

2017R00595/TSK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**FILED**  
MAR 11 2019  
AT 12:10 P.M.  
WILLIAM T. WALSH  
CLERK

UNITED STATES OF AMERICA : Hon. (SOW)  
v. : Crim. No. 19- 186  
HOWARD PRESCHER : 18 U.S.C. §§ 664 and 2  
: 29 U.S.C. § 1131

**INDICTMENT**

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

**COUNT ONE**

(Embezzlement from an Employee Benefit Plan)

On or about October 15, 2013, in Hudson County, in the District  
of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHER,

did knowingly embezzle, steal, and unlawfully and willfully abstract and  
convert to his own use and the use of others, in the approximate amount of  
\$20,000, the moneys, funds, securities, premiums, credits, property and other  
assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan,  
subject to title I of the Employee Retirement Income Security Act of 1974 and of  
a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT TWO**

(Embezzlement from an Employee Benefit Plan)

On or about October 15, 2013, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$11,037, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT THREE**

(Embezzlement from an Employee Benefit Plan)

On or about November 1, 2013, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$2,250, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT FOUR**

(Embezzlement from an Employee Benefit Plan)

On or about January 31, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$900, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT FIVE**

(Embezzlement from an Employee Benefit Plan)

On or about February 25, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$3,250, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT SIX**

(Embezzlement from an Employee Benefit Plan)

On or about March 6, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$2,000, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT SEVEN**

(Embezzlement from an Employee Benefit Plan)

On or about August 22, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$3,100, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT EIGHT**

(Embezzlement from an Employee Benefit Plan)

On or about August 22, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$3,000, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT NINE**

(Embezzlement from an Employee Benefit Plan)

On or about August 25, 2014, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$3,800, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT TEN**

(Embezzlement from an Employee Benefit Plan)

On or about May 5, 2015, in Hudson County, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of others, in the approximate amount of \$136,786.93, the moneys, funds, securities, premiums, credits, property and other assets of CMG Vending, Inc. Pension Trust, an employee pension benefit plan, subject to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 18, United States Code, Sections 664 and 2.

**COUNT ELEVEN**

(Failure to File the Annual Report for an Employee Benefit Plan)

From on or about January 1, 2014 through on or about July 30, 2014, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

the plan administrator for the CMG Vending, Inc. Pension Trust, did knowingly and willfully fail to file the annual report for the fiscal year ending on December 27, 2013, which report he was required to file with the Secretary of Labor, pursuant to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 29, United States Code, Section 1131.

**COUNT TWELVE**

(Failure to File the Annual Report for an Employee Benefit Plan)

From on or about January 1, 2015 through on or about July 30, 2015, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

the plan administrator for the CMG Vending, Inc. Pension Trust, did knowingly and willfully fail to file the annual report for the fiscal year ending on December 27, 2014, which report he was required to file with the Secretary of Labor, pursuant to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 29, United States Code, Section 1131.

**COUNT THIRTEEN**

(Failure to File the Annual Report for an Employee Benefit Plan)

From on or about January 1, 2016 through on or about July 29, 2016, in the District of New Jersey, and elsewhere, the defendant,

HOWARD PRESCHEL,

the plan administrator for the CMG Vending, Inc. Pension Trust, did knowingly and willfully fail to file the annual report for the fiscal year ending on December 27, 2015, which report he was required to file with the Secretary of Labor, pursuant to title I of the Employee Retirement Income Security Act of 1974 and of a fund connected with such plan.

In violation of Title 29, United States Code, Section 1131.

**FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH TEN**

As a result of committing the pension fund embezzlement offenses charged in Counts One through Ten of this Indictment, defendant,

HOWARD PRESCHEL,

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 violations of Title 18, United States Code, Section 664, and all property traceable thereto, alleged in Counts One through Ten of this Indictment.

**FORFEITURE ALLEGATION AS TO COUNTS ELEVEN THROUGH THIRTEEN**

As a result of committing the employee benefit plan offenses charged in Counts Eleven through Thirteen of this Indictment, a Federal health care fraud offense (as defined in 18 U.S.C. § 24), in violation of 29 U.S.C. § 1131, defendant,

HOWARD PRESCHEL,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, obtained by the defendant that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the violations of Title 29, United States Code, Section 1131 alleged in Counts Eleven through Thirteen of this Indictment.

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

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) 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



  
CRAIG CARPENITO  
United States Attorney

CASE NUMBER: 19-186 (SDW)

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

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**UNITED STATES OF AMERICA**

**v.**

**HOWARD PRESCHER**

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**INDICTMENT FOR**

18 U.S.C. § 664 and 2  
29 U.S.C. § 1131

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**A True Bill,**

**For**

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**CRAIG CARPENITO**  
*UNITED STATES ATTORNEY*  
*NEWARK, NEW JERSEY*

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THOMAS S. KEARNEY  
ASSISTANT U.S. ATTORNEY  
(973) 297-2019

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(Ed. 1/97)