

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
: INFORMATION
UNITED STATES OF AMERICA :
: 23 Cr. ____ (____)
- v. - :
:
MARK O'MARA, :
:
Defendant. :
:
- - - - - x

COUNT ONE

(Federal Program Fraud)

The United States Attorney charges:

OVERVIEW

1. From in or about October 2012 through in or about November 2012, the East Coast of the United States was hit by Hurricane Sandy, the second-largest Atlantic storm in recorded history at that time. On or about October 30, 2012, President Barack Obama declared Hurricane Sandy a major disaster in New York, which made federal funding available to New York state and local governments for Sandy-related recovery efforts.

2. In the aftermath of Hurricane Sandy, from in or about 2013 to in or about 2019, the City of New York (the "City") received at least approximately \$9.8 billion in federal funding to spend on Hurricane Sandy-related recovery. The City used certain of these federal funds to hire a private company ("Company-1"), a consulting

firm based in Illinois, to assist with Sandy recovery efforts (the "Sandy Project").

3. Between at least in or about 2013 and in or about 2019, MARK O'MARA, the defendant, worked for Company-1 to provide services to the City on the Sandy Project. While working for Company-1, between in or about 2013 and in or about 2019, O'MARA engaged in a scheme to defraud the City by submitting fraudulent information and documents, including a fraudulent lease agreement, to the City via Company-1 in order to obtain lodging reimbursements from the City to which he knew he was not entitled. Between in or about 2017 and in or about 2019, O'MARA also conspired with others to defraud the City, including another consultant at Company-1 ("CC-1") and CC-1's family member ("CC-2") by falsely claiming that he was residing in an apartment purchased by CC-2 at CC-1's direction. O'MARA fraudulently obtained more than approximately \$250,000 from the City via Company-1 as a result of these schemes.

4. In or about February 2020, when the City began raising concerns about Company-1's travel reimbursements, O'MARA destroyed relevant emails and other communications to cover up the fraud.

STATUTORY ALLEGATIONS

5. From at least in or about March 2013 up to and including at least in or about August 2019, in the Southern District of New York and elsewhere, MARK O'MARA, the defendant, being an agent of an organization, and of a local government, and an agency thereof,

embezzled, stole, obtained by fraud, and otherwise without authority knowingly converted to the use of a person other than the rightful owner and intentionally misapplied, property that was valued at \$5,000 and more, and was owned by, or was under the care, custody, and control of such organization, government, and agency, while the organization, government, and agency was in receipt of, in a one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, O'MARA, who worked for Company-1 to provide services to the New York City Office of Management and Budget ("NYC-OMB"), submitted fraudulent reimbursement requests to NYC-OMB via Company-1 to obtain housing reimbursements to which he knew he was not entitled and that totaled over approximately \$250,000.

(Title 18, United States Code, Sections 666 and 2.)

COUNT TWO

**(Wire Fraud in Connection with a
Presidentially Declared Major Disaster)**

The United States Attorney further charges:

6. The allegations set forth in paragraphs One through Four are incorporated by reference as if set forth fully herein.

7. From at least in or about March 2013 up to and including at least in or about August 2019, in the Southern District of New York and elsewhere, MARK O'MARA, the defendant, having devised and

intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which violation occurred in relation to, and involved a benefit authorized, transported, transmitted, transferred, disbursed, and paid in connection with, a presidentially declared major disaster and emergency, to wit, O'MARA electronically submitted misleading and fraudulent reimbursement requests to NYC-OMB (in New York, New York) via Company-1 (in Illinois) that misrepresented the amount of reimbursements to which he was entitled, that he was eligible for reimbursement as a non-resident of New York City, or that he was residing in the apartment for which he submitted reimbursement requests, during O'MARA's work for and on behalf of the City as part of its recovery efforts after Hurricane Sandy, a presidentially declared major disaster.

(Title 18, United States Code, Sections 1343 and 2;
Title 42, United States Code, Section 5122(2).)

COUNT THREE

(Conspiracy to Commit Federal Program Fraud and Wire Fraud)

The United States Attorney further charges:

8. The allegations set forth in paragraphs One through Four are incorporated by reference as if set forth fully herein.

9. From at least in or about March 2013 up to and including at least in or about October 2019, in the Southern District of New York and elsewhere, MARK O'MARA, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to (a) commit federal program fraud, in violation of Title 18, United States Code, Section 666; and (b) commit wire fraud, in violation of Title 18, United States Code, Section 1343.

10. It was a part and an object of the conspiracy that MARK O'MARA, the defendant, and others known and unknown, being an agent of an organization, and of a local government, and an agency thereof, would and did embezzle, steal, obtain by fraud, and otherwise without authority knowingly convert to the use of a person other than the rightful owner and intentionally misapply, property that was valued at \$5,000 or more, and was owned by, or was under the care, custody, and control of such organization, government, and agency, while the organization, government, and agency was in receipt of, in a one year period, benefits in excess

of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, in violation of Title 18, United States Code, Section 666.

11. It was a further part and an object of the conspiracy that MARK O'MARA, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Overt Acts

12. In furtherance of the conspiracy and to effect the illegal objects thereof, MARK O'MARA, the defendant, committed or caused to be committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. Between in or about January 2017 and in or about May 2017, despite owning and residing in a particular apartment, O'MARA submitted reimbursement requests to Company-1 and NYC-OMB approximately every month that falsely claimed he was still living in a prior apartment.

b. Between in or about August 2017 and in or about August 2019, O'MARA submitted fraudulent documentation to Company-1 and NYC-OMB approximately every month, including a fraudulent lease agreement and a fraudulent "arm's length letter," for an apartment in which he was not residing.

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

COUNT FOUR

(Destruction of Evidence)

The United States Attorney further charges:

13. The allegations set forth in paragraphs One through Four are incorporated by reference as if set forth fully herein.

14. In or about February 2020, MARK O'MARA, the defendant, knowingly altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States, and in relation to and contemplation of such matter or case, to wit, O'MARA destroyed emails and other evidence of his scheme to defraud NYC-OMB, which was a matter within the jurisdiction of the United States Attorney's Office for the Southern District of New York.

(Title 18, United States Code, Section 1519.)

FORFEITURE ALLEGATION

15. As a result of committing the offenses alleged in Counts One through Three of this Information, MARK O'MARA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

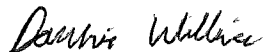
16. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 Title 21, United States Code, Section 853(p) and Title 28, United States Code,

Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



DAMIAN WILLIAMS
United States Attorney

UNITED STATES DISTRICT COURT
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v.

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Defendant.

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(18 U.S.C. §§ 666, 1343, 371, 1519,
and 2.)

DAMIAN WILLIAMS

United States Attorney
