

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No.
: :
: 18 U.S.C. §§ 1951(a) and
v. : (b) (2)
: :
: :
ROBERT G. CUSIC, JR. : I N F O R M A T I O N
:

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

1. Defendant ROBERT G. CUSIC, JR. was a mortgage broker in New Jersey. At various times, defendant ROBERT G. CUSIC, JR. purported to own and operate a real estate management company in New Jersey.

2. Thomas G. Frey was a licensed attorney in the State of New Jersey and certified public accountant whose office was located in New Jersey. Between in or about 2008 and 2009, Frey represented the subject of an Internal Revenue Service ("IRS") criminal investigation, during which he corresponded with two IRS Criminal Investigation Division Special Agents, referred to herein as "Special Agent 1" and "Special Agent 2." Special Agent 1 and Special Agent 2 provided Frey with their business cards at that time.

3. At all times relevant to this Information:

a. An uncharged co-conspirator of defendant ROBERT G. CUSIC, JR. and Frey ("CC-1") was a licensed attorney with an

office in Wall Township, New Jersey.

b. Victim 1 was a police officer in New Jersey and the owner of certain real estate investment properties located in Freehold Borough, New Jersey ("Freehold").

c. Victim 2 was the owner of certain real estate investment properties located in Freehold.

d. Victim 3 was, at certain times set forth herein, the owner of certain real estate investment properties located in Freehold.

e. Victim 4 was a police officer in New Jersey and the owner of certain real estate investment properties located in Freehold. (Victims 1, 2, 3 and 4 are hereinafter collectively referred to as the "Victims.") The Victims were engaged in the business of owning and renting certain investment properties (hereinafter, the "Investment Properties") to tenants, in interstate commerce, and a business which affects interstate commerce.

The Scheme

4. Defendant ROBERT G. CUSIC, JR., Frey and CC-1 schemed to extort the Victims by falsely representing to the Victims that the Victims were the subjects of criminal investigations, principally by the IRS and that they needed to engage the services of Frey to avoid prosecution and, ultimately, financial harm. For his role in this conspiracy, defendant ROBERT G. CUSIC, JR. expected (a) the Victims to pay Frey approximately

\$10,000, and up to approximately \$20,000, each in fees; (b) to receive a portion of those fees from Frey, if all of the Victims paid such fees; (c) certain of the Victims to sell the Investment Properties to Frey's limited liability company; (d) to be paid a percentage of the sale price of the Investment Properties, if the sales of those properties closed; and (e) to collect a fee for property management services performed by defendant ROBERT G. CUSIC, JR. at the Investment Properties, providing a purported "layer or protection" to the Victims from the inquiring IRS investigators.

5. In furtherance of this conspiracy, defendant ROBERT G. CUSIC, JR. falsely told the Victims that he encountered two IRS Special Agents while at a property formerly owned by one of the Victims when Special Agents 1 and 2 approached defendant ROBERT G. CUSIC, JR. and questioned him extensively about the Victims. During a meeting among certain of the Victims, CC-1 and Frey, Frey showed the Victims the IRS Special Agents' business cards that Frey actually had been given during Frey's representation of a defendant in a tax case years earlier, falsely claiming that defendant ROBERT G. CUSIC, JR. received those business cards during more recent questioning by the IRS Special Agents. Frey also falsely told the Victims that Frey had ongoing communications with Special Agent 1 in connection with the purported investigation. Frey also falsely told the Victims that Frey had a special relationship with Special Agent 1 and that, if

the Victims each paid a \$10,000 retainer fee, and up to \$20,000 each, then Frey would call Special Agent 1 and have the purported investigation converted from a criminal tax investigation to an IRS "desk audit," a civil matter. Frey also falsely stated that, after the matter was converted to a "desk audit," Frey's family member, who was an IRS employee, would assist Frey in obtaining a favorable outcome of the matter. Frey and CC-1 further falsely advised the Victims that, if the Victims did not retain Frey's services and pay Frey's fee, the investigation against the Victims would proceed, likely resulting in the arrest of certain of the Victims.

6. At the times referenced in this Information, (a) the IRS was not conducting a criminal investigation of the Victims; (b) neither Special Agent 1 nor Special Agent 2 had ever participated in an investigation of the Victims; (c) neither Special Agent 1 nor Special Agent 2 had ever approached Cusic; and (d) Special Agent 1 had not had any contact with Frey since the investigation and prosecution of Frey's client years earlier.

7. From in or about January 2011 to on or about April 9, 2011, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

ROBERT G. CUSIC, JR.

did knowingly and intentionally conspire with Frey to obstruct, delay and affect interstate commerce and the movement of articles and commodities in interstate commerce, by extortion, that is, by

obtaining the property of the Victims with their consent induced by the wrongful use of actual and threatened fear of economic harm.

In violation of Title 18, United States Code, Sections 1951(a) and (b) (2).



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

Robert G. Cusic, Jr.

INFORMATION FOR

18 U.S.C. §§ 1951(a) and (b) (2)

PAUL J. FISHMAN

UNITED STATES ATTORNEY, NEWARK, NEW JERSEY

ERIC W. MORAN

ASSISTANT U.S. ATTORNEY

NEWARK, NEW JERSEY

973-645-2700