

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

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 17-
	:	
BRIAN M. HIRSCH	:	18 U.S.C. § 1952(a)(3)
	:	18 U.S.C. § 2

INFORMATION

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

Relevant Individuals and Entities

1. At all times relevant to this Information:
 - a. Defendant BRIAN M. HIRSCH ("HIRSCH") was an employee of the New York office of the investment banking division of a global financial services provider ("Firm A"). In or around late 2015, HIRSCH began working at the New York office of a different brokerage and investment banking firm ("Firm B"). In these roles, HIRSCH was responsible for, among other things, allocating to clients of Firms A and B securities from initial and secondary public stock offerings.
 - b. Co-conspirator #1 ("CC#1") was a former resident of Westfield, New Jersey, and resided in Boca Raton, Florida.
 - c. Co-conspirator #2 ("CC#2") was a resident of Long Island, New York.

d. Co-conspirator #3 ("CC#3") also was a resident of Long Island, New York.

The Commercial Bribery Scheme

2. Between in or about January 2012 and in or about November 2016, HIRSCH accepted no less than hundreds of thousands of dollars in cash kickbacks from CC#1, CC#2, and CC#3 in exchange for allocating securities to them from public stock offerings marketed by Firms A and B (the "Stock Offerings"). The kickback payments were based on an agreed-upon percentage of the profits that CC#1, CC#2, and CC#3 realized from their subsequent sales of stocks that they purchased in the Stock Offerings. HIRSCH did not disclose any of these payments to Firms A and B and took steps to conceal his corrupt arrangements with CC#1, CC#2, and CC#3. In accepting these undisclosed kickback payments, HIRSCH knowingly violated various policies and procedures of Firms A and B, including policies governing stock allocations and conflicts of interest.

3. Specifically, on numerous occasions during the time period of the scheme, typically monthly, CC#1 traveled from or through New Jersey to New York City to meet HIRSCH at or around Firms A and B to make cash payments to him. CC#1 also wired funds to third parties, who withdrew the funds and delivered payments to HIRSCH on CC#1's behalf. HIRSCH then allocated more stock, and stock in offerings that HIRSCH believed would be more profitable, to CC#1 than he otherwise would have without the kickback payments. Between in or about January 2012 and in or about December 2015, CC#1 made several

million dollars investing in the Stock Offerings and paid HIRSCH cash kickbacks representing approximately twenty-four percent of CC#1's net profits.

4. Likewise, during the time period of the scheme, CC#2 and CC#3 made numerous cash kickback payments to HIRSCH in exchange for more favorable stock allocations. In turn, HIRSCH ensured that CC#2 and CC#3 received stock in more offerings, and more profitable offerings, than they would have without the kickback payments.

5. To conceal the scheme, HIRSCH required CC#1, CC#2 and CC#3 to pay him in cash rather than checks or wire transfers. HIRSCH then either spent the cash or kept it in a safe deposit box.

6. Throughout the scheme, HIRSCH made numerous material misrepresentations and omissions to Firms A and B to further conceal his receipt of bribes and kickback payments. For instance, HIRSCH signed periodic certifications to Firm A falsely representing that he had complied with the firm's policy that expressly prohibited "quid pro quo" arrangements or similar pre-determined agreements with investor clients in connection with stock allocations. Hirsch also falsely certified that he had complied with Firm A's policies and procedures concerning conflicts of interest. HIRSCH made similar misrepresentations and omissions to Firm B.

7. From at least as early as in or about January 2012 through in or about November 2016, in the District of New Jersey and elsewhere, defendant

BRIAN HIRSCH

knowingly and intentionally traveled and caused others to travel in interstate and foreign commerce and used and caused others to use the facilities in interstate and foreign commerce, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, specifically, commercial bribery and commercial bribe receiving, contrary to New York State Penal Law Sections 180.00 and 180.05, and thereafter performed and attempted to perform an act to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, to wit, in or about March 2015, CC#1 and others acting at his direction traveled from New Jersey to New York to meet with HIRSCH, at which time HIRSCH received a cash payment from CC#1 that he did not disclose to Firm A which represented a percentage of CC#1's profits from selling stocks that HIRSCH had previously allocated to him.

In violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

Forfeiture Allegation


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

2. Upon conviction of the offense charged in this Information, defendant HIRSCH 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(c), all property, real and personal, that constitutes or is derived from proceeds obtained directly or indirectly as a result of the violation of Title 18, United States Code, Section 1952(a)(3), alleged in this Information.

3. If by any act or omission of defendant HIRSCH, any of the property subject to forfeiture herein:

- 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 subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by 28 U.S.C. § 2461(c).


WILLIAM E. FITZPATRICK
Acting United States Attorney

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UNITED STATES OF AMERICA

v.

BRIAN M. HIRSCH

INFORMATION FOR

18 U.S.C. §§ 1952(a)(3) and 2

WILLIAM E. FITZPATRICK

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