

Approved: 
Adam Sowlati
Assistant United States Attorney

Before: THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

23 MAG 1178

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
JONATHAN GHERTLER, :
:
Defendant. :
:
----- X

SEALED COMPLAINT

Violations of
18 U.S.C. §§ 1001, 1028A, 1343,
and 2

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

William McKeen, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE
(Wire Fraud)

1. From at least in or about May 2021 up to and including in or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, knowingly 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, 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, to wit, GHERTLER defrauded portfolio companies of a global private equity firm and an investment firm out of, in total, over one million dollars by, in the course of impersonating senior leaders of those firms, directing the portfolio companies to fund non-existent internal investigations supposedly being performed by a shell company that GHERTLER controlled.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT TWO
(Making False Statements)

2. In or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, in a matter within the jurisdiction of the executive

branch of the Government of the United States, knowingly and willfully falsified, concealed and covered up by a trick, scheme, and device a material fact, and made a materially false, fictitious, and fraudulent statement and representation, to wit, GHERTLER made false and misleading statements to Special Agents with the FBI and an Assistant United States Attorney by, among other things, falsely claiming to be the chairman of a global law firm who represented a portfolio company of an investment firm and, while impersonating that attorney, falsely stated that the portfolio company did not wish to make a criminal referral for a fraud that, in fact, GHERTLER had perpetrated.

(Title 18, United States Code, Sections 1001(a)(1), 1001(a)(2), and 2.)

COUNT THREE
(Aggravated Identity Theft)

3. From at least in or about May 2021 up to and including in or about February 2023, in the Southern District of New York and elsewhere, JONATHAN GHERTLER, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, GHERTLER used the names of senior leaders of a global private equity firm and investment firm during and in relation to the wire fraud violation charged in Count One of this Complaint, and used the name of the chairman of a global law firm during and in relation to the making of false statements violation charged in Count Two of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter. I base this affidavit on that participation, my conversations with other law enforcement agents and other individuals, my examination of reports and records, and my training and experience. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part.

The Fraud Scheme Targeting Portfolio Companies of the Private Equity Firm

Overview

5. As set forth below, the FBI has been investigating a fraud scheme targeting certain portfolio companies of a global private equity firm (the “Private Equity Firm”) based in Manhattan. An individual (the “General Counsel Imposter”), whom I believe to be JONATHAN GHERTLER, the defendant, impersonated the general counsel of the Private Equity Firm (the “Private Equity Firm General Counsel”) and, while impersonating the Private Equity Firm General Counsel, contacted at least four of the Private Equity Firm’s portfolio companies (companies owned by the Private Equity Firm) in an effort to defraud them. In each case, the General Counsel Imposter asked that the portfolio company fund an internal investigation into alleged links between senior

employees of the Private Equity Firm and Jeffrey Epstein, the deceased financier who, before he died on or about August 10, 2019, had been charged in this District with sex trafficking of minors and conspiring to commit sex trafficking of minors. *See United States v. Jeffrey Epstein*, 19 Cr. 490 (RMB). Based on my discussions with an executive at the Private Equity Firm and information provided by the Private Equity Firm, which includes information obtained from executives of the Private Equity Firm and summaries of interviews of executives at the portfolio companies, I know that the General Counsel Imposter's purported internal investigation of senior employees of the Private Equity Firm is non-existent.

6. Based on information provided by the Private Equity Firm, I also know that the General Counsel Imposter used the same phone number to contact all four of the portfolio companies discussed below.

Fraud on PEF Portfolio Company-1

7. Based on my review of phone call logs and interview of the Chief Executive Officer ("CEO") of one of the Private Equity Firm's portfolio companies ("PEF Portfolio Company-1"), I know that, on or about December 30, 2021, the CEO of PEF Portfolio Company-1 received a call from the General Counsel Imposter. The General Counsel Imposter falsely claimed to be the Private Equity Firm General Counsel and stated that the Private Equity Firm was conducting an internal investigation into whether senior employees had ties with Epstein. The General Counsel Imposter asked that PEF Portfolio Company-1 fund the purported internal investigation.

