

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 _ v. : Crim. No.
 :
 ROMAN SOBOLEVSKY : 18 U.S.C. § 1349

INFORMATION

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

(Conspiracy to Commit Wire Fraud)

1. At all times relevant to this Information:

The Defendant and His Company

- a. Defendant ROMAN SOBOLEVSKY (“SOBOLEVSKY”) was a resident of Brooklyn, New York, and the president of a Brooklyn-based motor fuel distribution company (“Company-1”).

Background on Motor Fuel Supply and Distribution

- b. Fuel suppliers (“Suppliers”) typically import motor fuel via pipelines and barges and store it at fuel terminals. At the terminal, Suppliers measure and sell the fuel to fuel distributors (“Distributors”). The Distributors then use fuel trucks to deliver the fuel to gas stations or other retail dealers.

- c. The State of New Jersey requires that Distributors pay the state motor fuel tax at the terminal racks where Distributors purchase fuel from Suppliers. The Supplier collects the taxes owed on the fuel directly from the Distributor. The Distributor then typically passes on the tax charges to the retail dealers via an

invoice, which details the price per gallon as well as the motor fuel tax charged per gallon.

d. A Distributor's purchase of motor fuel from a Supplier at a terminal in New Jersey is tax exempt if the Distributor is exporting the fuel to an out-of-state retail dealer. For purposes of collecting any tax due, Suppliers are authorized under New Jersey state law to rely on a Distributor's representation as to the intended state of destination for the fuel and tax-exempt use by the Distributor.

e. Specifically, the Supplier relies on information and certifications from the Distributor included on a MFA-4 Export Certificate (the "Export Certificate"), which indicates the state the fuel is being exported to and certifies that the fuel purchases disclosed on the form were made for immediate export out of state.

f. "Fuel Supplier-1" was a Texas-based motor fuel supplier, which sold motor fuel to Company-1 at fuel terminals in Newark and Sewaren, New Jersey.

The Conspiracy

2. From in or about June 2019 through in or about July 2020, in the District of New Jersey, and elsewhere, defendant

ROMAN SOBOLEVSKY

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud the State of New Jersey and to obtain money and property from the State of New Jersey by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

Goal of the Conspiracy

3. The goal of the conspiracy was for SOBOLEVSKY and others to enrich themselves by avoiding the payment of New Jersey state motor fuel taxes for motor fuel that SOBOLEVSKY and others purchased and later delivered by means of materially false and fraudulent pretenses.

Manner and Means of the Conspiracy

4. The manners and means by which SOBOLEVSKY and others sought to accomplish the goal of the conspiracy, included, among other things, the following:

a. SOBOLEVSKY operated Company-1 for the purposes of purchasing motor fuel from Fuel Supplier-1 and then selling and distributing the motor fuel to gas stations in New Jersey.

b. SOBOLEVSKY communicated via email with Fuel Supplier-1 in connection with the purchase of fuel from Fuel Supplier-1.

c. SOBOLEVSKY wired money across state lines from Company-1 bank accounts to Fuel Supplier-1's bank accounts to pay for the fuel purchased from Fuel Supplier-1.

d. For all of the fuel that Company-1 purchased from Fuel Supplier-1, SOBOLEVSKY falsely represented on the Export Certificates that he submitted to Fuel Supplier-1 that Company-1 was delivering all of the fuel to gas stations in Delaware and, thus, Fuel Supplier-1 was not required to collect New Jersey state fuel taxes from Company-1 in connection with those purchases.

e. After Company-1 picked up the fuel from Fuel Supplier-1 at fuel terminals in Newark, New Jersey and Sewaren, New Jersey, however, SOBOLEVSKY instead directed the drivers of the fuel trucks to deliver the fuel to gas stations in New Jersey and not Delaware.

f. Gas station owners purchased fuel from Company-1 at a lower price than other Distributors knowing that SOBOLEVSKY falsely represented to Fuel Supplier-1 that the fuel was being delivered to gas stations in Delaware.

g. SOBOLEVSKY avoided paying approximate \$19 million in motor fuel taxes owed to the State of New Jersey.

In violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATION


1. As a result of committing the wire fraud offense charged in this Information, defendant SOBOLEVSKY shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense, including but not limited to approximately \$19 million.

Substitute Assets Provision

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

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.


RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

ROMAN SOBOLEVSKY

INFORMATION FOR

18 U.S.C. § 1349

RACHAEL A. HONIG
ACTING UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY

CHRISTOPHER D. AMORE
ASSISTANT U.S. ATTORNEY
NEWARK, NEW JERSEY
973-645-2757
