

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 11-
 :
 v. : 18 U.S.C. § 1343
 : 18 U.S.C. § 1957(a)
 RUSTY SPICKENREUTHER : 26 U.S.C. § 7206(1)

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 - 18 U.S.C. § 1343)

Individuals and Entities

At all times relevant to this Information:

1. Defendant RUSTY SPICKENREUTHER was a resident of Franklinville, New Jersey.

2. Environmental Industrial Services Corporation of New Jersey ("EISCO") was incorporated in Delaware and had offices in Swedesboro, New Jersey and in Hopelawn, New Jersey. EISCO was a provider of environmental and industrial services. Defendant RUSTY SPICKENREUTHER was the controller of EISCO.

3. Newfield National Bank, located in Newfield, New Jersey, was an insured bank of the Federal Deposit Insurance Act. Newfield National Bank is a "financial institution" as defined in Title 31, United States Code, Section 5312(a)(2)(A).

4. Century Savings Bank, located in Vineland, New Jersey, was an insured bank of the Federal Deposit Insurance Act. Century Savings Bank is a "financial institution" as defined in Title 31, United States Code, Section 5312(a)(2)(A).

5. E*Trade Securities, LLC ("E*Trade Securities") located in Arlington, Virginia, offered securities products and services and was a broker-dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934. E*Trade Securities is a "financial institution" as defined in Title 31, United States Code, Section 5312(a)(2)(G). E*Trade Securities is a wholly-owned indirect subsidiary of E*Trade Financial Corporation, a Delaware corporation headquartered in New York.

Scheme and Artifice to Defraud

6. From in or about June 2009 to on or about June 9, 2011, in Gloucester County, in the District of New Jersey and elsewhere, the defendant,

RUSTY SPICKENREUTHER,

knowingly and willfully devised and intended to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, as described below.

7. Beginning in or about June 2009 and continuing through June 9, 2011, as a finance executive and the controller

of EISCO, SPICKENREUTHER exerted control and authority over the financial controls and accounting of EISCO's business. To this end, SPICKENREUTHER performed such tasks as providing accounting services, completing bank reconciliations, processing payments received from clients, posting payments received to accounts receivable, recording accounts payable, and applying payments towards accounts payable.

8. In or about June of 2009, while employed as the controller of EISCO, SPICKENREUTHER established a sole proprietor checking account at Century Savings Bank in New Jersey in the name of "EISCO of New Jersey." SPICKENREUTHER was the sole owner and only signatory of the EISCO of New Jersey bank account at Century Savings Bank (hereinafter, the "Century Savings Bank Account"). EISCO of New Jersey is not a registered, chartered or incorporated business entity. In or about October 31, 2009, the account title of the Century Savings Bank Account was changed to "Rusty Spickenreuther d/b/a EISCO of New Jersey."

9. At no time was the Century Savings Bank Account affiliated with EISCO. In addition, SPICKENREUTHER did not have the permission of, nor authority from, EISCO to establish the Century Savings Bank Account. In fact, although EISCO maintains several bank accounts, the EISCO bank accounts are held at TD Bank North, not Century Savings Bank.

10. Beginning in 2009, SPICKENREUTHER began depositing dozens of checks payable to EISCO into the Century Savings Bank Account. In general, the checks, which ranged from \$255.00 to \$88,936.00, were made payable to "Environmental Industrial Services Corporation," "EISCO," or some variation of the Environmental Industrial Services Corporation name. The payors were EISCO customers and included insurance companies, law firms and other large corporations for whom EISCO performed environmental and industrial services.

11. As part of his scheme to defraud EISCO, between June 2009 and June 2011, SPICKENREUTHER stole from EISCO approximately 56 checks mailed to EISCO from 24 different EISCO customers. In furtherance of the scheme, SPICKENREUTHER deposited those checks into his Century Savings Bank Account totally in excess of \$1,000,000.

12. In most instances, once the stolen funds were in the Century Savings Bank Account, SPICKENREUTHER transferred the funds to one of two bank accounts he controlled at Newfield National Bank. Specifically, the vast majority of the stolen funds were transferred from the Century Savings Bank Account to a Newfield National Bank account in the name of "South Jersey Accounting Services, LLC." SPICKENREUTHER then transferred most of the stolen funds to one of two brokerage accounts he controlled at E*Trade Securities in the name of "South Jersey

Accounting Services, LLC" and "RTJ Investments." SPICKENREUTHER used the E*Trade Securities brokerage accounts to effectuate stock trades in an attempt to both conceal the source of the stolen funds and use the stolen funds through "day-trading" in stocks.

13. In order to avoid detection, SPICKENREUTHER manipulated the books and records of EISCO. Specifically, as the controller of EISCO, SPICKENREUTHER accessed the EISCO's accounting software and deleted from the company's accounts receivable ledger the customer invoices that corresponded to the stolen checks.

14. On or about August 18, 2010, in Gloucester County, in the District of New Jersey, and elsewhere, the defendant

RUSTY SPICKENREUTHER,

having devised the above-described scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, for the purpose of executing and in order the effect the scheme and artifice to defraud and to obtain money and property, did knowingly transmit or cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds, namely a wire transfer of \$7,000 in U.S. Currency from the South Jersey Accounting Services, LLC bank account at Newfield National

Bank in New Jersey to the South Jersey Accounting Services, LLC
brokerage account at E*Trade Securities in Virginia.

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

COUNT TWO
(MONEY LAUNDERING - 18 U.S.C. § 1957(a))

1. Paragraphs 1 - 5 and 7 - 13 of Count One of this Information are realleged and incorporated herein.

2. On or about August 26, 2010, in Gloucester County, in the District of New Jersey and elsewhere, the defendant

RUSTY SPICKENREUTHER,

did knowingly engage in monetary transactions, specifically transfers in and affecting interstate commerce of funds to a financial institution, namely E*Trade Securities, within the United States, in criminally derived property of a value greater than \$10,000, that is, the transfer of \$25,000 U.S. Currency, which was derived from specified unlawful activity, namely, wire fraud, contrary to Title 18, United States Code, Section 1343, as set forth in Count One of this Information.

In violation of Title 18, United States Code, Section 1957(a).

COUNT THREE
(FILING OF A FALSE TAX RETURN - 26 U.S.C. § 7206(1))

1. Paragraphs 1 - 5 and 7 - 13 of Count One of this Information are realleged and incorporated herein.

2. On or about February 27, 2011, in Gloucester County, in the District of New Jersey, and elsewhere, the defendant,

RUSTY SPICKENREUTHER,

did knowingly and willfully make and subscribe to the Internal Revenue Service a 2010 U.S. Individual Income Tax Return, Form 1040, which was verified by a written declaration that it was made under the penalties of perjury and which RUSTY SPICKENREUTHER did not believe to be true and correct as to every material matter, that RUSTY SPICKENREUTHER filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, stated that his total income was \$115,554.00, whereas, as he then and there knew and believed, his total income was approximately \$761,696.50.

In violation of Title 26, United States Code, Section 7206(1).



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 2011R00227

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

RUSTY SPICKENREUTHER

INFORMATION FOR

Title 18 United States Code
Sections 1343, 1957(A) and
Title 26 United States Code, Section 7206(1)

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