

United States District Court
District of New Jersey

ORIGINAL FILED

SEP 5 2012

PATTY SHWARTZ
U.S. MAG. JUDGE

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
v. : **Magistrate No. 12-3122**
EMANUEL MARQUES :

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 15, 2005 through on or about February 13, 2012, in Whippany, New Jersey, in the District of New Jersey and elsewhere, the defendant:

SEE ATTACHMENT A

in violation of Title 31, United States Code, Section 5324.

I further state that I am a Task Force Officer with the United States Internal Revenue Service-Criminal Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B



Keith Cregan
Task Force Officer
United States Internal Revenue
Service-Criminal Investigation

Sworn to before me and subscribed in my presence,

September 5, 2012 at
Date

Newark, New Jersey
City and State

Honorable Patty Shwartz
United States Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A

for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations issued thereunder, knowingly structured, assisted in structuring, and attempted to structure and assist in structuring transactions with domestic financial institutions by causing United States currency to be deposited in amounts not exceeding \$10,000, as part of a pattern of illegal activity involving more than \$100,000 in a 12 month period, contrary to Title 31, United States Code, Section 5324(a)(3) and 5324(d)(2).

ATTACHMENT B

I, Keith Cregan, am a Task Force Officer with the United States Internal Revenue Service-Criminal Investigation. The information contained in this Complaint is based upon my personal knowledge, as well as information obtained from other sources, including: a) statements made or reported by various witnesses with knowledge of relevant facts; b) my review of publicly available information and records maintained by law enforcement agencies; and c) my review of business records, bank records and other documents. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Based upon my investigation and my discussions with other individuals involved in this investigation, I have knowledge of the following facts:

1. At all times relevant to this Criminal Complaint, MoneyGram, Western Union, TD Bank, Sovereign Bank, PNC Bank, and the United States Postal Service were domestic financial institutions within the meaning of 31 U.S.C. §§ 5312 and 5313(a), and the regulations issued thereunder.

2. Pursuant to 31 U.S.C. § 5313(a) and its related regulations, when a domestic financial institution, including a bank or money service business, is involved in a transaction for the payment, receipt, or transfer of U.S. currency in an amount greater than \$10,000, the institution is required to file a currency transaction report ("CTR") for each cash transaction, such as, by way of example, a deposit, withdrawal, exchange of currency, or other payment or transfer by, though, or to a financial institution.

3. CTR forms, which are filed with the Internal Revenue Service, require disclosure of, among other information, the identity of the individual who conducted the transaction and the individual or organization for whom the transaction was completed.

4. Similarly, pursuant to 31 U.S.C. § 5325 and its related regulations, no financial institution may issue or sell a money order in connection with a transaction or group of transactions which involves United States currency in amounts or denominations of \$3,000 or more without obtaining certain information, including the name and address of the purchaser.

5. Many individuals involved in illegal activities, such as narcotics trafficking, tax evasion, and money laundering, are aware of the reporting requirements and take active steps to cause financial institutions to fail to file CTRs or to record the identity of the purchaser of money orders in order to avoid detection of the movement of large amounts of cash. Among these is the process of "structuring," which involves making multiple cash deposits or withdrawals in amounts of \$10,000 or less in order to avoid the filing of a CTR. Structuring may also involve purchasing multiple money orders over a short span of time, all below \$3,000, but which in the aggregate exceed \$3,000.

6. Structuring transactions to avoid the filing of a CTR is prohibited by 31 U.S.C. § 5324(a)(3). Specifically, it is a crime for an individual to “structure or assist in structuring. . .any transaction with one or more domestic financial institutions” for the purpose of evading the reporting requirements of 31 U.S.C. § 5313(a).

7. Emanuel Marques (“Marques”) is the president and owner of several auto parts stores in northern New Jersey.

8. Between on or about November 15, 2005 through on or about February 13, 2012, Marques structured, or caused to be structured, money order purchases and cash deposits totaling at least \$2,024,504.18. Those structured funds were the used to purchase and/or improve 8 pieces of real property (the “real properties”).

9. Specifically, during the period from on or about November 15, 2005 through on or about December 28, 2011, Marques purchased, or caused to be purchased, approximately 951 money orders totaling at least \$909,623.97. The money orders were purchased from various venders including MoneyGram, the U.S. Postal Service, and Western Union, and were used to make mortgage and other payments towards the real properties. All of the money orders were purchased in amounts of less than \$3,000.

10. Many of these money orders were purchased on a daily basis and on consecutive days under the \$3,000.00 limit that requires identification from the purchaser. In other words, these purchases were structured to avoid the reporting requirements of 31 U.S.C. § 5325.

11. Similarly, during the period from on or about June 23, 2008 through on or about February 13, 2012, at least 490 U.S. currency deposits were made into nine bank accounts controlled by Marques at three financial institutions (TD Bank, Sovereign Bank, and PNC Bank) (collectively the "Receiving Accounts") totaling at least \$1,114,880.21. The currency deposits ranged from \$1,000 to \$7,400. While none of the deposits during this period were in an amount in excess of \$10,000, there were a number of instances in which deposits were made on the same or consecutive business days, or over a short span of time, and the total of these deposits exceeded \$10,000. In other words, the pattern of the deposits indicates that they were made in such a way as to avoid the filing of a CTR. An amount of at least \$1,114,880.21 in the Receiving Accounts was then used to acquire equity in the real properties.

12. On August 16, 2012, I was present at an interview of Marques by law enforcement officers. At that meeting Marques admitted, in substance and in part, that he had structured large amounts of U.S. currency into his bank accounts and for the purchase of money orders for the purpose of evading the filing of any forms with the Internal Revenue Service. Marques further admitted, in substance and in part, that the U.S. currency was drawn from the proceeds of his business and was not reported to the Internal Revenue Service as taxable income. The funds were then used to purchase and/or improve real properties that Marques owned.