

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
:
UNITED STATES OF AMERICA :
:
- v - :
:
GUY PARISI, :
:
Defendant. :
:
- - - - -X

INDICTMENT

18 Cr. _____

COUNT ONE

(Conspiracy to Commit Mail Fraud)

The Grand Jury charges:

BACKGROUND

1. Unless specified otherwise, at all times relevant to this Indictment:

a. GUY PARISI, the defendant, was an attorney licensed in the State of New York. PARISI maintained a law office in Westchester County, New York.

b. John Doe, a resident of Mt. Vernon, New York, died in or about August 2000. John Doe initially appeared not to have left a will, as his will was not found until in or about 2015. John Doe's sole heir was his son (the "Victim").

c. The matter of John Doe's estate (the "Estate") was not presented to the Surrogate's Court in Westchester County until in or about 2008. In or about 2008, the Surrogate's Court appointed an administrator of the Estate.

d. Between 2000 and 2008, a substantial part of the Estate's assets escheated to the State of New York and were held in the custody of the New York State Comptroller (the "Comptroller"). In or about 2008 and 2009, the Estate administrator started the process to recover the Estate's assets from the Comptroller.

e. In or about 2009, the Victim retained PARISI to represent him in the proceeding regarding the Estate in the Surrogate's Court. PARISI filed a motion on the Victim's behalf to remove the Estate's administrator.

f. In or about 2015, John Doe's will, naming the Victim as executor and sole beneficiary, was found and filed with the Surrogate's Court.

g. In or about April 2017, the Surrogate's Court, with the consent of the Victim, appointed PARISI as administrator of the Estate. As administrator, PARISI owed a fiduciary duty to the Estate and to the Victim as the Estate's sole beneficiary. PARISI's duties as administrator included collecting the assets of the Estate. Under New York law, PARISI, as administrator, was entitled to receive a percentage of the Estate's assets as a fee.

h. Owners of property held in the custody of the Comptroller could collect that property themselves at no

cost by filing a claim with the Comptroller. New York law regulated abandoned property location services that provided assistance to consumers for the purpose of locating or retrieving property held by the Comptroller. Among other things, agreements to provide such services were required to be in writing and signed by the property owner. Abandoned property location services filing a claim on behalf of a property owner with the Comptroller were required to submit the executed service agreement with the claim. Abandoned property location services could charge a fee up to fifteen percent of the value of the recoverable property, which was substantially greater than an estate administrator's fee.

THE SCHEME TO DEFRAUD

2. GUY PARISI, the defendant, and others engaged in a scheme to defraud in which PARISI retained, on behalf of the Estate, an abandoned property location service secretly controlled by his relative (the "Relative") in exchange for a fee of fifteen percent of the value of the Estate's assets held by the Comptroller, with the expectation that the Relative would not play a necessary and material role in the collection of those assets. As part of the scheme, PARISI and others made materially false and misleading statements and further failed to disclose to the Victim, the Comptroller and the Surrogate's

Court, when under an obligation to do so, the familial relationship between PARISI and the Relative and the recency of PARISI's and the Relative's creation of the abandoned property location service.

3. GUY PARISI, the defendant, had corresponded as early as 2009 with the Comptroller about the Estate's assets held by the Comptroller. The Comptroller asked PARISI multiple times, and as late as May 2017, whether the Estate had an agreement with an abandoned property location service and, if so, to forward a copy of the agreement. PARISI responded only to the last of these requests.

4. On or before June 8, 2017, GUY PARISI, the defendant, and the Relative created Stokes Asset Recovery Services ("Stokes"). PARISI and the Relative named Stokes after the street on which PARISI owned a waterfront vacation home.

5. On or about June 20, 2017, the Relative, writing on behalf of Stokes, sent by U.S. Mail a letter to the Comptroller stating that Stokes was the agent of GUY PARISI, the defendant, as the administrator of the Estate, for the purpose of claiming the Estate's assets held by the Comptroller. The Relative enclosed a written claim for a portion of the Estate's assets held by the Comptroller. As required by New York law, the Relative also enclosed an agreement between Stokes and the

Estate, signed by PARISI on behalf of the Estate, which set Stokes' fee at fifteen percent of the recovered funds. At that time, PARISI knew that the Estate's assets held by the Comptroller were worth several million dollars.