8. From my review of email records, I have learned that:

a. On about December 30, 2021, the CEO of PEF Portfolio Company-1 received an email from a person purporting to be "Edward Molina." "Edward Molina" wrote that he had been "instructed" by the Private Equity Firm General Counsel to send an "invoice and W9." The invoice (the "Invoice-1") attached to the email was addressed to PEF Portfolio Company-1 and asked that \$150,000 be wired to "EM Molina Investigations," which is purportedly based in Miami, Florida. \$75,000 was marked to fund an "Investigation" and \$75,000 was marked to fund an "Attorney Retainer."

b. The CEO of PEF Portfolio Company-1, not realizing that the invoice was fraudulent, responded to "Edward Molina" and wrote that PEF Portfolio Company-1 was "[p]rocessing immediately" Invoice-1.

c. The CEO of PEF Portfolio Company-1 then forwarded Invoice-1 to a PEF Portfolio Company-1 employee, noting that "[t]he invoice is approved for immediate payment."

9. From my review of bank account records, I know that, on or about December 30, 2021, PEF Portfolio Company-1 paid \$150,000 to the two bank accounts listed on Invoice-1—\$75,000 to a PNC bank account (the "PNC Bank Account") and \$75,000 to a Fifth Third bank account.

10. From my review of email records, I know that, on or about March 7, 2022, "Edward Molina" emailed the CEO of PEF Portfolio Company-1. In the email, "Edward Molina" wrote that the Private Equity Firm would now pay "EM Molina Investigations" directly for the

investigative services, and, as a result, EM Molina Investigations would reimburse PEF Portfolio Company-1 the \$150,000. Based on information provided by the Private Equity Firm, I know that PEF Portfolio Company-1 has not been reimbursed.

Fraud on PEF Portfolio Company-2

11. Based on information provided by the Private Equity Firm, I know that, on or about April 21, 2022, the General Counsel of one of the Private Equity Firm's portfolio companies ("PEF Portfolio Company-2") received a call from the General Counsel Imposter, who was again impersonating the Private Equity Firm General Counsel. On the phone call, the General Counsel Imposter repeated the Epstein-related internal investigation ruse described above and asked that PEF Portfolio Company-2 fund the investigation.

12. Based on my review of email records, I know that, on or about April 21, 2022, the General Counsel of PEF Portfolio Company-2 received an email from someone purporting to be "Ed Molina," who claimed to work for "EM Molina Investigations." In the email, "Ed Molina" wrote that he had been "advised by [the Private Equity Firm General Counsel] to contact you with the attached invoice and tax documents." Attached to the email was an invoice for \$50,000 ("Invoice-2") and a W-9 form. The invoice was from "EM Molina Investigations," with a purported address in Miami, Florida.

13. From my review of bank records, I know that, on or about April 22, 2022, PEF Portfolio Company-2 made a \$50,000 payment to the PNC Bank Account.

Attempted Fraud on PEF Portfolio Company-3

14. Based on my review of text messages and information provided by the Private Equity Firm, I have learned of an attempted fraud on one of the Private Equity Firm's portfolio companies ("PEF Portfolio Company-3") by the General Counsel Imposter:

a. On or about June 10, 2022, the Chief Legal Officer ("CLO") of PEF Portfolio Company-3 received a text message from the General Counsel Imposter, who was again impersonating the Private Equity Firm General Counsel. The General Counsel Imposter requested time to talk, and he and the CLO of PEF Portfolio Company-3 spoke by phone on or about June 11, 2022. On the phone call, the General Counsel Imposter repeated the Epstein-related internal investigation ruse described above. Because of the claimed sensitive nature of the investigation, the General Counsel Imposter asked that PEF Portfolio Company-3 pay for the investigation.

b. On or about June 13, 2022, the CLO of PEF Portfolio Company-3 told the General Counsel Imposter that PEF Portfolio Company-3 would not fund the investigation. The General Counsel Imposter reacted negatively, and the CLO of PEF Portfolio Company-3 began to suspect that the General Counsel Imposter was not actually the Private Equity Firm General Counsel. The CLO of PEF Portfolio Company-3 then contacted the Private Equity Firm directly and received confirmation that the General Counsel Imposter was not the Private Equity Firm General Counsel.

Attempted Fraud on PEF Portfolio Company-4

15. From my review of text messages and information provided by the Private Equity Firm, I know that, on or about June 10, 2022, the Chief Executive Officer of one of the Private Equity Firm's portfolio companies ("PEF Portfolio Company-4") received a text message from the General Counsel Imposter, once again impersonating the Private Equity Firm General Counsel. The General Counsel Imposter asked to schedule a call with CEO of PEF Portfolio Company-4.

