
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : CRIMINAL COMPLAINT
v. :
JIN-YOUNG KIM, : Mag No. 11-7015 (ES)
a/k/a "Jainy" :

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

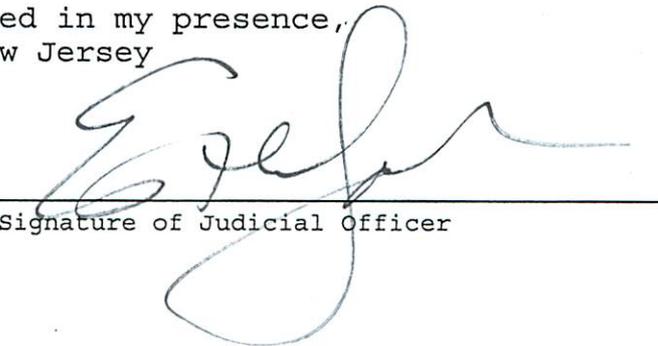
SEE ATTACHMENT B

continued on the attached page and made a part hereof.


Cesar G. Santos, Special Agent
Small Business Administration-
Office of Inspector General

Sworn to before me and subscribed in my presence,
January 25, 2011, at Newark, New Jersey

HONORABLE ESTHER SALAS
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

From in or about May 2007 through in or about June 2007, in Bergen County, in the District of New Jersey and elsewhere, defendant Jin-Young Kim, a/k/a "Jainy," knowingly and intentionally conspired and agreed with others to execute a scheme and artifice to defraud a financial institution, and to obtain money, funds, and assets owned by and under the custody and control thereof, by means of false and fraudulent pretenses, representations, and promises, as described below in Attachment B, contrary to Title 18, United States Code, Section 1344, in violation of Title 18, United States Code, Section 1349.

ATTACHMENT B

I, Cesar G. Santos, am a Special Agent with the Office of Inspector General for the Small Business Administration. I have knowledge of the facts set forth herein through my personal participation in this investigation and through oral and written reports from other federal agents or other law enforcement officers. Where statements of others are set forth herein, these statements are related in substance and in part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know or other law enforcement officers know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendant has committed the offense set forth in Attachment A. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

The Defendant and Other Parties

1. At all times relevant to this Criminal Complaint:
 - a. Defendant Jin-Young Kim, a/k/a "Jainy" Kim (hereinafter "defendant KIM"), a resident of Flushing, New York was the owner of Empire New Farm Corporation, which purported to be a sole proprietorship wholesale distributor of commercial equipment, doing business under the name, "Empire Junior Market," in Bronx, New York.
 - b. An individual with the initials "C.O.K.," a co-conspirator not named as a defendant herein, was a loan broker and the principal owner and operator of a fictitious company located in Englewood, New Jersey (hereinafter "Company One").
 - c. An individual with the initials "S.M.L.," a co-conspirator not named as a defendant herein, was a loan broker operating in New Jersey and elsewhere.
 - d. An individual with the initials "Y.K.K.," a co-conspirator not named as a defendant herein, was a resident of Woodside, New York.
 - e. c. An individual was cooperating with law enforcement (hereinafter "Cooperating Witness").
 - f. Unless otherwise noted, each bank referenced in this Criminal Complaint was a financial institution, as that term is defined in Title 18, United States Code, Section 20.

Overview of the Scheme to Defraud

2. Defendant KIM conspired with Co-Conspirator C.O.K, Co-Conspirator S.M.L., Co-Conspirator Y.K.K. and others to make and use false documents and statements to obtain commercial loans. In total, through their scheme, defendant KIM and her co-conspirators defrauded a financial institution in New Jersey of approximately \$50,000.

3. To obtain money and property from a financial institution, namely Chase Bank, to which they were not entitled, defendant KIM, Co-Conspirator S.M.L., Co-Conspirator Y.K.K., and others prepared a false loan application in the name of Co-Conspirator Y.K.K., d/b/a Empire Junior Market. This application falsely represented information about the business and the applicant seeking the commercial loan. To trick Chase Bank into approving the commercial loan application, defendant KIM and others: (a) agreed to list Co-Conspirator Y.K.K. as the owner of Empire Junior Market and to use Co-Conspirator Y.K.K.'s personal information in the loan application for Empire Junior Market, even though Co-Conspirator Y.K.K. had no ownership interest in the business; (b) falsely described Empire Junior Market as a wholesaler of commercial equipment, when in fact it was a supermarket; and (c) misrepresented number of years that Empire Junior Market had been operating as a business.

The Chase Loan

4. On or about May 30, 2007, a loan application seeking \$100,000 for Empire Junior Market was submitted to the Edgewater, New Jersey branch of Chase Bank. According to the loan application: (1) the loan application was for Co-Conspirator Y.K.K., the owner of Empire Junior Market; (2) Empire Junior Market was a sole proprietorship, specifically, a wholesale distributor of commercial equipment; and (3) Empire Junior Market had been operating since July 2002.

5. On or about May 30, 2007, based on the application and the documents submitted in support of this application, as described in Paragraph 4 above of this Criminal Complaint, Chase Bank approved a \$50,000 loan to Co-Conspirator Y.K.K., d/b/a Empire Junior Market.

6. According to various bank records obtained during the course of this investigation, defendant KIM received approximately \$31,500 from this loan. As part of this investigation, Your Affiant has interviewed the Cooperating Witness, who admitted that he/she and Co-Conspirator C.O.K. obtained commercial loans for others by making and using of false documents, including false loan applications, certificates of trade, tax returns, and bank records, among others. Your Affiant's investigation has revealed that defendant KIM issued a check to the Cooperating Witness in the approximate amount of \$3,000, which funds represented proceeds of the fraudulently obtained commercial loan.

7. As part of this investigation, law enforcement officers interviewed defendant KIM during a non-custodial interview. During this interview, defendant KIM stated the following, in substance and in part: In and around 2007, defendant KIM obtained a loan from Broadway National Bank (hereinafter "BNB") in the amount of \$150,000 to purchase Empire New Farm Corporation. The awning outside the premises of Empire New Farm Corporation, located in Bronx, New York, states "Empire Junior Market." Empire Junior Market was a supermarket. After some initial payments on the BNB loan were made, the BNB loan went into default. According to defendant KIM, she knew that Co-Conspirator S.M.L. was a loan broker, who also knew other brokers who could assist her with obtaining a loan. According to defendant KIM, she subsequently contacted Co-Conspirator S.M.L. about obtaining a loan and discussed her credit history with Co-Conspirator S.M.L. After speaking with Co-Conspirator S.M.L., defendant KIM stated that she asked Co-Conspirator Y.K.K. for Co-Conspirator Y.K.K.'s identity information so that defendant KIM could obtain a loan in Co-Conspirator Y.K.K.'s name. According to defendant KIM, Co-Conspirator Y.K.K. agreed to provide his identity information for a loan application for defendant KIM. Furthermore, according to defendant KIM, Co-Conspirator S.M.L. took photographs of Empire Junior Market and told defendant KIM that he knew an accountant who could produce fraudulent documents for the loan.

8. The loan was not repaid, resulting in a loss of approximately \$40,900 to Chase Bank.