THE CONSPIRACY

6. From in or about June 2017 to in or about November 2017, in the Southern District of New York and elsewhere, GUY PARISI, the defendant, knowingly and willfully did conspire and agree with the Relative and others to commit offenses against the United States, namely mail fraud, in violation of Title 18, United States Code, Section 1341.

Object of the Conspiracy

7. It was a part and object of the conspiracy that GUY PARISI, the defendant, and others knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice, and attempting to do so, would and did place in a post office and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did take and receive therefrom, such matters and things, and would and did cause to be delivered by mail according to the

direction thereon, such matters and things, in violation of Title 18, United States Code, Section 1341.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal objects thereof, GUY PARISI, the defendant, and others committed the following overt acts, in the Southern District of New York and elsewhere:

a. On or about June 8, 2017, the Relative called the Internal Revenue Service to obtain an Employer Identification Number for Stokes.

b. On or about June 9, 2017, the Relative applied for a Post Office box in White Plains for Stokes.

c. On or about June 15, 2017, the Relative filed a business certificate registration with the Westchester County Clerk for Stokes.

d. On or about June 20, 2017, PARISI executed an agreement on behalf of the Estate retaining Stokes as an abandoned property location service in exchange for a fee of fifteen percent of the value of the assets collected from the Comptroller (the "Agreement").

e. On or about June 20, 2017, PARISI executed a Claim Information Affidavit in an attempt to collect the

proceeds of redeemed bonds the Comptroller held on behalf of the Estate.

f. On or about June 20, 2017, the Relative, on behalf of Stokes, sent a letter by U.S. Mail to the Comptroller stating that Stokes was the agent of PARISI as administrator of the Estate to claim funds held in the Comptroller's custody. The Relative enclosed the Agreement and the Claim Information Affidavit referenced above.

g. On or about July 19, 2017, PARISI and the Relative executed a second Claim Information Affidavit in an attempt to collect the proceeds of redeemed bonds the Comptroller held on behalf of the Estate.

h. On or about July 19, 2017, the Relative, on behalf of Stokes, sent a letter by U.S. Mail to the Comptroller enclosing the second Claim Information Affidavit described above and, at the Comptroller's earlier request, a court certified copy of the Agreement.

i. In or about August 2017, PARISI contacted a former Chief Counsel to the Comptroller for assistance in collecting the Estate's assets from the Comptroller.

j. In or about September 2017, PARISI contacted the office of an elected official in Westchester County for

assistance in collecting the Estate's assets from the Comptroller.

k. In or about the fall of 2017, PARISI contacted a former elected official in Suffolk County (the "Former Elected Official") for assistance in collecting the Estate's assets from the Comptroller.

l. On or about October 27, 2017, PARISI met with the Former Elected Official and a representative of the Comptroller, in Old Westbury, New York, about collecting the Estate's assets from the Comptroller.

m. On or about November 7, 2017, PARISI spoke by telephone with an attorney for the Comptroller about collecting the Estate's assets from the Comptroller.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Mail Fraud)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1 through 7 of Count One of this Indictment are repeated and realleged as if fully set forth herein.

10. From in or about June 2017 to in or about November 2017, in the Southern District of New York and elsewhere, GUY PARISI, the defendant, and others knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, would and did place in a post office and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did take and receive therefrom, such matters and things, and did cause to be delivered by mail according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, specifically, PARISI

and the Relative exchanged correspondence with the Comptroller regarding the Agreement and the Claim Information Affidavits.

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

COUNT THREE

(False Statement to the Postal Inspection Service)

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 7 of Count One of this Indictment are repeated and realleged as if fully set forth herein.

12. On or about November 16, 2017, a Postal Inspector interviewed GUY PARISI, the defendant, as part of an investigation by this Grand Jury and the Postal Inspection Service. During that interview, PARISI falsely stated in substance and in part (the "False Statements") that:

- a. he had worked with Stokes before; and
- b. Stokes' fee was five percent of the recovered assets.

13. On or about November 16, 2017, in the Southern District of New York and elsewhere, GUY PARISI, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully did falsify, conceal, and cover up material facts by trick, scheme, and device and did make materially false, fictitious, and

fraudulent statements and representations, to wit, PARISI made the False Statements to the Postal Inspection Service.

(Title 18, United States Code, Section 1001.)

FOREPERSON

GEOFFREY S. BERMAN
United States Attorney