

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 : Criminal No. 17-
 v. :
 : 18 U.S.C. §§ 981(a)(1)(C), 1343 and 2;
 : 26 U.S.C. § 7201; and
 KIBURI D. TUCKER : 28 U.S.C. § 2461(c)

INFORMATION

The defendant having waived in open court prosecution by Indictment, the acting United States Attorney for the District of New Jersey charges:

COUNT 1

(Scheme to Defraud Facilitated by Use of Interstate Wire Transmission)

Defendant and Entities

1. At all times relevant to Count 1 of this Information:

A. Defendant KIBURI D. TUCKER (“defendant TUCKER”), a resident of Newark, New Jersey, was the Executive Director of the The Centre, Inc. (“the Centre”), located in Newark, New Jersey.

B. The Centre was a not-for-profit organization that provided child-care services for local families, and that sponsored and conducted activities for senior citizens and a variety of community groups. The Centre was funded through payments from parents for child-care services, rental income from several organizations and city, state and federal grants.

C. The Centre maintained three bank accounts at a bank in New Jersey (the “Bank”). These accounts consisted of the “Operating Account” (which was the Centre’s primary account), “Payroll Account,” and “Senior Account.” Defendant TUCKER was a

signatory on all three of the Centre's accounts, and only defendant TUCKER had an ATM card for the Centre's bank accounts.

D. While defendant TUCKER was employed as Executive Director of the Centre, he also was employed by the Passaic Valley Sewerage Commission, receiving a yearly salary of approximately \$75,000 in or about 2012 and approximately \$90,000 from in or about 2013 to in or about 2015.

E. In addition to being employed by the Centre and the Passaic Valley Sewerage Commission, as early as in or about 2014, defendant TUCKER received income from a political fundraising, consulting and branding services company called Elite Strategies LLC ("Elite Strategies"). Defendant TUCKER split the profits generated from Elite Strategies with a business partner.

2. From at least as early as in or about January 2012 to in or about December 2015, in Essex County, in the District of New Jersey, and elsewhere, defendant

KIBURI D. TUCKER

knowingly and intentionally did devise and intend to devise a scheme and artifice to defraud the Centre of money and property.

3. The object of this scheme and artifice to defraud was for defendant TUCKER, facilitated by the use of interstate wire transmissions, to obtain a steady stream of funds from the Centre through embezzlement, and under the false pretense that these funds were legitimate disbursements from the Centre's bank accounts. Defendant TUCKER used these funds to pay for personal expenses such as gambling and furnishing his home, instead of expenses related to the operation of the Centre.

4. It was a part of this scheme and artifice to defraud that:

A. From in or about January 2012 to in or about December 2015, defendant TUCKER used the Centre ATM card to withdraw approximately \$165,880 of Centre funds in cash from ATMs in New Jersey, Pennsylvania, Nevada, Michigan and Hawaii, including ATMs at casinos located in Atlantic City, Las Vegas, and Bethlehem, Bensalem, and Chester, Pennsylvania, to fund his personal gambling expenses. Approximately \$43,047 of the \$165,880 withdrawn with the ATM card for the Centre's Operating Account was withdrawn at casinos.

B. From in or about January 2012 to in or about December 2015, defendant TUCKER also made approximately \$95,679 in cash withdrawals from the Centre's Payroll Account. Defendant TUCKER's fraudulent withdrawals from the Centre's Payroll Account began in earnest between approximately in or about July 2014 and October 2014, after the bank had closed the Centre's Operating Account because that account had been frequently overdrawn. Defendant TUCKER did not use any of these cash withdrawals, often consisting of thousands of dollars, to pay employees or operating expenses.

C. Defendant TUCKER consistently caused funds to be transferred among the Centre bank accounts in order to remedy insufficient funds notices that were caused by his frequent fraudulent withdrawals and to conceal his embezzlement of the Centre funds.

D. In addition to spending the Centre's funds at casinos, defendant TUCKER also fraudulently obtained the Centre funds to pay other personal expenses, including approximately \$2,500 per month on rent for a personal residence from in or about July 2014 to in or about December 2015, and home furnishings and equipment, including a sectional sofa and a flat screen television and related equipment. For example, on or about November 1, 2013, defendant TUCKER used the Centre's ATM card to purchase a white sectional sofa for approximately \$2,991 that was delivered to his personal residence. On or about the same date

that defendant TUCKER used the Centre ATM card to purchase the sectional sofa, he also used the Centre's ATM card at an electronics store to purchase a 60-inch flat screen TV and related entertainment system components for his personal residence, for a total of approximately \$2,607.

