

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
 : INFORMATION  
-v.- :  
 : 10 Cr.  
CHARLES J. ANTONUCCI, SR., :  
 :  
Defendant. :

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COUNT ONE

(Fraud on the FDIC Related to the  
\$6.5 Million Round-Trip Transaction)

The United States Attorney charges:

1. From in or about 2008 up to and including in or about 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, unlawfully, willfully, and knowingly, did make false entries in books, reports, and statements of an insured bank with intent to defraud such bank, and individual persons, and to deceive officers of such bank, and the Federal Deposit Insurance Corporation ("FDIC"), and agents and examiners appointed to examine the affairs of such bank, to wit, ANTONUCCI engaged in a scheme to defraud the FDIC and the New York State Banking Department ("NYSBD") in connection with their regulation of The Park Avenue Bank (the "Bank") by falsely representing that ANTONUCCI had invested \$6.5 million of his own funds to provide additional capital to the Bank, when, in truth and in fact, ANTONUCCI and others participated in a round-trip loan transaction so that the purported \$6.5 million investment

was actually made with the Bank's own funds.

(Title 18, United States Code, Sections 1005 and 2.)

COUNT TWO

(Securities Fraud Related to Application for TARP Funds)

The United States Attorney further charges:

2. From at least in or about October 2008 up to and including at least in or about February 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, in the offer and sale of securities by the use of means and instruments of transportation and communication in interstate commerce and by use of the mails, directly and indirectly, employed a device, scheme, and artifice to defraud, to wit, ANTONUCCI engaged in a scheme to defraud by making, and causing others to make, materially false statements in connection with the Bank's application for an \$11,252,480 investment from the Capital Purchase Program of the Troubled Asset Relief Program ("TARP"), in an effort to fraudulently induce the United States Government to provide the requested TARP funds in exchange for securities issued by the Bank.

(Title 15, United States Code, Sections 77q(a) and 77x, and Title 18, United States Code, Section 2.)

COUNT THREE

(Bank Bribery)

The United States Attorney further charges:

3. From at least in or about 2007 up to and including in or about 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, as an officer, director, and agent of a financial institution, unlawfully, willfully, knowingly, and corruptly solicited and demanded for his own benefit and for the benefit of other persons, and corruptly accepted and agreed to accept, things of value from persons, intending to be influenced and rewarded in connection with the business and transactions of such institution, to wit, in exchange for approving various Bank transactions for co-conspirators not named herein ("CC-1" and "CC-2"), who controlled or maintained accounts at the Bank, ANTONUCCI, as President and Chief Executive Officer of the Bank, received bribes from CC-1 and CC-2, including but not limited to: (i) from CC-1, ANTONUCCI received the use of CC-1's airplane for personal trips, the use of accounts maintained by CC-1's entities to funnel Bank funds to ANTONUCCI, and over \$250,000 in United States currency; and (ii) from CC-2, ANTONUCCI received the use of a luxury automobile.

(Title 18, United States Code, Sections 215 and 2.)

COUNT FOUR

(Embezzlement and Misappropriation of Bank Funds)

The United States Attorney further charges:

4. From in or about 2006 up to and including in or about 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, being an officer, director, agent and employee of, and connected in a capacity with an insured bank, did embezzle, abstract, purloin and willfully misapply the moneys, funds, and credits of such bank, to wit, ANTONUCCI, as President and Chief Executive Officer of the Bank, embezzled and misapplied funds from the Bank for his personal use by, among other things: (i) approving fraudulent loans from the Bank to an entity for the stated purpose of increasing that entity's working capital, when the actual purpose of the loans was to generate cash that could then be transferred to ANTONUCCI for his personal use in the scheme alleged in Count One of the Information; (ii) approving a \$400,000 loan from the Bank to another entity that ANTONUCCI knew was not credit-worthy and had submitted a fraudulent loan application, in order to enrich himself and another individual with the loan proceeds; (iii) having the Bank pay money to lease at least one property owned by ANTONUCCI and others in Fishkill, New York which the Bank did not use; and (iv) directing Bank employees to perform work on non-Bank matters in which Antonucci had financial interests.

