

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

UNITED STATES OF AMERICA	:	Criminal No. 18-443 (AET)
	:	
v.	:	18 U.S.C. § 1343
	:	18 U.S.C § 2
DANIEL RIVERA	:	26 U.S.C. § 7206(1)

**SUPERSEDING INFORMATION**

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

**COUNT ONE**  
**(Wire Fraud)**

**BACKGROUND**

1. At various times relevant to this Superseding Information, unless otherwise indicated:

a. Defendant DANIEL RIVERA was a resident of Staten Island, New York and Hillsborough, New Jersey. Defendant DANIEL RIVERA controlled and was the principal of Rivera & Associates, a/k/a Strategic Wealth Partners of New Jersey, and Daniel Rivera, Inc., through which he sold insurance products and annuities. Defendant DANIEL RIVERA also was affiliated with Horter Investment Management, LLC. Defendant DANIEL RIVERA maintained his office for each of these businesses in Bridgewater, New Jersey.

b. Individual A was a resident of Saylorsburg, Pennsylvania. Individual A founded Robbins Lane Properties Inc. ("Robbins Lane") with defendant DANIEL RIVERA, and was its sole owner, sole officer and President

c. Robbins Lane was incorporated in Pennsylvania in or around February 2008. The company was used as a vehicle through which defendant DANIEL RIVERA perpetrated his fraud.

d. Company A was a financial services company that served as a self-directed investment retirement account (“IRA”) custodian or a “passive custodian” of investor funds, which allowed IRA holders to engage in non-traditional investments, such as real estate.

### **THE SCHEME TO DEFRAUD**

2. From at least as early as in or around 2008 through in or around 2017, in the District of New Jersey, and elsewhere, defendant DANIEL RIVERA did knowingly and intentionally devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

### **THE GOAL OF THE SCHEME**

3. The goal of the scheme and artifice to defraud was for defendant DANIEL RIVERA to unlawfully enrich himself by misappropriating money from investors for his personal use and benefit by making materially false representations, and omitting to state material facts, concerning, among other things, the use of investors’ funds and the profitability of the investments made through defendant DANIEL RIVERA.

### **MANNER AND MEANS OF THE SCHEME**

4. It was part of the scheme and artifice to defraud that defendant

DANIEL RIVERA solicited elderly investors and others, in New Jersey and elsewhere, to invest funds in Robbins Lane.

5. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA misrepresented the nature and performance record of Robbins Lane, including the nature of Robbins Lane's business, Robbins Lane's rates of return, and the suitability of the investment for "senior investors," for the purpose of further inducing the victims to invest money in Robbins Lane.

6. It was further part of the scheme and artifice to defraud that, in or around 2008, defendant DANIEL RIVERA created a Robbins Lane brochure that he provided to several Robbins Lane investors, knowing that the information set forth therein was false. The brochure's false statements included that Robbins Lane:

a. "provid[ed] an opportunity for the senior investor to share in the profits from prudent investments in real estate;"

b. sought out and positioned undervalued "properties for redevelopment or immediate resale at profit yields markedly above market average;"

c. allowed "senior investors . . . to share in [Robbins Lane's] investment portfolio by lending [it] money to invest in real estate;"

d. gave "the senior investor a guaranteed monthly income for a contracted amount of time;"

e. had a "rate of return [that was] based on secure real estate investments in the Robbins Lane portfolio"; and

f. had “a record of success.”

7. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA repeated these misrepresentations to potential investors during meetings in their homes, in his office in Bridgewater, New Jersey, and at a presentation at a restaurant in Bridgewater, New Jersey.

8. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA created documents relating to their investments in Robbins Lane that were titled, “Promissory Note.” Each Promissory Note stated that Robbins Lane would pay the investor a predetermined amount of principal by a date certain — typically several years after the investment — along with interest.

9. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA met with individual investors, and encouraged some of them to invest in Robbins Lane by transferring their retirement savings or other funds into a self-directed IRA account held at Company A.

10. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA, and investors acting at his direction, provided Company A with documents causing Company A to wire investor funds to Robbins Lane’s bank account.

11. It was further part of the scheme and artifice to defraud that Robbins Lane received investor funds via check and wire transfer into its bank accounts.

12. It was further part of the scheme and artifice to defraud that after receiving investor funds based on the various false representations he made

about Robbins Lane, defendant DANIEL RIVERA misappropriated those funds, by writing checks from Robbins Lane's bank accounts and using them to, among other things, pay personal debts, pay for defendant DANIEL RIVERA's unrelated business expenses, and to pay his child's college tuition and sorority fees.

13. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA made various false excuses and other misrepresentations to the investors to conceal his misappropriation of their funds and to continue to mislead the victims into believing that their money was securely invested with Robbins Lane.

14. It was further part of the scheme and artifice to defraud that defendant DANIEL RIVERA lulled and persuaded investors to maintain their investments and to invest additional funds with him and/or Robbins Lane by directing Individual A and Company A to distribute periodic payments – either by wire transfer or via check sent by mail – to investors as a supposed return of principal and profits. In reality, the money used to make these payments came from some of the investors, and not from profits.

15. On or about the date set forth below, in Essex County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, the defendant,

DANIEL RIVERA

did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce any writings, signs, signals, pictures, and sounds, including the following transmission, among others:

<b>Approximate Date</b>	<b>Description</b>
February 26, 2014	\$50,000 wire transmission between New Jersey and Missouri

2. All in violation of Title 18, United States Code, Section 1343 and Section

**COUNT TWO**  
**(Subscribing to a False Tax Return)**

1. The allegations set forth in paragraphs 1 through 14 of Count One of this Superseding Information are hereby realleged and incorporated as if set forth herein.

2. At all times relevant to this Superseding Information: (a) Robbins Lane received funds from investors; (b) defendant DANIEL RIVERA diverted a portion of the investors' funds from Robbins Lane to himself each month; and (c) defendant DANIEL RIVERA failed to report the diverted income on his 2013 U.S. Individual Tax Return, thereby causing the individual tax return to understate a substantial amount of the income that he and his wife had earned.

3. On or about March 5, 2014, defendant DANIEL RIVERA signed and filed, and caused to be filed with the Internal Revenue Service, a Form 1040, U.S. Individual Income Tax Return for 2013, on behalf of defendant DANIEL RIVERA and his wife. The tax return stated that the taxable income for defendant DANIEL RIVERA and his wife for calendar year 2013 was approximately \$0. The tax return was signed by defendant DANIEL RIVERA and contained a written declaration that the return was signed under the penalties of perjury.

4. The tax return was false as to material matters in that the return did not include approximately \$221,766 in taxable income that defendant DANIEL RIVERA and his wife earned in 2013.

5. On or about March 5, 2014, in the District of New Jersey and elsewhere, defendant

DANIEL RIVERA

knowingly and willfully made and subscribed the 2013 Form 1040, U.S. Individual Income Tax Return, set forth in paragraph 3 above, which was false as to material matters as set forth in paragraph 4, and which he did not believe to be true and correct as to every material matter.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Codes Section 2.

### **FORFEITURE ALLEGATION**

1. The allegations contained in Count One of this Superseding 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.

2. Upon conviction of the offense charged in Count One of this Superseding Information, the government will seek forfeiture from defendant DANIEL RIVERA, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Sections 1343 and 2 alleged in Count One of this Superseding Information.

3. If by any act or omission of defendant DANIEL RIVERA 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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant DANIEL RIVERA up to the value of the property described in this forfeiture allegation.

  
CRAIG CARPENITO  
United States Attorney

**CASE NUMBER: 18-443**

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

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**UNITED STATES OF AMERICA**

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18 U.S.C. § 2  
26 U.S.C. § 7206(1)**

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