

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 22-  
 :  
 :  
 v. : Count One  
 : 18 U.S.C. § 1343  
 MARIO E. RIVERO, JR. : (Wire Fraud)  
 :  
 : Count Two  
 : 15 U.S.C. §§ 78j(b) & 78ff  
 : 17 C.F.R. § 240.10b-5  
 : 18 U.S.C. § 2  
 : (Securities Fraud)

**I N F O R M A T I O N**

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)

1. At all times relevant to this Information:
  - a. Defendant MARIO E. RIVERO, JR. (“RIVERO”) resided in the District of New Jersey and was a registered investment advisor employed by a brokerage firm with multiple branches located within the District of New Jersey, including a branch in Newark, New Jersey (“Brokerage Firm-1”). RIVERO received compensation for advising individuals about investing in, purchasing, or selling securities, among other things.
  - b. Financial Institution-1 was a financial institution with branches throughout the District of New Jersey. Financial Institution-1 was associated with Brokerage Firm-1.

- c. Financial Institution-2 was a financial institution located in the State of Alabama.
- d. Victim-1 was a resident of Irvington, New Jersey.
- e. Victim-2, Victim-3, and Victim-4 were family members and residents of Newark, New Jersey.
- f. Victim-5 was a resident of Hillside, New Jersey or the State of Alabama.
- g. RIVERO purported to provide investment advisor services to clients, including Victim-1, Victim-2, Victim-3, Victim-4, and Victim-5 (collectively the “Victims”), who were all over 65 years of age.

**The Scheme to Defraud**

2. From at least in or around April 2018 through in or around November 2020, in the District of New Jersey and elsewhere, the defendant,

MARIO E. RIVERO, JR.,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud his clients 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 a wire communication from outside of New Jersey to inside New Jersey, as set forth more fully below.

### **Goal of the Scheme**

3. The goal of the scheme was for RIVERO to profit by unlawfully diverting and misappropriating client funds that were invested under his control by directing those funds to certain family members and using those client funds for his own personal expenditures.

### **Manner and Means of the Scheme**

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

a. Abused his position as an investment advisor at Brokerage Firm-1 to target the Victims and develop overly-personal relationships with them to gain their friendship and trust.

b. Took advantage of the Victims' trust by obtaining their authorizations to transfer large sums of money from the Victims' brokerage accounts to their checking or savings accounts based on the promise that RIVERO would invest their money in investments outside of their brokerage accounts.

c. Caused the sale of securities that were held in the Victims' brokerage accounts to fund the large sum transfers.

d. Caused large sums of money to be transferred from the Victims' respective brokerage accounts at Brokerage Firm-1 to their checking or savings accounts at Financial Institution-1 (Victims-1 through 4) and Financial Institution-2 (Victim-5).

e. Obtained the Victims' authorizations to obtain cashier's checks using funds from the Victims' non-brokerage accounts.

f. Caused approximately eleven cashiers' checks totaling approximately \$316,978 to be paid to Company-1, a corporate entity headquartered in Elizabeth, New Jersey and headed by one of RIVERO's family members ("Family Member-1").

g. Caused approximately one cashier's check totaling approximately \$90,000 to be paid to Company-2, a limited liability company headquartered in Elizabeth, New Jersey also headed by Family Member-1.

h. Caused approximately six cashiers' checks totaling approximately \$219,500 to be paid to Company-3, a corporate entity headquartered in Hialeah, Florida and headed by one of RIVERO's associates.

i. Funneled a significant portion of the money that he stole from the Victims from Company-1, Company-2, and Company-3 back to RIVERO through his friends and family.

j. Made additional material misrepresentations when one of the Victims inquired about the status of the victim's investments, including falsely assuring the victim that his/her money was invested and providing him/her with a fraudulent investment account statement purporting to show the victim's invested money, when in fact, RIVERO had already spent the victim's money.

### **Execution of the Scheme**

5. On or about November 16, 2020, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, the defendant,

MARIO E. RIVERO, JR.,

did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce writings, signs, signals, pictures, and sounds, namely, an electronic wire transferring approximately \$150,000 that RIVERO had misappropriated from Victim-2's account at Brokerage Firm-1 to a bank account at Financial Institution-1, which was processed through servers in North Carolina and New Jersey.

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

**COUNT TWO**  
**(Securities Fraud)**

1. The allegations set forth in paragraph 1 and paragraphs 3 through 8 of Count One of this Information are repeated and realleged as if fully set forth herein.

2. From in or around April 2018 through in or around November 2020, in the District of New Jersey and elsewhere, the defendant,

MARIO E. RIVERO, JR.,

knowingly and willfully, directly and indirectly, by use of the means and instrumentalities of interstate commerce, the mails, and facilities of national securities exchanges, in connection with the purchase and sale of securities, used and employed manipulative and deceptive devices and contrivances in violation of Title 17, Code of Federal Regulations, Section 240.10b-5 by (a) employing devices, schemes and artifices to defraud; (b) making untrue statements of material facts necessary in order to make the statements true, in light of the circumstances in which they were made, not misleading; and (c) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon persons, that is, RIVERO engaged in a securities fraud scheme by selling, or causing the sale of, securities in Victims-1 through 4's investors' accounts and then using the proceeds from those sales to enrich himself and his family members.

In violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2.

## FORFEITURE ALLEGATION

1. The allegations contained in this Information are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.

2. As a result of committing the offenses charged in Counts One and Two of this Information, the defendant,

MARIO E. RIVERO, JR.,


shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981, 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 offenses charged in Counts One and Two of this Information, and all property traceable thereto.

### Substitute Assets Provision

3. 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 person;
- (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 the defendant up to the value of the above forfeitable property.

  
PHILIP R. SELLINGER  
United States Attorney