

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-  
 :  
 v. :  
 :  
 GWENDOLYN MULLER : 18 U.S.C. §§ 669, 1029(a)(2) and  
 : 2; 26 U.S.C. § 7201

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. At all times relevant to this Information:
  - a. Defendant GWENDOLYN MULLER resided in Kearny, New Jersey.
  - b. Defendant GWENDOLYN MULLER worked as a receptionist for a physician located in Kearny, New Jersey (the "Medical Practice").
  - c. The Medical Practice, which treated patients and received payment from, and in connection with, various health care benefit plans and contracts, was a "health care benefit program" as defined in Title 18, United States Code, Section 24(b).
  - d. In the normal course of its business, the Medical Practice received payments from insurance companies in the form of checks made payable to, and constituting the property of, the Medical

Practice (the "Payment Checks"). These Payment Checks were typically mailed by, or on behalf of, the insurance company to the Medical Practice using the mails.

e. The Medical Practice tracked its receipt of the Payment Checks on the Medical Practice's internal computer system.

f. As receptionist, defendant GWENDOLYN MULLER handled the Medical Practice's mail and had unsupervised access to the Medical Practice's internal computer system.

Count 1 (Embezzlement)

2. Beginning in 2007 and continuing through 2011, defendant GWENDOLYN MULLER wrongly and without authorization took, cashed, and converted to her own use Payment Checks that had been mailed to the Medical Practice.

3. To conceal these unauthorized takings of the Payment Checks during that period, defendant GWENDOLYN MULLER:

a. entered, or caused the entry of, information into the Medical Practice's computer system indicating that a particular payment had been received;

b. used a check cashing entity with which the Medical Practice had no financial relationship to cash the stolen Payment Checks;

c. negotiated the Payment Checks by forging, or causing the forgery of, the signatures of one or more persons at the Medical

Practice; and

d. deposited a substantial portion of the cash generated thereby into one or more bank accounts that defendant GWENDOLYN MULLER controlled.

4. In this manner, defendant GWENDOLYN MULLER wrongfully took, and caused the wrongful taking of, approximately \$446,606 in Payment Checks (the "Embezzled Funds").

5. Between in or about 2007 and in or about 2011, in Hudson County, in the District of New Jersey, and elsewhere, defendant

GWENDOLYN MULLER

did knowingly and willfully embezzle, steal, and without authority convert to the use of defendant GWENDOLYN MULLER, who was not the rightful owner, Payment Checks valued at approximately \$446,606, being the property of the Medical Practice, a health care benefit program as defined in Title 18, United States Code, Section 24(b).

In violation of Title 18, United States Code, Sections 669 and 2.

Count 2 (Credit Card Fraud)

1. Paragraphs 1 through 4 of Count 1 are incorporated as if set forth at length herein.

2. Beginning in 2008, defendant GWENDOLYN MULLER obtained, or caused to be obtained, ten (10) credit cards from banks and other financial institutions issued in the name of a principal of the Medical Practice, without that principal's knowledge or authorization (the "Fraudulently Obtained Credit Cards").

3. At all times relevant to this Information, the Fraudulently Obtained Credit Cards were unauthorized access devices as that term is defined in Title 18, United States Code, Sections 1029(e)(1) and (3).

4. From 2008 through 2011, defendant GWENDOLYN MULLER used, or caused the use of, the Fraudulently Obtained Credit Cards to purchase at least \$218,054 worth of goods and services in the name of the principal that were, in fact, for defendant GWENDOLYN MULLER's own use and/or benefit. To conceal this unauthorized misuse of the Fraudulently Obtained Credit Cards, defendant GWENDOLYN MULLER paid, or caused the payment of, a portion of the outstanding Fraudulently Obtained Credit Card balances using Embezzled Funds. The defendant GWENDOLYN MULLER, however, failed to pay off the balance due and owing on one or more of the Fraudulently Obtained Credit Cards, resulting in a loss of at least \$110,218 to the card issuers.

