

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **OCT 23 2018**

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UNITED STATES OF AMERICA :
:
-v.- :
:
ENRICO RUBANO, :
a/k/a "Rick Rubano," and :
SHIVANAND MAHARAJ, :
:
Defendants. :
:
-----X

SUPERSEDING INDICTMENT

S1 17 Cr. 169 (JGK)

COUNT ONE
(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2009, up to and including at least in or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," and SHIVANAND MAHARAJ, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that ENRICO RUBANO, a/k/a "Rick Rubano," and SHIVANAND MAHARAJ, the defendants, and others known and unknown, willfully and 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, and to deprive health and retirement benefits funds (the "Funds") of their intangible rights to RUBANO's honest services as co-head of Information Technology ("IT") for the Funds, would and did transmit and cause to be transmitted by means of wire 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, Sections 1343 and 1346, to wit, RUBANO, while serving as co-head of IT for the Funds, MAHARAJ, and their co-conspirators devised a scheme for RUBANO to accept kickbacks from MAHARAJ and others for referral of IT work from the Funds to Maharaj Ltd., Sytrex LLC, and Z Tech Solutions, and to submit invoices to the Funds from Maharaj Ltd., Sytrex LLC, and Z Tech Solutions for IT work that was never performed.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about 2009, up to and including at least in or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," and SHIVANAND MAHARAJ, the defendants, willfully and 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, and to deprive the Funds of their intangible rights to RUBANO's honest services as co-head of IT for the Funds, 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, to wit, RUBANO, while serving as co-head of IT for the Funds, and MAHARAJ, submitted invoices to the Funds from Maharaj Ltd., Sytrex LLC, and Z Tech Solutions for IT work that was never performed, and referred portions of the proceeds to RUBANO as kickbacks.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

COUNT THREE

(Conspiracy to Commit Wire Fraud)

The Grand Jury further charges:

4. From at least in or about 2011, up to and including at least in or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

5. It was a part and an object of the conspiracy that ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, and others

known and unknown, willfully and 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, and to deprive the Funds of their intangible rights to RUBANO's honest services as co-head of IT for the Funds, would and did transmit and cause to be transmitted by means of wire 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, Sections 1343 and 1346, to wit, RUBANO, while serving as co-head of IT for the Funds, and his co-conspirators devised a scheme for RUBANO to accept kickbacks from others for referral of IT work from the Funds to GE Tech Consultants, LLC, and to submit invoices to the Funds from GE Tech Consultants, LLC for IT work that was never performed.

(Title 18, United States Code, Section 1349.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

6. From at least in or about 2011, up to and including at least in or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, willfully and 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, and to deprive the Funds of their intangible rights to RUBANO's honest services as co-head of IT for the Funds, 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, to wit, RUBANO, while serving as co-head of IT for the Funds, and others submitted invoices to the Funds from GE Tech Consultants, LLC for IT work that was never performed, and referred portions of the proceeds to RUBANO as kickbacks.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

COUNT FIVE

(Conspiracy to Commit Wire Fraud)

The Grand Jury further charges:

7. In or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

8. It was a part and an object of the conspiracy that ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, and others

known and unknown, willfully and 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, and to deprive the Funds of their intangible rights to RUBANO's honest services as co-head of IT for the Funds, would and did transmit and cause to be transmitted by means of wire 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, Sections 1343 and 1346, to wit, RUBANO, while serving as co-head of IT for the Funds, and his co-conspirators devised a scheme for RUBANO to accept kickbacks from others for referral of IT work from the Funds to CVJ Consulting, and to submit invoices to the Funds from CVJ Consulting for IT work that was never performed.

(Title 18, United States Code, Section 1349.)

COUNT SIX
(Wire Fraud)

The Grand Jury further charges:

9. In or about 2015, in the Southern District of New York and elsewhere, ENRICO RUBANO, a/k/a "Rick Rubano," the defendant, willfully and 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, and to deprive the Funds of their intangible rights to RUBANO's honest services as co-head of IT for the Funds, 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, to wit, RUBANO, while serving as co-head of IT for the Funds, and others submitted invoices to the Funds from CJV Consulting for IT work that was never performed, and referred portions of the proceeds to RUBANO as kickbacks.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

FORFEITURE ALLEGATIONS

10. As a result of committing the offenses alleged in Counts One and Two of this Indictment, ENRICO RUBANO, a/k/a "Rick Rubano," and SHIVANAND MAHARAJ, the defendants, 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.

11. As a result of committing the offenses alleged in Counts Three through Six of this Indictment, ENRICO RUBANO,

a/k/a "Rick Rubano," 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

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

- 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 defendants 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.)



FOREPERSON

OCTOBER 23, 2018
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Geoffrey S. Berman
GEOFFREY S. BERMAN
United States Attorney

Deadline

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

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- v. -

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SUPERSEDING INDICTMENT

S1 17 Cr. 169 (JGK)

(18 U.S.C. §§ 1343, 1346, 1349, and 2.)

GEOFFREY S. BERMAN

United States Attorney.

[Redacted]

[Redacted]

TRUE BILL

[Redacted]

Foreperson.

10/23/18

(CA)

SUPERSEDING INDICTMENT FILED

KH PARKER
USMJ