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

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UNITED STATES OF AMERICA : HON. MICHAEL A. HAMMER  
:   
v. : Mag. No. 21-10129 (MAH)  
:   
ALFRED POWNER, II : **CRIMINAL COMPLAINT**

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

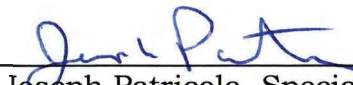
SEE ATTACHMENT A

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

I further state that I am a Special Agent with the United States Department of Labor, Office of Inspector General, and a Task Force Officer with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Joseph Patricola, Special Agent  
Department of Labor-OIG

Agent Patricola attested to this Complaint by telephone pursuant to FRCP 4.1(b)(2)(A)

Sworn to before me and subscribed in my presence,

April 6, 2021

at District of New Jersey

HONORABLE MICHAEL A. HAMMER  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer



11:28 am Est.

Signed by SA Patricola at Judge Hammer's direction pursuant to F.R.C.P. 4.1(b)(6)(C).

ATTACHMENT A

From in or about September 2019 through in or about April 2020, in the District of New Jersey and elsewhere, defendant

ALFRED POWNER, II

knowingly and intentionally devised and intended to a scheme and artifice to defraud the State of New Jersey and individuals, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, including an email from a location outside of New Jersey to location in New Jersey.

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

## ATTACHMENT B

I, Joseph Patricola, am a Special Agent with the United States Department of Labor, Office of Inspector General, and a Task Force Officer with the Federal Bureau of Investigation. I am familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and in part unless otherwise indicated. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

### ***The UPA Funds***

1. The State of New Jersey, Unclaimed Property Administration ("UPA"), maintains a system in New Jersey to collect and maintain "abandoned" funds due to New Jersey persons and entities.

2. The UPA's online website allows users to verify whether the UPA is holding funds for a particular person or entity. A person or entity seeking to claim funds held by the UPA on its behalf can use the UPA's online portal to submit an application to the UPA requesting a distribution of funds. Part of the application process entails verification of the claimant's identity.

3. In or about 1987, Softpro Metro Corp. ("Softpro") was formed in New Jersey. Following its incorporation, Softpro changed its name on numerous occasions, including at one point to Software House, Incorporated (collectively, "Software"). As of September 1, 2019, the UPA possessed approximately \$156,277.88 as custodian for Software (the "Software Debt").

4. On or about September 19, 2019, defendant ALFRED POWNER, II ("POWNER") submitted an application to the UPA through its online portal to claim the Software Debt (the "Powner Application").

5. Defendant POWNER provided a Certification of Incorporation for Software (the "Certification") as part of the Powner Application. The Certification was dated January 11, 1982 and listed defendant POWNER as a director of Software. Law enforcement has confirmed that defendant POWNER was born in or about August 1981 and, thus, defendant POWNER would have been only approximately six months old at the time Software was purportedly incorporated. The State of New Jersey has confirmed, in substance and in part, that the Certification that Powner filed with the Powner Application was never actually filed with the State of New Jersey and is fraudulent. Indeed, an

individual with Softpro has stated, in substance and in part, that Softpro has never been affiliated with an individual named Alfred Powner.

6. As part of the Powner Application, Defendant POWNER also submitted correspondence that purported to be from the Internal Revenue Service that assigned Software an employer identification number (the "EIN Correspondence"). The EIN Correspondence is dated February 10, 1982 and addressed to an "Alfred Powner." The investigation has revealed, in substance and in part, that this document is fraudulent and that the IRS assigned an EIN to Softpro in 1989, not 1982.

7. On or about March 30, 2020, defendant POWNER, using a Google email address (the "Google Email Address"), sent an email to the UPA in support of his application for the Software Debt. POWNER attached to the email a State of New Jersey Certificate of Reinstatement for Software (the "Reinstatement Certificate"). The Reinstatement Certificate was dated March 27, 2020 and listed defendant POWNER as the party authorized to sign the Reinstatement Certificate on Software's behalf. The investigation has revealed that, in March 2020: (a) Google had no servers located in New Jersey; and (b) the UPA's server(s) were located in New Jersey.

8. On or about March 31, 2020, defendant POWNER, using the Google Email Address, sent an email to the UPA in support of his application for the Software Debt. POWNER attached to the email a State of New Jersey Certificate of Dissolution without Assets for Software (the "Dissolution Certificate"). The Dissolution Certificate was dated March 31, 2020 and listed defendant POWNER as Chief Executive Officer of Software. The address listed as defendant POWNER's address on the Certificate is the address of defendant POWNER's parents.

9. On or about April 6, 2020, the UPA caused a check in the amount of approximately \$156,277.88 to be mailed through the United States Postal Service to POWNER at his parents' address in New Jersey (the "UPA Check").

10. On or about April 14, 2020, defendant POWNER cashed the UPA Check at a check cashing facility in Pennsauken, New Jersey. Defendant POWNER paid three percent, almost \$5,000, to the entity cashing the UPA Check. To cash the UPA Check, defendant POWNER provided a New Jersey Driver's License bearing his name and a date of birth in 1981.

### ***The UIB Funds***

11. In addition, the New Jersey Department of Labor & Workforce Development ("NJDOL"), which administers and manages unemployment insurance benefit ("UIB") programs in the State of New Jersey, provided records (the "NJDOL Records") that revealed that the State of New Jersey sent approximately \$5,000 to a bank account ("Bank Account 1") in response to a claim for UIBs. The NJDOL Records also revealed that NJDOL received two additional UIB claims, from purportedly separate claimants, that requested that the UIB funds be sent to Bank Account 1. NJDOL did not send the requested funds because it deemed the claims fraudulent.

12. Bank records demonstrate that defendant POWNER controls Bank Account 1. None of the UIB claims described above were made on behalf of defendant POWNER.

13. The investigation revealed that the three individuals whose names were used to make the UIB claims described above were deceased at the time the UIB claims were made.