

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>SUPERSEDING INFORMATION</u>
	:	
- v. -	:	S1 19 Cr.824 (PAE)
	:	
MICHAEL SOLOMON MARKOWITZ,	:	
a/k/a "Sol Markowitz,"	:	
	:	
Defendant.	:	
	:	
- - - - -	X	

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

The United States Attorney charges:

1. From at least in or about 2012, up to and including in or about 2019, in the Southern District of New York and elsewhere, MICHAEL SOLOMON MARKOWITZ, a/k/a "Sol Markowitz," the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, wire fraud and bank fraud, in violation of Title 18, United States Code, Sections 1343 and 1344.

2. It was a part and an object of the conspiracy that MICHAEL SOLOMON MARKOWITZ, a/k/a "Sol Markowitz," the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false

and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, MARKOWITZ participated in a scheme to obtain and steal advance fees provided by victims in exchange for fraudulent standby letters of credit, and executed such scheme through the use of interstate wires including emails, telephone calls, and interstate wire transfers of funds.

3. It was further a part and an object of the conspiracy that MICHAEL SOLOMON MARKOWITZ, a/k/a "Sol," 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, to wit, MARKOWITZ participated in a scheme to provide fraudulent standby letters

of credit and proof-of-funds letters to financial institutions whose deposits were then insured by the FDIC.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, MICHAEL SOLOMON MARKOWITZ, a/k/a "Sol Markowitz," the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 16, 2018, during a phone call, MARKOWITZ falsely told an individual whose client had paid an advance fee of approximately \$450,000 that MARKOWITZ had wired approximately \$275,000 of those funds to someone else in order to obtain a standby letter of credit.

b. On or about June 5, 2019, during a phone call with a representative of a particular bank ("Bank-1") who was speaking from a Bank-1 branch in New York, New York, MARKOWITZ posed as an employee of a fake financial institution and discussed a fraudulent \$5 million standby letter of credit that MARKOWITZ had caused to be sent to Bank-1.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

5. As a result of committing the offense alleged in Count One of this Information, MICHAEL SOLOMON MARKOWITZ, a/k/a "Sol Markowitz," the defendant, 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(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

Substitute Asset Provision


6. 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) and 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.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



GEOFFREY S. BERMAN *in*
United States Attorney

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Defendant.

SUPERSEDING INFORMATION

S1 19 Cr. 824 (PAE)

(18 U.S.C. § 371.)

GEOFFREY S. BERMAN
United States Attorney
