

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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:
UNITED STATES OF AMERICA :
:
- v - :
:
BRIAN W. SCOTT, :
:
Defendant. :
:
----- X

INDICTMENT

16 Cr. 564

COUNT ONE

(Embezzlement of Union Funds by Union Officer)

The Grand Jury charges:

BACKGROUND

1. At all times relevant to this Indictment:

a. Local 503 of the International Brotherhood of Electrical Workers ("Local 503") was a labor organization engaged in an industry affecting commerce within the meaning of Sections 402(i) and 402(j) of Title 29, United States Code. Local 503 was located in Monroe, New York.

b. BRIAN W. SCOTT, the defendant, was the president of Local 503.

2. From at least in or about July 2008 to and including in or about February 2012, BRIAN W. SCOTT, the defendant, embezzled money from Local 503 by charging personal expenses on Local 503's

charge cards and by negotiating checks drawn on Local 503's checking account and made payable to himself, all without authorization.

STATUTORY ALLEGATION

3. From at least in or about July 2008 up to and including to in or about February 2012, in the Southern District of New York and elsewhere, BRIAN W. SCOTT, the defendant, did knowingly and willfully embezzle, steal, and unlawfully abstract and convert to his own use moneys, funds, securities, property and other assets of a labor organization of which he was an officer, in the manner described above.

(Title 29, United States Code, Sections 501(c).)

COUNT TWO

(Mail Fraud)

The Grand Jury further charges:

4. The allegations set forth in paragraphs 1 and 2 are repeated and realleged as if set forth fully herein.

5. From at least in or about July 2008 up to and including in or about February 2012, in the Southern District of New York and elsewhere, BRIAN W. SCOTT, the defendant, having devised and intending to devise a scheme and artifice to defraud Local 503, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice, and attempting to do so,

knowingly placed in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and knowingly caused to be delivered by mail according to the direction thereon, such matter and thing, specifically, SCOTT caused checks drawn on Local 503's bank account to be mailed to American Express to pay the balance on Local 503's charge account to which SCOTT had fraudulently charged personal expenses.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT THREE

(Filing False Report with the Secretary of Labor)

The Grand Jury further charges:

6. The allegations set forth in paragraphs 1 and 2 are repeated and realleged as if set forth fully herein.

~~7. On or about September 30, 2011, in the Southern District of New York and elsewhere, BRIAN W. SCOTT, the defendant, did cause to be made a false statement and representation of material fact knowing it to be false, and knowingly failed to disclose a material fact, in a report and document required to be filed by Local 503 with the Secretary of Labor pursuant to Section 431 of Title 29, United States Code, to wit, SCOTT failed to report money he had embezzled from Local 503 during the relevant reporting period.~~

(Title 29, United States Code, Section 439(b).)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

8. As a result of committing the offenses alleged in Counts One and Two of this Indictment, BRIAN W. SCOTT, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1)(C) and Title 28, United States Code, Section 2861, any and all property, real or personal, constituting or derived from proceeds traceable to the offenses, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

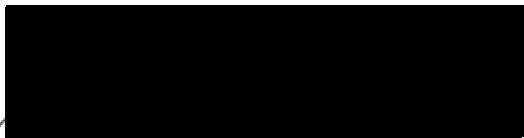
9. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- 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 Title 18, United States Code, Section 982(b)(1), and Title 21, United States Code,

Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Section 982(a)(1)(C), (b)(1); Title 21, United States Code, Section 853(b).)



Preet Bharara

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United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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v.

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Defendant.

INDICTMENT

16 Cr.

(29 U.S.C. §§ 501(c) and 439(b),
18 U.S.C. §§ 1341 and 2.)

PREET BHARARA
United States Attorney



8/23/16 Information Filed.
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