

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ695-17-18

Superior Court

Docket Number 17-03-00038-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

GEORGE BUSSANICH, SR.,)

GEORGE BUSSANICH, JR.,)

WILMA BUSSANICH,)

BRYAN NAZOR,)

BRENDAN BYRNE,)

ROBERT SCHOOLEY,)

HEIDI FRANCAVILLA,)

CHRISTOPHER HANNA)

and)

CHERYL BUSSANICH)

FILED

MAR 03 2017

State Grand Jury Judge

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Racketeering - First Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

and

CHRISTOPHER HANNA

who are named as the defendants herein, and other persons whose identities are known and unknown to the Grand Jurors, who are co-conspirators and members of the criminal enterprise but not named as defendants herein, at the times and places herein specified, did commit the crime of racketeering, that is, the defendants and other persons employed by or associated with an enterprise engaged in or the activities of which affected trade or commerce, purposely or knowingly did conduct or participate directly or indirectly, or did conspire in the conduct of the enterprise's affairs through a pattern of racketeering activity, in violation of N.J.S.A. 2C:41-2c and N.J.S.A. 2C:41-2d, all as hereinafter described.

THE RELEVANT TIMES

The predicate criminal activity occurred between in or about March 2009, and in or about September 2015.

THE RELEVANT PLACES

The predicate criminal activity took place at the City of Hackensack, the Township of Park Ridge, the Township of Emerson, the Township of Cliffside Park, the Town of Edgewater, the Borough of Cresskill, the Borough of Franklin Lakes, all in the

County of Bergen, the Borough of Surf City, in the County of Ocean, the City of Paterson and the Town of Totowa, both in the county of Passaic, the Township of Parlin, in the County of Middlesex, the State of New York, the State of Nevada, elsewhere, and within the jurisdiction of this Court.

THE ENTERPRISE

George Bussanich, Sr., George Bussanich, Jr., Wilma Bussanich, Bryan Nazor, Brendan Byrne, Robert Schooley and Christopher Hannah, all of whom are co-conspirators, and other persons whose identities are both known and unknown to the State Grand Jurors, would constitute an enterprise within the meaning of N.J.S.A. 2C:41-1c, that is, a union or group of individuals associated in fact, or associates thereof, for the purposes set forth below.

THE PURPOSES OF THE ENTERPRISE

The purposes of the enterprise would include defrauding individuals for financial gain for the enterprise and collectively moving the enterprise income on behalf of and for the benefit of the enterprise, through various shell corporations and individuals; and dividing proceeds from enterprise members' criminal activities in accordance with the direction of the leadership of this enterprise, George Bussanich, Sr. and George Bussanich, Jr., and in order to further perpetuate the enterprise's fraud. A further purpose of the enterprise would be to shield its operation from detection by law enforcement

authorities by, among other means: disguising the ownership and control of business entities; transferring monies from one account to another for no discernable reason, and failing to file taxes which would alert the government to these business practices.

THE PATTERN OF RACKETEERING ACTIVITY

The pattern of racketeering activity, as defined in N.J.S.A. 2C:41-1d, engaged in by members of the enterprise, did consist of at least two incidents of racketeering conduct during the relevant time period stated above, including but not limited to: financial facilitation of criminal activity, in violation of N.J.S.A. 2C:21-25, securities fraud, in violation of N.J.S.A. 49:3-52 et. seq., forgery and fraudulent practices in violation of N.J.S.A. 2C:21-1 et seq., failure to file tax returns or reports in violation of N.J.S.A. 54:52-8, filing a fraudulent tax return in violation of N.J.S.A. 54:52-10, failure to pay gross income taxes in violation of N.J.S.A. 54:52-9, and conspiracy to commit the foregoing crimes in violation of N.J.S.A. 2C:5-2, primarily in the following ways:

GEORGE BUSSANICH, SR.

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, securities fraud, theft by deception, theft by failure to make required disposition of property, failure to file

tax returns, and failure to pay gross income tax, all of which is the subject of Counts 3-17, 18, 20, 21, 26, and 27.

GEORGE BUSSANICH, JR.

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of criminal financial facilitation of criminal activity, forgery, securities fraud, theft, theft by deception, theft by failure to make required disposition of property, failure to file tax returns, and failure to pay gross income tax, all of which is the subject of Counts 3-18, 22, 23, 26, 27, 29, 30, and 31.

WILMA BUSSANICH

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, securities fraud, theft by deception, theft by unlawful taking, theft by failing to make required disposition of property, failure to file tax returns, and failure to pay gross income tax, all of which is the subject of Counts 11-14, 16, 17, 18, 20, 21, 26, and 28.

BRYAN NAZOR

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, securities fraud, theft by deception, theft by failure to make required disposition of property, all of which is the subject of Counts 11-14, 16, 17 and 27.

ROBERT SCHOOLEY

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, securities fraud, theft by deception, theft by failure to make required disposition of property, failure to file tax returns, and failure to pay gross income tax, all of which is the subject of Counts 11-14, 16, 17, 24, and 25.

BRENDAN BYRNE

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, all of which is the subject of Counts 11-13.

