



KAM:PKC
F. #2003R00130

CR 04

2681

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
* MAR 23 2004 *
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

AREF ELFGEEH,

Defendant.

-----X

THE GRAND JURY CHARGES:

INDICTMENT

Cr. No. _____
(T. 18, U.S.C., §§ 1960 (a)
2, 371, 982 and 3551
et seq.; T. 21, U.S.C.,
§ 853)

DEARIE, J

POLLAK, M.J.

INTRODUCTION

Prohibition of Unlicensed Money Transmitting Business

At all times relevant to this Indictment:

1. The term "unlicensed money transmitting business" was defined in Title 18, United States Code, Section 1960(b)(1)(A) to include any money transmitting business that affected interstate or foreign commerce in any manner or degree and that operated without an appropriate money transmitting license in a State where such operation was punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable.

2. The term "money transmitting" was defined in Title 18, United States Code, Section 1960(b)(2) to include transferring funds on behalf of the public by any and all means including but

not limited to transfers within the country or to locations abroad by wire, check, draft, facsimile, or courier.

3. Pursuant to New York State Banking Law Section 650(2)(a), the operation of an unlicensed money transmitting business was punishable as a misdemeanor. Pursuant to New York State Banking Law Section 650(2)(b)(1), the operation of an unlicensed money transmitting business was punishable as a felony if the business received \$10,000 or more for transmission in a single transaction, \$25,000 or more for transmission in a period of 30 days or less, or \$250,000 for transmission in a period of a year or less.

COUNT ONE

4. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

5. In or about and between November 2001 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AREF ELFGEEH, together with others, did knowingly and intentionally conspire to conduct, control, manage, supervise, direct, and own all or part of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960(a).

6. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere,

the defendant and others committed and caused to be committed, among others, the following:

OVERT ACTS

(a) On or about December 12, 2001, the defendant AREF ELFGEEH and a co-conspirator caused a check in the amount of \$25,000 drawn on a bank account in the name of Prospect Deli, a business located in Brooklyn, New York, to be deposited in a bank account in name of Carnival French Ice Cream.

(b) On or about January 10, 2002, the defendant AREF ELFGEEH and a co-conspirator caused a check in the amount of \$9,000 drawn on a bank account in Brooklyn, New York in the names of Aref A. ElFgeeh and Mahmood ElFgeeh to be deposited in a bank account in name of Carnival French Ice Cream.

(c) On or about January 11, 2002, a co-conspirator caused a wire transfer in the amount of \$10,000 to be made from a bank account in Brooklyn, New York in the name Carnival French Ice Cream Supermarket, a business located in Brooklyn, New York, to a bank account in Thailand.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

7. The allegations contained in paragraphs one through three are realleged and incorporated as if fully set forth in this paragraph.

8. In or about and between November 2001 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant AREF ELFGEEH, together with others, did knowingly and intentionally conduct, control, manage, supervise, direct, and own all or part of an unlicensed money transmitting business.

(Title 18, United States Code, 1960(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

9. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

10. The United States hereby gives notice to the defendant charged in Counts One and Two that, upon his conviction of such offenses the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in each offense in violation of Title 18, United States Code, Section 1960 and all property traceable to such property as a result of defendant's conviction of Counts One and Two of this Indictment, including but not limited to, the following:

all funds on deposit in Astoria Federal Savings bank account number 0915143524 in the names of AREF A. ELFGEEH and Mahmood ELFGeeh, Chase Manhattan Bank account number 094072385865 in the name of Prospect Deli, and JP Morgan Chase bank account number 094-0617502-65 in the name of Carnival French Ice Cream Supermarket.

11. If, by any act or omission of the defendant, any of the property described in paragraph 10 above, or any portion thereof;

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred, or sold to or deposited with a third party;

(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 divided without difficulty; the defendant shall forfeit substitute property, up to the value of the property described in paragraph 10 above, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b).

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

A TRUE BILL


FOREPERSON

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEARIE, J.

1. Title of Case: United States v. Aref Elfgeeh

2. Related Magistrate Docket Number(s) M-03-0614

None (X)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 23 2004 ★
BROOKLYN OFFICE
BROOKLYN OFFICE

POLLAK, M.J.

3. Arrest Date: 12/22/03

4. Nature of offense(s): Felony
 Misdemeanor

5. Related Civil or Criminal Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules): _____

6. Projected Length of Trial: Less than 6 weeks (X)
More than 6 weeks ()

7. County in which crime was allegedly committed: Kings
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

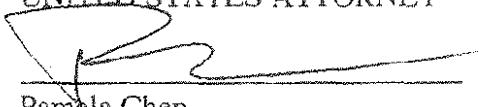
8. Has this indictment been ordered sealed? () Yes (X) No

9. Have arrest warrants been ordered? () Yes (X) No

10. Is a capital count included in the indictment? () Yes (X) No

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

By:



Pamela Chen
Assistant U.S. Attorney
(718) 254-7575

268
DEARIE
POLLAK