

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 10-
:
:
v. : 18 U.S.C. § 1960 and § 2
:
:
BINYOMIN SPIRA, :
a/k/a "Benjamin Spira" : 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. BINYOMIN SPIRA, a/k/a "Benjamin Spira" ("defendant SPIRA"), resided in Brooklyn, New York and was employed at a bakery in the Flatbush section of Brooklyn (hereinafter "the Bakery").
 - b. Eliahu Ben Haim (hereinafter, "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. Through his position as a rabbi, Ben Haim operated several purportedly charitable organizations, including Congregation Ohel Eliahu.
 - c. Mordchai Fish, a/k/a "Mordechai Fisch" (hereinafter, "Fish"), resided in Brooklyn, New York, and was the principal

rabbi of a synagogue located in Brooklyn. Through his position as a rabbi, Fish operated or was affiliated with several purportedly charitable organizations, including Boyoner Gemilias Cheshed.

d. Levi Deutsch, a/k/a "Levi Deutch," (hereinafter "Deutsch"), was a resident of Israel who operated a charitable organization based in the United States.

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.

2. At all times relevant to this Information:

a. The law of the State of New Jersey, N.J.S.A. 17:15C-4(a), provided that "no person . . . shall engage in the business of money transmission without a license. . . ." Violations of this law were punishable as a felony.

b. The law of the State of New York, McKinney's Banking Law § 641, provided that "[n]o person shall engage in the business . . . of receiving money for transmission or transmitting the same, without a license" Violations of this law were punishable as a misdemeanor.

c. Federal law provided that "[a]ny person who owns or controls a money transmitting business shall register the business (whether or not the business is licensed as a money transmitting business in any State) with the Secretary of the

Treasury. . . ." See 31 U.S.C. § 5330(a)(1).

d. Neither defendant SPIRA, Ben Haim, Fish or Deutsch, nor any business affiliated with any of them, were licensed with the States of New Jersey or New York, or registered with the Secretary of the Treasury as a money transmitting business.

3. At various times relevant to this Information:

a. Ben Haim, Fish and Deutsch agreed to accept and accepted checks from the CW made payable to one of the charitable organizations affiliated with either Ben Haim or Fish. In return for those checks, Ben Haim, Fish and Deutsch agreed to return and returned cash to the CW, less a fee of approximately ten percent for conducting the transactions.

b. After accepting the checks and depositing them into bank accounts located in either New Jersey or New York, Ben Haim, Fish or Deutsch arranged for the amount of the checks minus the ten percent fee to be made available in cash at various locations, including the residence and workplace of defendant SPIRA.

c. Ben Haim, Fish or Deutsch would then direct the CW to the location where defendant SPIRA would provide the CW with the cash owed to the CW. These meetings with defendant SPIRA, Fish and Deutsch were coordinated by the CW placing telephone calls from New Jersey to defendant SPIRA, Fish or Deutsch at locations in New York and Israel.

d. On or about the following dates, at the following locations in Brooklyn, defendant SPIRA transmitted cash or caused to be transmitted cash in the following amounts to the CW:

<u>DATE OF CASH TRANSFER</u>	<u>LOCATION</u>	<u>APPROXIMATE AMOUNT OF CASH TRANSFERRED</u>
January 4, 2009	Spira Residence	\$30,000
May 7, 2009	The Bakery	\$100,000
May 14, 2009	The Bakery	\$97,500

4. From in or about January 2009 to in or about May 2009, in Monmouth County, in the District of New Jersey and elsewhere, defendant

BINYOMIN SPIRA,
a/k/a "Benjamin Spira,"

and others knowingly conducted, controlled, managed, supervised, directed, and owned all and part of an unlicensed money transmitting business, and aided and assisted in the same, which business affected interstate and foreign commerce and (a) was operated without an appropriate money transmitting license in New Jersey and New York, where such operation was punishable as a felony or a misdemeanor under those States' laws; and (b) failed to comply with the money transmitting business registration

requirements under Title 31, United States Code, Section 5330 and regulations prescribed under that Section.

In violation of Title 18, United States Code, Section 1960 and Section 2.

A handwritten signature in black ink, appearing to read "Paul J. Fishman", with a horizontal line underneath it. To the right of the signature, there are handwritten initials "JGC".

PAUL J. FISHMAN
UNITED STATES ATTORNEY