

2020R0042/PF

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Criminal No. 21-329 (PGS)
: :
: : 18 U.S.C. § 1344
v. : : 18 U.S.C. § 641
: : 18 U.S.C. § 2
: :
BERNARD E. LOPEZ :

INFORMATION

The defendant having waived in open court prosecution by Indictment, and any challenges based on venue, the Acting United States Attorney for the District of New Jersey charges:

COUNT ONE
(Bank Fraud)

1. At all times relevant to this Information:

- (a) Defendant Bernard E. Lopez (“LOPEZ”) was a resident of Sayreville, New Jersey.
- (b) “Victim Business-1” was a company located in Mt. Pleasant, South Carolina.
- (c) Pezlo Management, LLC (“Pezlo” or the “Fictitious Business”) was a New Jersey corporation created on September 26, 2014, with its principal place of business registered to an address in North Brunswick, New Jersey. Pezlo’s organizational documents list LOPEZ as its sole member. LOPEZ used Pezlo as a vehicle to perpetrate his fraud.
- (d) “Financial Institution A” was a financial institution as

defined in Title 18, United States Code, Section 20, whose deposits were insured by the Federal Deposit Insurance Corporation. Financial Institution A is headquartered in Boston, Massachusetts and provides banking services to customers in New Jersey and throughout the United States.

The Scheme

2. From at least as early as in or around October 2019 through in or around February 2020, in the District of New Jersey, and elsewhere, defendant

BERNARD E. LOPEZ

did knowingly execute a scheme and artifice to defraud Financial Institution A, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, Financial Institution A, by means of materially false and fraudulent pretenses, representations, and promises, as more fully set forth below.

The Goal of The Scheme to Defraud

3. The goal of the scheme was for defendant LOPEZ to enrich himself by fraudulently obtaining funds from Financial Institution A using an altered check that he deposited into an account he controlled and then quickly withdrawing the funds before the fraud was detected.

Manner and Means of Scheme to Defraud

4. The manner and means by which LOPEZ sought to accomplish the goal of the scheme included, among other things, the following:

(a) On or about October 5, 2019, LOPEZ opened an account for

Pezlo at Financial Institution A for the purpose of defrauding Financial Institution A.

(b) On or about October 5, 2019, LOPEZ submitted the Certificate of Formation documents (“COF”) to Financial Institution A and to open the bank account for Pezlo (the “Fraudulent Account”).

(c) LOPEZ fraudulently obtained a stolen U.S. Treasury Check that was originally made payable to Victim Business-1 in the amount of \$1,886.87. LOPEZ later altered the check, changing the name of the payee and the amount (the “Altered Check”). The Altered Check was made payable to Pezlo in the amount of \$211,886.87.

(d) On or about February 19, 2020, LOPEZ deposited the Altered Check into the Fraudulent Account at a Financial Institution A branch located in Pennington, New Jersey.

(e) On or about February 27, 2020, LOPEZ withdrew \$5,000 from the Fraudulent Account at a different Financial Institution A branch, this one located in East Brunswick, New Jersey.

(f) On or about February 27, 2020, LOPEZ transferred \$129,200 from the Fraudulent Account to accounts he opened and controlled at other financial institutions.

Execution of the Scheme

5. On or about February 19, 2020, in the District of New Jersey and elsewhere, for the purpose of executing and attempting to execute the scheme

and artifice to defraud Financial Institution A, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, Financial Institution A , by means of materially false and fraudulent pretenses, representations, and promises, LOPEZ deposited an altered United States Treasury Check in the amount of \$211,886.87 into an account he controlled at Financial Institution A.

In violation of Title 18, United States Code, Section 1344 and Section 2.

COUNT TWO
(Theft of Government Funds – 18 U.S.C. § 641)

1. The allegations set forth in paragraphs 1,4 and 5 of Count One of this Information are realleged here.

2. On or about June 26, 2020, in the Southern District of Florida and elsewhere, defendant

BERNARD E. LOPEZ

did knowingly and intentionally embezzle, steal, purloin, and convert to his own use and the use of others, money and things of value of the United States, namely, money belonging to the Small Business Administration in the approximate amount of \$481,502.

In violation of Title 18, United States Code, Section 641 and Section 2.

FORFEITURE ALLEGATION

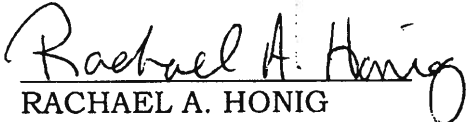
1. The allegations contained in Counts One and Two of this Information are hereby realleged and incorporated by reference for the purposes of noticing forfeiture pursuant to Title 18, United States Code, Section 982(a)(2).

2. The United States hereby gives notice to the defendant, that upon conviction of the offenses charged in this Information, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

3. If by any act or omission of the defendant any of the property subject to forfeiture:

- 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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in paragraph 2.


RACHAEL A. HONIG
Acting United States Attorney

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**United States District Court
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UNITED STATES OF AMERICA

v.

BERNARD E. LOPEZ

INFORMATION FOR

**18 U.S.C. § 1344
18 U.S.C. § 641
18 U.S.C. § 2**

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