

**FILED**

OCT 24 2023

2016R00718/SCF

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

AT 8:30 3:40 p. M  
CLERK, U.S. DISTRICT COURT - DNJ  
*[Signature]*

UNITED STATES OF AMERICA : Hon.  
 :  
 v. : Crim. No. 23- 845 (RMB)  
 :  
 RALPH DIVINO : 18 U.S.C. § 1343

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

**COUNTS ONE AND TWO**  
**(Wire Fraud)**

**Introduction**

1. From at least as early as in or around October 2018 through in or around November 2018, defendant RALPH DIVINO ("DIVINO") executed a scheme to defraud a title insurance company ("Victim-1") in connection with his purported intention to purchase two residential properties. DIVINO falsely represented to Victim-1 that he had wired funds exceeding \$1 million for the purchase of both properties when, in fact, he never sent any funds. Based on his false representations to Victim-1, DIVINO fraudulently obtained a residential property located in Annandale, New Jersey and funds in the amount of \$987,000, which he used to purchase lavish personal items, including luxury cars.

**Relevant Entities and Individuals**

2. At all times relevant to this Indictment:
  - a. DIVINO was a resident of New Jersey.
  - b. Victim-1 was a title insurance company headquartered in New Jersey.
  - c. Bank-1 was a financial institution headquartered in North Carolina.
  - d. Company-1 was a multinational technology company headquartered in California.
  - e. Individual-1 was an employee of Victim-1.

**The Scheme to Defraud**

3. From on or about October 5, 2018 through on or about November 29, 2018, in the District of New Jersey and elsewhere, the defendant,

**RALPH DIVINO,**

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth more fully below.

**Object of the Scheme**

4. The object of the scheme was for DIVINO to enrich himself by obtaining items of value from Victim-1 – namely, funds in the amount of \$987,000 and a residential property – based upon fraudulent representations that DIVINO made to Victim-1.

**Manner and Means of the Scheme**

5. It was part of the scheme that:

a. In or around the Fall of 2018, DIVINO arranged to purchase two residential properties: (1) a property in Warren, New Jersey for a purported purchase price of approximately \$1,062,000 (the “Warren Property”); and (2) a property in Annandale, New Jersey (the “Annandale Property”) for a purported purchase price of approximately \$460,000.

b. At or around the same time, DIVINO falsely advised representatives of Victim-1 that he had wired \$1.5 million to Victim-1 for the purchase of both properties.

c. Shortly thereafter, DIVINO advised Victim-1 that he no longer wished to purchase the Warren Property.

d. Relying on DIVINO’s false assurances that he had wired \$1.5 million to Victim-1, on or about October 24, 2018, Victim-1 issued DIVINO a check for \$987,000 (the “Check”) as a refund for the purchase of the Warren Property.

e. The following day, on or about October 25, 2018, DIVINO cashed the Check at a Bank-1 branch located in New Jersey, which caused an interstate wire transfer to be processed through Bank-1 servers located outside of New Jersey.

f. After cashing the Check, DIVINO used the fraudulently obtained funds to purchase lavish personal items, including luxury vehicles.

g. On or about November 9, 2018, still relying on DIVINO's false claim that he had wired \$1.5 million to Victim-1, Victim-1 conducted a closing on the Annandale Property, which transferred ownership of the property to DIVINO.

h. In or around November 2018, after the closing on the Annandale Property, Victim-1 discovered that DIVINO had never, in fact, wired any money to purchase either property. When representatives from Victim-1 asked DIVINO about this, DIVINO provided them two checks – one for \$987,000 and the other for \$513,000 – from his purported business bank account (the "Business Account"). On or about November 29, 2018, via email, DIVINO falsely assured a Victim-1 representative that those checks could be used to reimburse Victim-1, or that DIVINO would otherwise wire Victim-1 the missing funds. In truth, at the time of those communications, DIVINO's Business Account had a negative balance.

i. DIVINO never returned the fraudulently obtained funds to Victim-1.

#### **Execution of the Scheme**

6. On or about the dates set forth below, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, the defendant,

**RALPH DIVINO,**

did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs,

signals, pictures, and sounds as set forth more fully below, each such wire transmission constituting a separate count of this Indictment:

<b>Count</b>	<b>Approximate Date</b>	<b>Description</b>
ONE	October 25, 2018	Financial transaction initiated at a Bank-1 branch in New Jersey, which caused an interstate wire transfer of \$987,000 to be processed through a server located outside New Jersey.
TWO	November 29, 2018	Email communication sent by DIVINO to Individual-1, which was processed through Company-1 servers located outside of New Jersey and received by Individual-1 in New Jersey.

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

**FORFEITURE ALLEGATION**

1. As a result of committing the offenses charged in Counts One and Two of this Indictment, the defendant, RALPH DIVINO, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said offenses, and all property traceable thereto.

**SUBSTITUTE ASSETS PROVISION**  
**(Applicable to All Forfeiture Allegations)**

2. If any of the above-described forfeitable property, 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 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c), 18 U.S.C. § 1030(i), and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL

FOREPERSON

  
PHILIP R. SELLINGER  
United States Attorney

**CASE NUMBER: 23-**

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

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**UNITED STATES OF AMERICA**

**v.**

**RALPH DIVINO**

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**INDICTMENT FOR**

**18 U.S.C. § 1343**

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**A True Bill,**

**Foreperson**

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**PHILIP R. SELLINGER  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF NEW JERSEY**

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**SAMANTHA C. FASANELLO  
ASSISTANT U.S. ATTORNEY  
NEWARK, NEW JERSEY  
973-297-4388**

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