5. On or about the dates listed below, in Essex County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendant

KIBURI D. TUCKER

knowingly and intentionally transmitted and caused to be transmitted in interstate and foreign commerce by means of wire, radio and television communications certain writings, signs, signals, pictures, and sounds, as listed below:

DATE	WIRE TRANSMISSION
May 31, 2014	Use of the Centre ATM card to withdraw approximately \$2,000 at Bank's ATM machine in East Orange, New Jersey that was processed through a server in Mexico.
October 17, 2013	Use of the Centre ATM card to purchase approximately \$527 of home furnishings and artwork from store in Hoboken, New Jersey that was processed through a server in Pennsylvania.
December 31, 2012	Use of the Centre ATM card at a casino in Atlantic City, NJ for a cash advance from Centre Operating Account processed through a server in Pennsylvania.

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

COUNTS 2-5
(Income Tax Evasion)

1. Paragraphs 1 and 3 to 4 of Count 1 of this Information are hereby incorporated and realleged as if set forth fully herein.

2. From in or about January 2012 to in or about December 2015, defendant TUCKER embezzled funds from the Centre and received income from Elite Strategies as follows:

Year	Approximate Amount of Funds Embezzled from the Centre	Approximate Amount of Funds Received from Elite Strategies	Total Income from both sources to Tucker
2012	\$90,747	\$0	\$90,746
2013	\$90,684	\$0	\$90,684
2014	\$75,802	\$0	\$75,802
2015	\$74,883	\$102,157	\$177,040
Total	\$332,116	\$102,157	\$434,272

3. Having received the above-listed income from the Centre and from Elite Strategies, defendant TUCKER was required by law, following the close of each calendar year and on or before the deadline for filing personal income tax returns (IRS Forms 1040), to make and file income tax returns to the Internal Revenue Service (“IRS”) stating specifically the items of his gross income and any deductions and credits to which he was entitled.

4. Between in or about January 2012 and in or about December 2015, defendant TUCKER intentionally did not accurately report the income that he received during that time period, as set forth in paragraph 2, by filing with the IRS false federal personal income tax returns (IRS Forms 1040) for tax years 2012, 2013, 2014 and 2015 that substantially underreported defendant TUCKER’s income in the following amounts:

Approximate Unreported Income to TUCKER For Tax Years 2015 - 2015					
	2012	2013	2014	2015	Total
Total Income (including embezzled funds and income from Elite Strategies)	\$205,518	\$181,932	\$167,959	\$268,352	\$823,761
Reported Income on Filed Federal Personal Income Tax Returns	\$114,772	\$91,248	\$92,157	\$91,312	\$389,489
Unreported Income	\$90,746	\$90,684	\$75,802	\$177,040	\$434,272

5. On or about the dates set forth below, in Essex County, in the District of New Jersey and elsewhere, defendant

KIBURI TUCKER

did willfully attempt to evade and defeat a substantial tax due and owing by him to the IRS for the tax years set forth below by filing false tax returns that substantially under-reported the income that TUCKER received as set forth in paragraph 4:

Count	Returns & Tax Year	Approximate Additional Tax Due and Owing	Date of Offense
2	IRS Form 1040 - 2012	\$28,488	4/15/2013
3	IRS Form 1040 - 2013	\$26,687	3/11/2016
4	IRS Form 1040 - 2014	21,940	3/11/2016
5	IRS Form 1040 - 2015	\$56,509	4/15/2016
		\$133,624	

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

FORFEITURE ALLEGATION

1. The allegations contained in all paragraphs of Count 1 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(c).



2. As a result of committing the aforementioned offenses in violation of Title 18, United States Code, Section 1343 in Count 1 of this Information, defendant KIBURI D. TUCKER shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, that constituted or was derived from proceeds traceable to the commission of the offenses, totaling \$332,116.

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

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of defendant TUCKER up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).


WILLIAM E. FITZPATRICK
Acting United States Attorney 

CASE NUMBER:

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District of New Jersey**

UNITED STATES OF AMERICA

v.

KIBURU D. TUCKER

INFORMATION FOR

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26 U.S.C. § 7201
28 U.S.C. § 2461(c)

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