5. In or about 2010, in the District of New Jersey, and elsewhere, defendant

GWENDOLYN MULLER

did knowingly and with intent to defraud, use one or more unauthorized access devices, namely the Fraudulently Obtained Credit Cards, issued to another person or persons, and by such conduct did obtain payment and things of value, aggregating \$1,000 or more during a one-year period, namely at least \$9,302.16 in 2010, in a manner affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

Count 3 (Tax Evasion)

1. Paragraphs 1 through 4 of Count 1 and 2 through 4 of Count 2 are incorporated as if set forth at length herein.

2. Defendant GWENDOLYN MULLER received gross income - consisting of wages, Embezzled Funds, and the value of goods and services obtained through the use of the Fraudulently Obtained Credit Cards, of approximately \$143,668.22, \$168,240.78, \$169,618.78, and \$153,839.14, during calendar years 2008 - 2011 respectively.

3. Having received this income, defendant GWENDOLYN MULLER was required by law, following the close of each one of calendar years 2008, 2009, 2010, and 2011, and on or before April 15 of each respective year, to make an income tax return to the IRS detailing the items of her gross income and any deductions and credits to which she was entitled.

4. Defendant GWENDOLYN MULLER failed to disclose and report a substantial portion of this income on her tax returns filed for the calendar years 2008, 2009, 2010, and 2011, thereby causing those tax returns to understate a substantial amount of the gross income that she received. In this fashion, defendant GWENDOLYN MULLER failed to disclose and report approximately \$94,019.12, \$139,632.78, \$157,237.39 and \$144,339.14 in income for the calendar years 2008, 2009, 2010, and 2011, respectively, totaling \$535,228.43 of unreported income for that period.

5. On or about April 15, 2011, defendant GWENDOLYN MULLER filed a U.S. Individual Income Tax Return for the calendar year 2010.

6. The U.S. Individual Income Tax Return for the calendar year 2010 did not include approximately \$157,237.39 in taxable income received by defendant GWENDOLYN MULLER in 2010. Upon this income, an additional tax of approximately \$31,350 was due and owing to the United States.

7. On or about April 15, 2011, in the District of New Jersey, and elsewhere, defendant

GWENDOLYN MULLER

knowingly and willfully did attempt to evade and defeat a substantial part of the income tax due and owing to the United States in that she signed and caused to be filed with the Internal Revenue Service a false and fraudulent 2010 U.S. Individual Income Tax Return, Form 1040, knowing it be false and fraudulent as described in paragraphs 2 through 6 of Count 3 of this Information.

In violation of Title 26, United States Code, Section 7201.

**FORFEITURE ALLEGATION AS TO COUNT 1**

1. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

2. Upon conviction of the Federal health care fraud offense in violation of Title 18, United States Code, Section 669 charged in Count One of this Information, the defendant, GWENDOLYN MULLER, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all right, title, and interest in the sum of \$446,000, a sum of money representing the property constituting or derived, directly or indirectly, from gross proceeds traceable to the offense charged in Count One.

**FORFEITURE ALLEGATION AS TO COUNT 2**

3. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(2)(B).

4. Upon conviction of the offense in violation of Title 18, United States Code, Section 1029 charged in Count Two of this Information, the defendant, GWENDOLYN MULLER, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds

obtained directly or indirectly as a result of such offense, including but not limited to the sum of \$110,000, representing the amount of proceeds obtained as a result of the offense charged in Count Two.

Substitute Assets Provision

5. If any of the property described above, as a result of any act or omission of the defendant:

- 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 divided without difficulty,

the United States shall be entitled, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to forfeiture of any other property of the defendant, GWENDOLYN MULLER, up to the value of the property described in the foregoing forfeiture allegations.

  
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PAUL J. FISHMAN  
UNITED STATES ATTORNEY

CASE NUMBER: \_\_\_\_\_

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United States District Court  
District of New Jersey

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UNITED STATES OF AMERICA

v.

GWENDOLYN MULLER

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INFORMATION

18 U.S.C. §§ 669, 1029, and 2; 26 USC § 7201 2

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PAUL J. FISHMAN

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