16. From my review of information provided by the Private Equity Firm, I know that, on or about June 12, 2022, the General Counsel Imposter and CEO of PEF Portfolio Company-4 spoke by phone. The General Counsel Imposter repeated the Epstein-related internal investigation ruse described above.

17. From my review of a consensual recording of a phone call (the "Recording"), I know that, on or about June 23, 2022, the General Counsel Imposter and CEO of PEF Portfolio Company-4 spoke again. In substance and in part, the General Counsel Imposter said he was calling to let the CEO know that there might be "changes." The General Counsel Imposter then said, "there's three main portfolio companies that we're keeping in the loop, and you're one of those." The General Counsel Imposter added that the Private Equity Firm was trying to determine how best to pay the investigator because, if the investigator were paid by the Private Equity Firm directly, "gossip would start."

18. Based on information provided by the Private Equity Firm, I know that PEF Portfolio Company-4 never paid the General Counsel Imposter.

The Identification of GHERTLER as the General Counsel Imposter

19. Based on my participation in this investigation, conversations with other law enforcement agents, and my review of documents, including emails, invoices, and bank records, I and other law enforcement officers have identified JONATHAN GHERTLER, the defendant, as the General Counsel Imposter, as follows:

a. Based on my review of the metadata of Invoice-1, which, as described above, was sent to the CEO of PEF Portfolio Company-1 requesting a \$150,000 payment to "EM Molina Investigations," I know that Invoice-1 was created on or about December 30, 2021, at 12:36:49 PM by "Jonathan Ghertler." Similarly, based on my review of the metadata of Invoice-2, which, as described above, was sent to the General Counsel of PEF Portfolio Company-2 requesting a \$50,000 payment to "EM Molina Investigations," I know that the Invoice-2 was created on or about April 21, 2022, at 1:25:58 PM also by "Jonathan Ghertler."

b. Based on my review of email records, I know that the message from "Edward Molina" attaching Invoice-1 to the CEO of PEF Portfolio Company-1 came from the email address "emmolinainvestigationsllc@gmail.com." Based on my review of the contents of the Google account "emmolinainvestigationsllc@gmail.com," I have learned that, on or about June 24, 2022, "emmolinainvestigationsllc@gmail.com" received two identical emails from the email address "jghertler03@gmail.com": both had the subject line "you," with the body text also simply stating "you." These appear to be test emails sent by the user of "jghertler03@gmail.com" to ensure the "emmolinainvestigationsllc@gmail.com" account was working properly.

c. Based on my discussions with GHERTLER's former probation officer (the "Probation Officer") and review of a November 8, 2019, email from GHERTLER to the Probation Officer, I know that GHERTLER's email address is "jghertler03@gmail.com."

d. On or about August 8, 2022, I played for the Probation Officer the Recording of the call between the General Counsel Imposter and CEO of PEF Portfolio Company-3. The Probation Officer stated, in substance and in part, that the General Counsel Imposter sounded very much like GHERTLER.¹

The Fraud on the Portfolio Company of the Investment Firm

20. Based on my interview of the Chief Executive Officer of a portfolio company ("IF Portfolio Company") of an investment firm based in Manhattan (the "Investment Firm") and information provided by the IF Portfolio Company, I have learned the following:

a. In or about May 2021, a person purporting to be the billionaire founder of the Investment Firm (the "Billionaire Founder Imposter"), whom I believe to be JONATHAN GHERTLER, the defendant, contacted the CEO of IF Portfolio Company. The Billionaire Founder Imposter said he needed IF Portfolio Company to pay a private investigator who was examining issues related to his relationship with Jeffrey Epstein.

b. Since in or about May 2021, the CEO of IF Portfolio Company has spoken to the Billionaire Founder Imposter more than a dozen times. In response to the Billionaire Founder Imposter's false and fraudulent instructions, IF Portfolio Company made at least \$865,000 in payments, primarily to a person purporting to be "Ed Molina."

c. In recent weeks, the Billionaire Founder Imposter has discussed with the CEO of IF Portfolio Company the possibility of making a large investment into a restaurant chain owned by another investment firm.

