

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 15-234 (PGS)
 :
 v. : 18 U.S.C. § 1343
 : 18 U.S.C. § 2
 GOMIDAS GARABED HARTOUNIAN : 26 U.S.C. § 7201

SUPERSEDING 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)

Background

1. At all times relevant to this Superseding Information:
 - a. Defendant GOMIDAS GARABED HARTOUNIAN (“defendant HARTOUNIAN”) resided in or near Franklin Lakes, New Jersey, and maintained bank accounts in New Jersey and elsewhere.
 - b. MGB, LLC (“MGB”), was a company incorporated in the State of New Jersey with its business address listed as defendant HARTOUNIAN’S residence in Franklin Lakes, New Jersey. Defendant HARTOUNIAN was the sole owner of MGB.
 - c. Company A was a for-profit company incorporated in the State of New Jersey with its principal place of business in Englewood, New Jersey. Defendant HARTOUNIAN was employed as the Chief Financial Officer (“CFO”) of Company A.

d. Individual 1 was employed as the Chief Executive Officer (“CEO”) of Company A.

e. Individual 2 was employed as the Chief Operating Officer of Company A.

f. Company A was owned by defendant HARTOUNIAN, Individual 1, and Individual 2.

The Scheme and Artifice to Defraud

2. From in or about April 2007 through in or about April 2014, in Bergen County, in the District of New Jersey, and elsewhere, defendant

GOMIDAS GARABED HARTOUNIAN

did knowingly and intentionally devise a scheme and artifice to defraud Company A, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, which scheme and artifice was in substance as set forth below.

Object of the Scheme and Artifice to Defraud

3. The object of the scheme and artifice to defraud was for defendant HARTOUNIAN to enrich himself by fraudulently obtaining millions of dollars from Company A to which he was not entitled.

Manner and Means

4. It was part of the scheme and artifice to defraud that, beginning in or about April 2007, defendant HARTOUNIAN abused his position as the CFO of Company A by directing employees who reported to him to issue checks from the bank accounts of Company A and its affiliates at Inter Audi Bank

("Interaudi") to MGB in amounts that he dictated for, among other things, freight services that MGB purportedly provided to Company A and its affiliates.

5. It was further part of the scheme and artifice to defraud that defendant HARTOUNIAN forged either the signature of Individual 1 or Individual 2 on the checks that he caused to be issued to MGB and caused these forged checks to be deposited directly into bank accounts he controlled.

6. It was further part of the scheme and artifice to defraud that after the funds were deposited into accounts controlled by defendant HARTOUNIAN, he wrote checks or wired money into other accounts for his personal use. In this manner, defendant HARTOUNIAN fraudulently obtained millions of dollars from Company A.

7. It was further part of the scheme and artifice to defraud that defendant HARTOUNIAN, without authority, directed employees of Company A to issue checks from Company A's accounts to pay for his personal expenses, including, among other things, real estate taxes, motor vehicle expenses, and credit card payments, and then forged the signature of either Individual 1 or Individual 2 to effect those payments.

8. On or about August 10, 2011, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, in Bergen County, in the District of New Jersey, and elsewhere, defendant

GOMIDAS GARABED HARTOUNIAN

did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce a writing, sign, signal, and sound,

namely, a wire transfer of approximately \$6,562.40 from Company A's Interaudi account in New York to a bank account under the control of the Borough of Franklin Lakes Tax Collector's Office in New Jersey.

In violation of Title 18, United States Code, Section 1343 and Section 2.

COUNT TWO
(Tax Evasion)

1. Paragraphs 1 and 3 through 7 of Count One are realleged and incorporated herein.

2. During calendar year 2012, defendant HARTOUNIAN fraudulently received approximately 54 checks from Company A, totaling approximately \$1.29 million.

3. On or about September 16, 2013, defendant HARTOUNIAN filed a 2012 federal individual tax return, Form 1040, on behalf of himself and his wife that falsely stated that their taxable income was approximately \$133,290, and that the amount of tax due and owing was approximately \$40,132.

4. Defendant HARTOUNIAN intentionally did not include on the return approximately \$1.29 million in additional taxable income that defendant HARTOUNIAN received in 2012. Upon this income, an additional tax of approximately \$334,457 was due and owing to the United States.

5. On or about September 16, 2013, in the District of New Jersey, defendant

GOMIDAS GARABED HARTOUNIAN

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 he signed and caused to be filed a false and fraudulent 2012 U.S. Individual Income Tax Return, Form 1040, described in paragraph 3 of this Count, knowing it to be false and fraudulent as described in paragraph 4 of this Count.

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

FORFEITURE ALLEGATION

1. The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

2. Upon conviction of the offense charged in Count One of this Information in violation of 18 U.S.C. § 1343, defendant

GOMIDAS GARABED HARTOUNIAN

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all right, title, and interest in any property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to the following:

a. A forfeiture money judgment in the amount of \$3.5 million representing the amount of proceeds obtained as a result of the offense alleged in Count One, including the contents of The Principal Financial Group, d/b/a as Pincor Financial Services Corporation and Pershing LLC, Brokerage Account number xxx-xx5971, valued in the amount of approximately \$141,489.62, held in the name of defendant HARTOUNIAN.

Substitute Assets Provision

3. If any of the above described forfeitable property, as a result of any act or omission of defendant HARTOUNIAN

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a

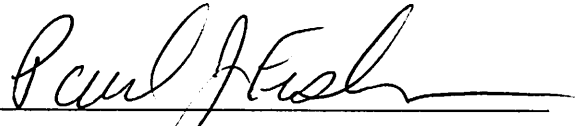
third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of defendant HARTOUNIAN up to the value of the above forfeitable property.

A handwritten signature in black ink, appearing to read "Paul J. Fishman", written over a horizontal line.

PAUL J. FISHMAN
United States Attorney

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UNITED STATES OF AMERICA

v.

GOMIDAS GARABED HARTOUNIAN

**SUPERSEDING INFORMATION
CHARGING VIOLATION OF**

18 U.S.C. §§ 1343 and 2
26 U.S.C. § 7201

PAUL J. FISHMAN

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