

★ SEP 13 2019 ★

BROOKLYN OFFICE

NDR:RCH/FTB  
F. #2015R00111

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

HOWARD MORA and  
ALAN BUXBAUM,

Defendants.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

**CR 19 425**  
Cr. No.

(T. 18, U.S.C., §§ 981(a)(1)(C), 1349  
and 3551 et seq.; T. 21, U.S.C.,  
§ 853(p); T. 28, U.S.C., § 2461(c))

**MATSUMOTO, J.**

**LEVY, M.J.**

INTRODUCTION

I. Background

A. The United States Department of Agriculture's Official Grade Standards

1. The Agricultural Marketing Service of the United States Department of Agriculture ("USDA") developed, maintained and interpreted official grade standards for meat products, including, among others, beef, veal, calf, lamb and yearling mutton. These official grade standards provided guidance to purchasers as to the quality of the meat product. For particular meat products, including beef, the USDA maintained quality grades that included, among others, Prime and Choice, with Prime representing the highest quality meat product.

2. All meat products sold in the United States were required to be inspected by the USDA for safety. In addition to this mandatory inspection, producers and processors of meat products could request that licensed federal graders with the USDA's

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

TELL' MIT

I. OTOMUSTAM

Faint, illegible text, possibly bleed-through from the reverse side of the page.

CB 18 482

BROOKLYN OFFICE

\* FEB 13 1958 \*

FEDERAL BUREAU OF INVESTIGATION

FIBED

Agricultural Marketing Service grade the meat for quality. Those who requested grading were required to pay for the service. If requested, the federal graders evaluated the meat and assigned a grade to it. The grade assigned (e.g., Prime or Choice) was then stamped onto the carcass or side of beef, but would usually not be visible on retail cuts of beef. The USDA's Agricultural Marketing Service maintained official stamps reflecting each of the available grades that were used to stamp the applicable grade on to the beef.

B. Relevant Individuals and Entities

3. A. Stein Meat Products, Inc. ("A. Stein Meats") was a company located in Brooklyn, New York. A. Stein Meats, during the relevant time, was a wholesale meat processing and distribution business that purchased meat and poultry products in bulk from various distributors and processed those products to fill orders from customers, including multiple restaurants located in the New York City area.

4. The defendant HOWARD MORA was a co-owner of A. Stein Meats during the relevant time.

5. The defendant ALAN BUXBAUM was a co-owner of A. Stein Meats during the relevant time.

II. The Fraudulent Scheme

6. Between approximately September 2011 and October 2014, the defendants HOWARD MORA and ALAN BUXBAUM, together with others, agreed to execute a scheme to defraud their customers by causing A. Stein Meats to purchase Choice-grade carcasses and sides of beef that were then processed into wholesale products that were fraudulently sold to customers as consisting of Prime-grade beef. A. Stein Meats charged



its customers more than the meat products were worth, resulting in fraudulent proceeds to the business.

7. In furtherance of the fraudulent scheme, the defendants HOWARD MORA and ALAN BUXBAUM directed an employee of A. Stein Meats to requisition a commercial stamp maker located in New Jersey to make stamps that looked like the official stamps used by graders at the USDA's Agricultural Marketing Service to stamp beef as "Prime." MORA and BUXBAUM directed employees of A. Stein Meats to purchase Choice-grade carcasses and sides of beef and, when the meat arrived at A. Stein Meats, to shave off the places where the meat had been stamped as "Choice." MORA and BUXBAUM further directed employees of A. Stein Meats to use the stamps they had purchased from the stamp maker to stamp Choice-grade beef as "Prime." MORA and BUXBAUM then directed that beef products fraudulently stamped as "Prime" be sold to customers of A. Stein Meats as if it were more expensive Prime-grade beef, knowing that it was, in fact, Choice-grade beef.

#### WIRE FRAUD CONSPIRACY

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

9. In or about and between September 2011 and October 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants HOWARD MORA and ALAN BUXBAUM, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud one or more customers of A. Stein Meats, and to obtain money and property from them by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose

of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

10. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

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

- (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), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

[REDACTED]

FOREPERSON

[REDACTED]

RICHARD P. DONOGHUE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No. \_\_\_\_\_

---

**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

---

THE UNITED STATES OF AMERICA

vs.

HOWARD MORA and  
ALAN BUXBAUM,

Defendants.

---

**INDICTMENT**

(T. 18, U.S.C., §§ 981(a)(1)(C), 1349 and 3551 *et seq.*; T. 21,  
U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

---

*Bill*  
[REDACTED] \_\_\_\_\_ [REDACTED]

---

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

---

Bail, \$ \_\_\_\_\_  
\_\_\_\_\_

---

*Ryan C. Harris and F. Turner Buford, Assistant U.S. Attorneys, (718) 254-6489/6483*