

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 10-
 :
 :
 v. : 18 U.S.C. § 1956(h)
 : 18 U.S.C. § 982(a)(1)
 :
 :
 ELIAHU BEN HAIM : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant ELIAHU BEN HAIM (hereinafter, "defendant BEN HAIM") resided in the Elberon section of Long Branch, New Jersey, and was the principal rabbi of Ohel Yaacob Congregation, a/k/a Ocean Avenue Synagogue, a synagogue located in Deal, New Jersey.

b. Through his position as a rabbi, defendant BEN HAIM operated several purportedly charitable organizations, including Congregation Ohel Eliahu, Friends of Yechave Da'at and Congregation Yehuda Yaaleh (collectively, the "Purported Charities").

c. Defendant BEN HAIM and the Purported Charities held bank accounts at various financial institutions in New Jersey and elsewhere, including Central Jersey Bank (formerly d/b/a Monmouth Community Bank N.A.) ("CJB"), Wachovia Bank N.A. ("Wachovia"),

and T.D. Bank (formerly d/b/a Commerce Bank) ("TD Bank") in Monmouth County, New Jersey. Defendant BEN HAIM established and was a signatory on the bank accounts held by the Purported Charities.

d. Neither defendant BEN HAIM nor any of the Purported Charities was licensed to transmit money.

2. At all times relevant to this Information:

a. There was a coconspirator with the initials I.M. (hereinafter, "Coconspirator I.M.") who resided in Israel and was the principal source of cash for defendant BEN HAIM.

b. Schmucl Cohen, a/k/a "Schmulik Cohen" ("Cohen"), a citizen of Israel, worked at an electronics store in Brooklyn, New York, resided in Brooklyn and operated an unlicensed money transmitting business out of his residence.

c. Yeshaye Ehrental, a/k/a "Yeshayahu Ehrental," a/k/a "Yishay Ehrental" ("Ehrental"), resided in Brooklyn, New York, and operated an unlicensed money transmitting business out of an office in Brooklyn.

d. Akiva Aryeh Weiss, a/k/a "Arye Weiss" ("Weiss"), resided in and operated an unlicensed money transmitting business out of a location in Brooklyn.

e. There was a cooperating witness (hereinafter, the "CW") who had been charged in a Federal criminal complaint with bank fraud in or about May 2006. At the direction, and with the

approval of, the Federal Bureau of Investigation ("FBI"), the CW represented to defendant BEN HAIM that the CW sought to conceal and launder illicit funds through defendant BEN HAIM's already-established underground money transfer network. The CW also repeatedly represented to defendant BEN HAIM that the funds that the CW sought to conceal and launder were proceeds from the CW's illegal schemes and businesses, including bank fraud, trafficking in counterfeit goods, and concealing assets and monies in connection with bankruptcy proceedings.

f. CJB, Wachovia, TD Bank and other banks defendant BEN HAIM used to transfer and launder illicit proceeds were financial institutions that engaged in interstate commerce.

3. From in or about October 2006 to in or about July 2009, in Monmouth County, in the District of New Jersey and elsewhere, defendant

ELIAHU BEN HAIM

knowingly, willfully and with intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activities-- that is, bank fraud, contrary to Title 18, United States Code, Section 1344, trafficking in counterfeit goods, contrary to Title 18, United States Code, Section 2320, and the concealment of property belonging to the estate of a debtor from a federal bankruptcy trustee and bankruptcy court, contrary to Title 18,

United States Code, Section 152--conspired and agreed with others to conduct financial transactions involving property represented by the CW at the direction, and with the approval, of a federal official authorized to investigate and prosecute violations of Title 18, United States Code, Section 1956, to be the proceeds of specified unlawful activities, contrary to Title 18, United States Code, Section 1956(a)(3).

4. It was the object of the conspiracy for defendant BEN HAIM and others to obtain fees for laundering the CW's checks through bank accounts held in the names of the Purported Charities and returning cash to the CW through an international, underground money transfer network.