21. From my review of bank records, I have additionally learned the following:

a. IF Portfolio Company has wired, in total, \$665,000 to a Navy Federal Credit Union bank account (the "Navy Federal Bank Account"). The most recent payment to the Navy Federal Bank Account was made on or about February 1, 2023.

b. IF Portfolio Company has wired \$245,000 to the PNC Bank Account.

22. For the following reasons, I have concluded that JONATHAN GHERTLER, the defendant, is the Billionaire Founder Imposter:

¹ I also played the Recording for an Assistant United States Attorney who prosecuted GHERTLER approximately 15 years ago in the Middle District of Florida. She did not believe the Imposter sounded like GHERTLER. However, the Assistant United States Attorney who prosecuted GHERTLER approximately two years ago for violating the terms of his supervised, also in the Middle District of Florida, also listened to the Recording and stated, in substance and in part, that the Imposter sounded like GHERTLER, although she could not be sure that they were the same person.

a. Based on information provided by the IF Portfolio Company and the Private Equity Firm, I know that the Billionaire Founder Imposter used the same phone number to contact the CEO of IF portfolio Company as GHERTLER used to contact the portfolio companies of the Private Equity Firm.

b. Based on my review of records provided by IF Portfolio Company, I know that, on or about December 23, 2022, the Chief Financial Officer of IF Portfolio Company sent a memo attaching an invoice (“Invoice-3”) to the Chief Executive Officer of the Investment Firm. The memo said, in part, “[the billionaire founder of the Investment Firm] requested I send this invoice directly to you.” Invoice-3, in turn, asked that IF Portfolio Company pay \$105,000 for a “Due Diligence Investigation” to “JD Ghertler.” The wire instructions were for the Navy Federal Bank Account.

c. From my review of bank records, I know that the Navy Federal Bank Account is controlled by GHERTLER.

The False Statements to Federal Investigators

23. On or about February 7, 2023, an Assistant United States Attorney, another Special Agent with the FBI, and I had a phone call (the “February 7 Call”), which I recorded in part, with a person purporting to be the chairman (the “Chairman Imposter”) of the Global Law Firm and counsel to IF Portfolio Company and the billionaire founder of the Investment Firm.² During the call, the Chairman Imposter said that IF Portfolio Company had been defrauded in a scheme related to an investigation into the billionaire founder’s ties to Jeffrey Epstein, but chose not to reach out to law enforcement about the fraud because IF Portfolio Company was “made whole” by the fraudster. The person purporting to be the Chairman also promised to make witnesses from IF Portfolio Company available for interview.

24. Based on information provided by the Global Law Firm, I know that the chairman of the Global Law Firm does, in fact, represent the billionaire founder of the Investment Firm, but never spoke with me or my colleagues on or about February 7, 2023.

25. On or about February 10, 2023, another Special Agent with the FBI, a forensic accountant with the FBI, and I had a phone call (the “February 10 Call”), which I recorded in full, with the Chairman Imposter.³ On the call, the Chairman Imposter told me that it was “not” the intention of IF Portfolio Company to make a criminal “referral” to the FBI. The Chairman Imposter said that, after “consult[ing]” with “associates and lower-level partners” at the Global Law Firm who “used to work” at the United States Attorney’s Office for the Southern District of New York, “our position is that, uh, the law states that, umm, you know, if the money was paid back prior to, uh, the crime being, uh, discovered, uh, it’s not a crime.” The Chairman Imposter added that his “client [*i.e.*, the billionaire founder of the Investment Firm] has a lot of other issues he is dealing with right now, so this is one he really doesn’t need to deal with.”

² At the time of the February 7 Call, the Assistant United States Attorney, the other Special Agent, and I were located in Manhattan.

³ At the time of the February 10 Call, the other Special Agent, the forensic accountant, and I were located in Manhattan.

26. I have concluded the Chairman Imposter is JONATHAN GHERTLER, the defendant, for the following reasons:

a. Based on my interview of the CEO of IF Portfolio Company, I know that, in the days leading up to the February 7 Call, the CEO told GHERTLER, who was posing as the Billionaire Founder Imposter, that I had reached out to an employee of IF Portfolio Company about a potentially fraudulent transaction IF Portfolio Company had made to the PNC Bank Account.

b. I played a recording of part of the February 7 Call for the Probation Officer who told me that he recognized the voice in the recording to be that of GHERTLER.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of JONATHAN GHERTLER, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s/ William McKeen, with permission by SDA
William McKeen
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 14th day of February, 2023.



THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York