

Approved: Adam S. Hobson  
Adam S. Hobson  
Assistant United States Attorney

Before: THE HONORABLE ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York

17 MAG 8659

----- X  
: SEALED COMPLAINT  
: UNITED STATES OF AMERICA :  
: - v. - :  
: VIOLATIONS OF 18 :  
: U.S.C. §§ 1344, 1349, :  
: and 2 :  
: VINCENT PERRETTI, :  
: : COUNTY OF OFFENSE: :  
: Defendant. : BRONX :  
: : :  
: : :  
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

WILLIAM M. COURTNEY, being duly sworn, deposes and says that he is the Director of Investigations at the Business Integrity Commission ("BIC"), and charges as follows:

COUNT ONE  
(Conspiracy to Commit Bank Fraud)

1. From at least in or about March 2012 up to and including in or about August 2014, in the Southern District of New York and elsewhere, VINCENT PERRETTI, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that VINCENT PERRETTI, the defendant, and others, known and unknown, willfully and knowingly would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property

owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Bank Fraud)

3. From at least in or about March 2012 up to and including in or about August 2014, in the Southern District of New York and elsewhere, VINCENT PERRETTI, the defendant, willfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the FDIC, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, PERRETTI deposited stolen checks into PERRETTI's bank accounts at a financial institution.

(Title 18, United States Code, Sections 1344 and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am the Director of Investigations with the BIC. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, my conversations with witnesses, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on the facts set forth below, I respectfully submit that there is probable cause to believe that VINCENT PERRETTI has participated in a conspiracy and scheme to cause over \$900,000 worth of unauthorized checks to be issued by PERRETTI's former employer to an entity controlled by PERRETTI. PERRETTI would then deposit these checks at a financial

institution and funnel a cut of the proceeds back to a co-conspirator ("CC-1").

6. Based on my review of records maintained by a Manhattan business operating in the Fulton Fish Market (the "Company") and my interviews of Company employees, I have learned, among other things, the following:

a. In or about December 2007, VINCENT PERRETTI, the defendant, and CC-1 were both hired by the Company. PERRETTI was employed by the Company as a salesman and CC-1 was employed by the Company as a bookkeeper.

b. In or about October 2014, in the course of an audit of the Company's payments to vendors, a Company employee ("Employee-1") observed multiple anomalies in connection with a vendor named "FreightCo" (but with the name misspelled as "FreghtCo"). These anomalies included, among other things, the fact that the vendor's purported shipments of fish were not recorded in the accounting system on the date that they were purportedly received, but instead on a later date. Because the Company's standard practice was to review each day's transactions at the close of that business day, and not to look back at prior days' transactions, the FreightCo entries appeared designed to avoid detection. Employee-1 also observed that the address listed in the accounting system for FreightCo was not a real address.

c. Company records show that between March 2012 and August 2014, approximately 57 checks, for a total of \$892,480.78, were issued to FreightCo (the "Fraudulent Checks").

d. Company records show that the accounting entries for the FreightCo payments were entered under CC-1's username.

e. Company employees confirmed that FreightCo is not a vendor of the Company and has never provided goods or services to the Company, and that the Fraudulent Checks were not authorized.

7. Based on my review of records from the Department of State for the State of New York, I know that FreightCo Corp. is a New York corporation that registered with the Department of State on or about October 13, 2009, and that identified VINCENT PERRETTI, the defendant, as its chief executive officer. The address provided for FreightCo's principal executive office was PERRETTI's home address.

8. Based on my review of records from a particular bank ("Bank-1"), a financial institution whose deposits were insured by the FDIC, I have learned, among other things, the following:

a. The Fraudulent Checks were deposited into a bank account registered to FreightCo Corp. (the "FreightCo Account"). In addition, another check from the Company for \$10,217.15, issued to an entity other than FreightCo, was deposited into the FreightCo Account.

b. The account opening documents for the FreightCo Account show that the account was opened on or about October 30, 2009, by VINCENT PERRETTI, the defendant. In the account opening documents, PERRETTI identified himself as the president of FreightCo Corp.

c. Between approximately March 20, 2012 and July 1, 2014, \$111,770.70 was electronically transferred from the FreightCo Account to a Bank-1 checking account registered to PERRETTI (the "Perretti Personal Account").

d. Between approximately April 26, 2012 and March 18, 2015, twenty-one checks totaling \$114,500 and made out to "cash" were issued from the FreightCo Account. Twenty of these checks were endorsed by PERRETTI. At least fifteen of these checks, for a total of \$93,000, were deposited into the Perretti Personal Account.

e. Between approximately May 31, 2012 and July 24, 2014, \$230,164.32 in payments were made from the FreightCo Account to American Express, to be applied toward an American Express account registered to PERRETTI. I have reviewed records from American Express showing that these payments covered charges for, among other things, jewelry and flights to the Bahamas.

f. Between approximately July 18, 2012 and June 26, 2014, thirty-five checks totaling \$232,229 and made out to CC-1 were issued from the FreightCo Account.

g. Between approximately December 24, 2012 and January 13, 2014, \$38,000 was electronically transferred from the FreightCo Account to a Bank-1 checking account registered to CC-1 (the "CC-1 Personal Account").

h. Between approximately July 16, 2012 and August 19, 2014, six checks totaling \$38,200 and made out to

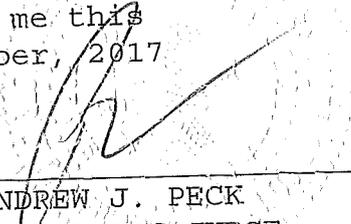
"cash" were issued from the FreightCo Account and deposited into the CC-1 Personal Account.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of VINCENT PERRETTI, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



WILLIAM M. COURTNEY  
Director of Investigations  
Business Integrity Commission

Sworn to before me this  
20 day of November, 2017



THE HONORABLE ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK