

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

ORIGINAL FILED
MAR 20 2019
LEDA DUNN WETTRE

UNITED STATES OF AMERICA : Hon. Leda Dunn Wettre
v. : Mag. No. 19-8059
VICTOR OSORIO : **CRIMINAL COMPLAINT**

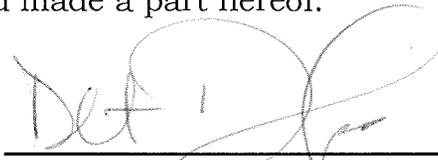
I, Doris Lopez, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Task Force Officer of Homeland Security Investigations, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Doris Lopez, Task Force Officer
Homeland Security Investigations

Sworn to before me, and
subscribed in my presence

March 20, 2019 at
Newark, New Jersey



Honorable Leda Dunn Wettre
United States Magistrate Judge

ATTACHMENT A

COUNTS 1-2

(Bankruptcy Fraud - False Declaration in a Bankruptcy Petition)

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

VICTOR OSORIO,

did knowingly and fraudulently make material false declarations, certificates and verifications under the penalty of perjury, as permitted under Section 1746 of Title 28, in and in relation to a case under Title 11 as follows:

COUNT	DATE	DOCUMENT	FALSE DECLARATION
1	2/16/17	Bankruptcy Petition	The information provided in the Bankruptcy Petition is true and correct
2	2/16/17	Declaration Concerning Debtor's Schedules	The summary of schedules and schedules are true and correct

In violation of Title 18, United States Code, Sections 152(3) and 2.

ATTACHMENT B

I, Doris Lopez, am a Task Force Officer with the Homeland Security Investigations. I have participated in this investigation, discussed this matter with other law enforcement officers, and have reviewed documents and other materials. I have knowledge of the following facts. Because this Criminal Complaint is being submitted only for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part and all dates and figures are approximate.

Introduction

1. At all times relevant to this Complaint:

A. Defendant Victor Osorio ("OSORIO") was a resident of Cresskill, New Jersey.

B. Defendant OSORIO was self-employed and received income from various businesses.

C. Business 1 was a restaurant and bar located on Dyckman Street in New York, New York ("Business 1"). Defendant OSORIO had an ownership interest in Business 1.

D. Business 2 was a restaurant and bar located in Secaucus, New Jersey ("Business 2"). Defendant OSORIO had an ownership interest in Business 2.

E. Bank Account 1 was a bank account with a bank based in the Dominican Republic. Defendant OSORIO had an interest in and authority over Bank Account 1.

The Bankruptcy Process

2. A voluntary bankruptcy case is begun by the filing of a bankruptcy petition, and the person or entity that files that petition is a “debtor” under federal bankruptcy law. The process is conducted in a federal court and is governed by the United States Bankruptcy Code, which is found in Title 11 of the United States Code.

3. Upon the filing of a bankruptcy petition, a debtor is required by law to fully disclose his or her financial circumstances, including, among other things, assets, liabilities, income from prior years, and any anticipated increase in income. Assets include real, personal, tangible and intangible property, whether or not the asset is held in the debtor’s name or held in the name of another person or entity on behalf of the debtor. A bankruptcy “estate” is created upon the filing of a bankruptcy petition, which is a collective reference to all legal or equitable interests of the debtor in property at the time of the bankruptcy filing. The estate includes all property in which the debtor has an interest, even if it is owned or held by another person.

4. The financial circumstances of the debtor are disclosed to the bankruptcy court by the debtor in the “Petition,” as well as a series of bankruptcy forms called the “Schedules of Assets and Liabilities,” and on a separate bankruptcy form called the “Statement of Financial Affairs.” All of these forms are signed by the debtor under penalty of perjury.

5. Bankruptcy provides debtors with the opportunity to obtain a fresh financial start through the discharge of their debts. A discharge depends

upon the debtor's disclosure of a true and accurate picture of his or her financial affairs.

Victor Osorio Bankruptcy

6. On or about February 16, 2017, defendant OSORIO filed and caused the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the District of New Jersey, in the proceeding entitled *In re: Victor Osorio*, Case No. 17-12982 (the "Petition").

7. Defendant OSORIO signed the Petition under penalty of perjury declaring that the information provided in the Petition was true and correct.

8. In the Petition, defendant OSORIO averred that none of his affiliates had a pending bankruptcy case. In so doing, defendant OSORIO failed to disclose that Business 1 had a bankruptcy case pending at the time in the United States Bankruptcy Court for the Southern District of New York.

9. In connection with the Petition, defendant OSORIO also filed and caused the filing of documents relating to the Petition, including Schedules of Assets and Liabilities (the "Schedules"). Defendant OSORIO signed the Schedules under penalty of perjury declaring that the information provided in the documents was true and correct.

10. In the Schedules, defendant OSORIO averred that he did not own or have a legal or equitable interest in any non-publicly traded stock or interests in incorporated or unincorporated businesses, including any interest

in an LLC, partnership, or joint venture. In so doing, defendant OSORIO failed to disclose that:

- a. Defendant OSORIO had an ownership interest in Business 1, and he had declared approximately seven months earlier in Business 1's bankruptcy documents that he was its sole owner; and
- b. Defendant OSORIO had an ownership interest in Business 2.

11. In the Schedules, Defendant OSORIO averred that he did not own or have any legal or equitable interest in any deposits of money including any checking, savings or other financial accounts. In so doing, defendant OSORIO failed to disclose Bank Account 1.

12. On or about February 24, 2017, Defendant OSORIO filed and caused the filing of amendments to the Schedules. The amendments disclosed a partial ownership interest in Business 1. However, the amendments still failed to disclose an ownership interest in Business 2 and Bank Account 1.