5. It was part of the conspiracy that:

a. Defendant BEN HAIM agreed to conceal and launder the CW's funds through defendant BEN HAIM's international, underground money transfer network.

b. Defendant BEN HAIM agreed to accept checks from the CW and convert those checks into cash.

c. Defendant BEN HAIM directed the CW to make the checks payable to the Purported Charities that were to be used as fronts for concealing and laundering the CW's money.

d. Defendant BEN HAIM agreed to accept and accepted checks from the CW that were represented by the CW to be the proceeds of specified unlawful activities.

e. Defendant BEN HAIM then deposited and caused to be deposited the CW's checks into banks accounts held in the names of the Purported Charities at various financial institutions in New Jersey and elsewhere, including CJB, Wachovia and TD Bank.

f. After depositing the checks, defendant BEN HAIM wired all or a substantial portion of the proceeds of those checks to Coconspirator I.M. in Israel or, at Coconspirator I.M.'s direction, to bank accounts held by other individuals and corporations in the United States or in various foreign countries, including Israel, Argentina, China, Switzerland and Turkey. At times, defendant BEN HAIM would wire the CW's proceeds with the proceeds of checks from others that had been made payable to the Purported Charities.

g. In return for a fee from defendant BEN HAIM of approximately 1.5 percent, Coconspirator I.M. made cash available to defendant BEN HAIM through various unlicensed money transmitters (or cash houses), including that of Cohen, Ehrental, and Weiss, in Brooklyn.

h. Defendant BEN HAIM or the CW, on occasion at defendant BEN HAIM's direction, retrieved the cash from one of the various cash houses and returned with the cash to Deal or Long Branch, New Jersey. On several occasions when the CW retrieved cash from the cash houses at defendant BEN HAIM's direction, the CW retrieved cash in amounts substantially in excess of what was

owed to the CW.

i. Defendant BEN HAIM then provided the CW with the cash due the CW in the amounts of the checks that had been provided to defendant BEN HAIM, less defendant BEN HAIM's fee. Defendant BEN HAIM typically provided cash due the CW a short time after receiving the checks from the CW.

j. Defendant BEN HAIM charged, and received from, the CW a fee of approximately 10% to conceal and launder the CW's illicit money.

k. Defendant BEN HAIM met with and conducted money laundering transactions with the CW in or around Deal and Long Branch, including in defendant BEN HAIM's vehicle, at defendant BEN HAIM's residence, at Congregation Ohel Yaacob, and in commuter parking lots and gas stations.

l. Defendant BEN HAIM took measures to ensure that the money laundering transactions that he conducted for the CW went undetected by using veiled language and expressing concern over the possibility that federal authorities would use "bugs" and other electronic surveillance to monitor their conversations.

m. From time to time, defendant BEN HAIM used funds in the bank accounts of the Purported Charities to pay for personal items and expenses, and transferred funds from those bank accounts to his own personal banks accounts for his later use.

n. Between in or about October 2006 and in or about July 2009, defendant BEN HAIM engaged in more than 35 completed money laundering transactions with the CW, in which defendant BEN HAIM converted approximately \$1.5 million in checks that the CW represented to be proceeds of specified unlawful activities into approximately \$1.35 million in cash, retaining approximately \$150,000 in fees to be shared among defendant BEN HAIM and his coconspirators for laundering the CW's money.

In violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATION

(18 U.S.C. § 982)

As the result of committing the aforementioned offense in violation of Title 18, United States Code, Section 1956(h), as alleged in this Information, defendant BEN HAIM shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), all property, real and personal, that was involved in such offense or traceable to such property, in the amount of \$1.5 million, including, but not limited to, the following:

- (1) \$67,100 in U.S. currency seized by the FBI from defendant BEN HAIM's car and residence on or about July 23, 2009;
- (2) funds totaling \$346,062.61 seized from Wachovia Account No. XXXX7275, in the name of Congregation Ohel Eliahu (Seizure No. 3510-2009-F-0078);
- (3) funds totaling \$6,800.63 and \$49,418.71 seized from Wachovia Account Nos. XXXX7262 and XXXX2045, in the name of Friends of Yechave Da'at (Seizure No. 3510-2009-F-0079);
- (4) funds totaling \$8,403.92 and \$5,000.00 seized from Wachovia Account Nos. XXXX3964 and XXXX3951, in the name of Eli and Norma Ben Haim (Seizure No. 3510-2009-F-0080);
- (5) funds totaling \$97,050.00 seized from CJB Account No. XXXX5244, in the name of Congregation Yehuda Yaaleh (Seizure No. 3510-2009-F-0081);
- (6) funds totaling \$50,688.91 seized from TD Bank Account No. XXXX9531, in the name of Eli Ben Haim (Seizure No. 3510-2009-F-0082); and
- (7) the sum of \$100,000, in lieu of forfeiting the residence at 279 Elberon Terrace, Elberon, New Jersey.

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

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty,

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of defendant BEN HAIM up to the value of the above forfeitable property.


PAUL J. FISHMAN
UNITED STATES ATTORNEY

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INFORMATION

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