(Title 18, United States Code, Sections 656 and 2.)

COUNT FIVE

(Conspiracy to Commit Mail and Wire Fraud Related to  
Repayment of Loan Using GEE Monies)

The United States Attorney further charges:

5. In or about 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Sections 1341 and 1343 of Title 18, United States Code.

6. It was a part and an object of the conspiracy that CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, 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 place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things whatever to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carriers

according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

7. It was further a part and an object of the conspiracy that CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, 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, would and did transmit and cause to be transmitted by means of wire and radio 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.

OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about 2009, CHARLES J. ANTONUCCI, Sr., the defendant, signed a verification form provided by auditors retained by General Employment Enterprises, Inc. ("GEE").

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

COUNT SIX

(Conspiracy to Commit Mail and Wire Fraud Related to  
Oklahoma Insurance Department)

The United States Attorney further charges:

9. From at least in or about July 2008 up to and including in or about November 2009, in the Southern District of New York and elsewhere, CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Sections 1341 and 1343 of Title 18, United States Code.

10. It was a part and an object of the conspiracy that CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, 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 place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things whatever to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would

and did knowingly cause to be delivered by mail and such carriers according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

11. It was further a part and an object of the conspiracy that CHARLES J. ANTONUCCI, SR., the defendant, and others known and unknown, unlawfully, 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, would and did transmit and cause to be transmitted by means of wire and radio 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.

#### OVERT ACTS

12. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about November 2008, CHARLES J. ANTONUCCI, SR., the defendant, caused documents containing false



information regarding the purchase of an insurance company to be submitted to the Oklahoma Insurance Department.

b. In or about 2009, ANTONUCCI caused a quarterly statement containing false financial information regarding an insurance company to be filed with the Oklahoma Insurance Department.

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

FORFEITURE ALLEGATIONS AS TO COUNTS ONE, THREE THROUGH SIX

13. As a result of committing the offenses alleged in Counts One, Three, Four, Five and Six of this Information, CHARLES J. ANTONUCCI, SR., the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the charged offenses, including, but not limited to at least \$44 million in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained by ANTONUCCI and others as a result of the offenses, including but not limited to the following property:

- (a) Cloverhill Enterprises, Inc., 81 Main Street, Suite 100, White Plains, NY 10606;
- (b) I-Gambit, Inc., 47 Mall Drive, Commack, NY 11725;
- (c) IZUP, (a/k/a "AHL Communications"), c/o Illume Software Inc., 2150 Washington Street, Suite 100, Newton, MA 02462;
- (d) 1042 Main Street, Fishkill, NY;

- (e) 199 Bowery, Apt. 12A, New York, NY;
- (f) 1012-1018 Main Street, Fishkill, NY and 1012-1018 Main Street LLC;
- (g) 8 Church Street, Fishkill, NY and 8 Church St. LLC;
- (h) 2 Broad Street, Fishkill, NY and 2 Broad Street LLC;
- (i) 48 Jackson Street, Fishkill, NY and 48 Jackson Street, LLC;
- (j) 1080 Main Street, Fishkill, NY and 1080 Main Street LLC;
- (k) 9718 Lake Chase Island Way, Westchase, Florida;
- (l) 129 East 61 Street LLC and Defendant's interest in any proceeds from the sale of 129 East 61 Street, New York, NY;
- (m) Las Olas River House Condominium, Unit 3210, Las Olas, Florida and TMA Associates LLC;
- (n) Note receivable due from Athletes Premier International Corp., 3 Paul Gore Street, Boston, MA;
- (o) Note receivable due from Ebaby.com, 81 Main Street, Suite 100, White Plains, NY 10606;
- (p) Note receivable due from 199 Bowery-Long Beach Lot 3 LLC, 1441 Route 22, Suite 204B, Brewster, NY 10509, c/o Hogan & Rossi;
- (q) Note receivable due from 129 East 61 Street LLC, 1042 Main Street, Fishkill, NY;
- (r) Time-share at Divi Aruba Resort, Oranjestad, Aruba, J.E. Irausquin Blvd, #45 Oranjestad, Aruba;
- (s) Time-share at Marriott Orlando, Marriott Grand Vista, 5295 Avenida Vista, Orlando, FL 32821;

