitted in interstate commerce.

10. It was further part of the scheme and artifice to defraud that defendant HALPERN and his co-schemers caused the false

documents prepared by defendant HALPERN to be submitted to mortgage lenders, other financial institutions, the U.S. Department of Housing and Urban Development ("HUD"), and the Federal Housing Administration ("FHA"), which were relied upon for the approval of mortgage and other loans to borrowers.

11. It was further part of the scheme and artifice to defraud that defendant HALPERN was paid by his co-schemers for preparing the false documents used to secure the mortgage and other loans.

215 Newark Avenue

12. It was further part of the scheme and artifice to defraud that, on or about November 30, 2009, defendant HALPERN served as the buyer for the short sale of 215 Newark Avenue, Bloomfield, New Jersey (the "Newark Avenue Property"), from seller B.S. for a purchase price of approximately \$185,000. In support of defendant HALPERN's purchase of the Newark Avenue Property, an FHA-insured mortgage loan for defendant HALPERN in the amount of approximately \$181,649 was obtained from a New Jersey-based mortgage company (the "Mortgage Company").

13. It was further part of the scheme and artifice to defraud that defendant HALPERN and his co-schemers submitted and caused to be submitted numerous fraudulent documents to the Mortgage Company and to FHA, which caused the Mortgage Company to approve an FHA-insured mortgage loan in the name of defendant HALPERN.

14. For example, on or about November 19, 2009, defendant HALPERN sent an email containing false bank statements for the

month of October 2009 to an employee of the Mortgage Company in further support of his mortgage loan application for the Newark Avenue Property. Although the bank statements had defendant HALPERN's name on them, the bank account reflected on the bank statements did not belong to him.

15. It was further part of the scheme and artifice to defraud that, on or about November 23, 2009, defendant HALPERN sent another email containing five false pay stubs to an employee of the Mortgage Company in support of his mortgage loan application for the Newark Avenue Property. The false pay stubs fraudulently misstated defendant HALPERN's income and falsely represented that they were provided by a well-known global payroll service company.

16. It was further part of the scheme and artifice to defraud that defendant HALPERN submitted false 2008 federal income tax returns in his and his wife's names to the Mortgage Company. The false tax returns were prepared by defendant HALPERN and reflected the preparer identification number of a deceased individual, in order to conceal that defendant HALPERN had personally prepared the tax returns.

17. In all, by the means above, defendant HALPERN and his co-schemers falsely and fraudulently caused the funding of dozens of mortgage and other loans from financial institutions, resulting in losses of over \$1 million.

18. On or about November 19, 2009, in Essex County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, the defendant,

TODD P. HALPERN,

did knowingly transmit and cause to be transmitted, by means of wire communications in interstate commerce, writings, signs, signals, pictures, and sounds, namely, the email containing fraudulent bank statements referenced in paragraph 14, above.

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

COUNT TWO
(Filing False Claims)

1. In or about late 2008, defendant HALPERN purchased A & V, which was located in Guttenberg, New Jersey, from the wife of the prior owner, V.R., who had passed away earlier that year. As part of HALPERN's purchase of A & V, he received the company's computers and all of its client records.

3. As part of the purchase agreement, defendant HALPERN was to obtain a new Electronic Filing Identification Number ("EFIN") in his own name for A & V. Instead, he continued to file tax returns using V.R.'s EFIN, even though V.R. was deceased, because defendant HALPERN's criminal record prevented him from obtaining an EFIN.

4. From in or about 2009 through in or about 2010, defendant HALPERN filed approximately 657 federal income tax returns using V.R.'s EFIN number. Defendant HALPERN fraudulently prepared and filed some of these tax returns without the knowledge and authorization of the taxpayers identified on the returns. Some of these tax returns contained false income and deduction entries, which generated fraudulent refunds that were directly deposited into defendant HALPERN's bank account.

5. The total amount of fraudulent tax refunds received by defendant HALPERN was approximately \$373,938. Defendant HALPERN used these funds to support his lavish lifestyle, including to make purchases at Prada, Chanel, Saks Fifth Avenue, and Bloomingdales, to acquire season tickets to the New York Giants, to purchase thousands of dollars in jewelry, gold coins, and silver certifi-

cates, to make car payments on multiple luxury vehicles, including a 2007 Cadillac Escalade and a 2008 Lexus GX-470, and to buy car parts for his classic 1957 Chevy Bel Air.

6. On or about June 24, 2009, in the District of New Jersey and elsewhere, the defendant,

TODD P. HALPERN,

did knowingly and intentionally make and present and cause to be made and presented to the IRS, an agency of the Department of Treasury, claims against the United States for payment, which he knew to be false, fictitious, and fraudulent, by preparing and causing to be prepared, and filing and causing to be filed, what purported to be a 2008 Form 1040 U.S. Individual Income Tax Return in the name of B.G., wherein the claim for an income tax refund in the amount of \$13,813 was made, with knowledge that such claim was false, fictitious, and fraudulent, in that the 2008 Form 1040 prepared and filed by defendant HALPERN contained false income and deduction entries for B.G., because B.G. did not file an income tax return for the tax year 2008 as B.G. did not have any income for that tax year.

In violation of Title 18, United States Code, Section 287.

FORFEITURE ALLEGATION

1. The allegations contained in this Information are incorporated by reference as though set forth in full herein 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 defendant HALPERN that, upon conviction of the offenses charged in Count One of this Information, 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 the violation of Title 18, United States Code, Section 1343, or a conspiracy to commit such offense, as alleged in this Information.

3. If by any act or omission of defendant HALPERN, 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 subdivided 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).



PAUL J. FISHMAN
UNITED STATES ATTORNEY

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INFORMATION FOR

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