- (t) Any recovery obtained in the litigation captioned Deep Woods Holdings LLC v. Savings Deposit Insurance Fund of the Republic of Turkey, 07 Civ. 934 (AKH);
- (u) Bedford Consulting Group, Inc., 8 Church Street, Fishkill, NY;
- (v) All funds on deposit in account number 300294 at Valley National Bank, in the name of Charles J. Antonucci, Sr.; and
- (w) All funds on deposit in account number 5200024437 at Valley National Bank, in the name of Park Avenue Insurance, LLC.

Substitute Asset Provision

14. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

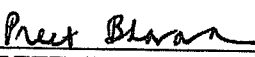
it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of

said defendant up to the value of the above forfeitable property, including but not limited to forfeiture of the following assets:

- (a) Cloverhill Enterprises, Inc., 81 Main Street, Suite 100, White Plains, NY 10606;
- (b) I-Gambit, Inc., 47 Mall Drive, Commack, New York 11725;
- (c) IZUP, (a/k/a "AHL Communications"), c/o Illume Software Inc., 2150 Washington Street, Suite 100, Newton, MA 02462;
- (d) 1042 Main Street, Fishkill, NY;
- (e) 199 Bowery, Apt. 12A, New York, NY;
- (f) 1012-1018 Main Street, Fishkill, NY and 1012-1018 Main Street LLC;
- (g) 8 Church Street, Fishkill, NY and 8 Church St. LLC;
- (h) 2 Broad Street, Fishkill, NY and 2 Broad Street LLC;
- (i) 48 Jackson Street, Fishkill, NY and 48 Jackson Street, LLC;
- (j) 1080 Main Street, Fishkill, NY and 1080 Main Street LLC;
- (k) 9718 Lake Chase Island Way, Westchase, Florida;
- (l) 129 East 61 Street LLC and Defendant's interest in any proceeds from the sale of 129 East 61 Street, New York, NY;
- (m) Las Olas River House Condominium, Unit 3210, Las Olas, Florida and TMA Associates LLC;
- (n) Note receivable due from Athletes Premier International Corp., 3 Paul Gore Street, Boston, MA;
- (o) Note receivable due from Ebaby.com, 81 Main Street, Suite 100, White Plains, NY 10606;

- (p) Note receivable due from 199 Bowery-Long Beach Lot 3 LLC, 1441 Route 22, Suite 204B, Brewster, NY 10509, c/o Hogan & Rossi;
- (q) Note receivable due from 129 East 61 Street LLC, 1042 Main Street, Fishkill, NY;
- (r) Time-share at Divi Aruba Resort, Oranjestad, Aruba, J.E. Irausquin Blvd, #45 Oranjestad, Aruba;
- (s) Time-share at Marriott Orlando, Marriott Grand Vista, 5295 Avenida Vista, Orlando, FL 32821;
- (t) Any recovery obtained in the litigation captioned Deep Woods Holdings LLC v. Savings Deposit Insurance Fund of the Republic of Turkey, 07 Civ. 934 (AKH);
- (u) Bedford Consulting Group, Inc., 8 Church Street, Fishkill, New York;
- (v) All funds on deposit in account number 300294 at Valley National Bank, in the name of Charles J. Antonucci, Sr.; and
- (w) All funds on deposit in account number 5200024437 at Valley National Bank, in the name of Park Avenue Insurance, LLC.

(Title 18, United States Code, Section 982; and Title 21 United States Code, Section 853.)

  
PREET BHARARA  
United States Attorney ADJK

Form No. USA-33s-274 (Ed. 9-25-58)

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**- v. -**

**CHARLES J. ANTONUCCI, SR.,**

**Defendant.**

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**INFORMATION**

10 Cr. (NB)

(Title 18, United States Code, Sections 2, 215, 656, 1005,  
1349, and Title 15, United States Code, Sections  
77q(a) and 77x).

**Preet Bharara**  
United States Attorney.

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