HEIDI FRANCAVILLA

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of, financial facilitation of criminal activity, theft by deception, theft by failure to make required disposition of property, and filing a fraudulent tax return, all of which is the subject of Counts 11-13, 18, 19, 29, and 30.

CHRISTOPHER HANNA

did commit the racketeering conduct by engaging in and or conspiring to commit repeated acts of financial facilitation of criminal activity, all of which is the subject of Counts 11-13.

FORFEITURES

1. All allegations heretofore set forth are hereby incorporated by reference and re-alleged as if fully set forth herein, for the purpose of alleging forfeitures pursuant to N.J.S.A. 2C:41-3b.

2. The said GEORGE BUSSANICH, SR., GEORGE BUSSANICH, Jr., WILMA BUSSANICH, BRYAN NAZOR, BRENDAN BYRNE, ROBERT SCHOOLEY, HEIDI FRANCAVILLA and CHRISTOPHER HANNA, have property constituting:

A. Interests, including money and other things of value, established, acquired, maintained, operated, controlled, conducted, or participated in violation of N.J.S.A. 2C:41-2c, and N.J.S.A. 2C:41-2d.

3. The said interests, all subject to forfeiture to the State of New Jersey, shall expressly include all items of real and personal property detailed within the attached "Appendix A" to this indictment which are incorporated herein as if set forth in full.

COUNT TWO

(Conspiracy - First Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

who are named as defendants herein, between on or about March 2009, on or about and July 2013, at the City of Hackensack, at the Borough of Cliffside Park, at the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Financial Facilitation of Criminal Activity, Securities Fraud, Misconduct by a Corporate Official, Theft by Deception, and Theft by Failure to make Required Disposition, did agree together with one another, that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation, or commission of said crimes, that is:

1. Knowingly did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(a);

2. Knowingly did engage in a transaction involving property known or which a reasonable person would believe to be derived from criminal activity with the intent to facilitate or promote criminal activity, and/or knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(b)(1) and N.J.S.A. 2C:21-25(b)(2)(a);

3. Knowingly did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(c);

4. Knowingly did, in connection with the offer, sale, or purchase of any security, in an amount in excess of \$75,000, directly or indirectly, employ any device, scheme, or artifice to defraud, make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstance under which they are made, not misleading, or engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, contrary to the provisions of N.J.S.A.

49:3-52(a), N.J.S.A. 49:3-52(b), N.J.S.A. 49:3-52(c), and N.J.S.A. 49:3-70;

5. Purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C: 21-9C;

6. Purposely did obtain money, in an amount greater than \$75,000, from A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., by deception, contrary to the provisions of N.J.S.A. 2C:20-4;

7. Purposely did obtain or retain property belonging to A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., that is investment funds, in an amount greater than \$75,000, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said investment funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9.

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, Jr.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, knowingly did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, that is GEORGE BUSSANICH SR., and GEORGE BUSSANICH, JR. did unlawfully solicit investor funds and took said funds under their control, contrary to the provisions of N.J.S.A. 2C:21-25(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, knowingly did engage in a transaction involving property known or which a reasonable person would believe to be derived from criminal activity with the intent to facilitate or promote criminal activity, and/or knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, that is, the said GEORGE BUSSUANICH, SR. and GEORGE BUSSANICH, JR. did engage in transactions involving property having a value of \$500,000 or more, to wit: investor funds which were unlawfully solicited, which they knew to be, or which a reasonable person would believe to be, derived from criminal activity, in violation of N.J.S.A. 2C: 5-2, contrary to the provisions of N.J.S.A. 2C:21-25(b)(1), N.J.S.A. 2C:21-25(b)(2)(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, knowingly did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, that is GEORGE BUSSANICH SR., and GEORGE BUSSANICH JR. did unlawfully solicit investment funds and controlled the collection and distribution of said funds, contrary to the provisions of N.J.S.A. 2C:21-25(c), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Securities Fraud - Second Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this court, knowingly did, in connection with the offer, sale, or purchase of any security, in an amount in excess of \$75,000, that is, in an approximate aggregate amount of \$3,500,000, directly or indirectly, employ any device, scheme, or artifice to defraud, make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstance under which they are made, not misleading, or engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in that the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH JR., and WILMA BUSSANICH did

1. Solicit for sale an investment from A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S. in the amount of approximately \$3,500,000 for investment in medical facilities, without having had any

intention to direct those monies toward any investment mechanism, and/or

2. Affirmatively misrepresented that the payment made by investors A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., was to be used in connection with medical facilities, and/or

3. Did engage in an act, practice, or course of business which operated or would operate as a fraud or deceit upon investors A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., that led them to believe that the investment funds were to be used to create or facilitate the operations of medical facilities, contrary to the provisions of N.J.S.A. 49:3-52(a), N.J.S.A. 49:3-52(b), N.J.S.A. 49:3-52(c), N.J.S.A. 49:3-70, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Misconduct by a Corporate Official - Second Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSNIACH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this court, purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, that is GEORGE BUSSANICH, SR., and GEORGE BUSSANICH, JR., did use, control or operate Metropolitan Ambulatory Surgical Center, LLC ("MASC"), Bridgeview Physical Therapy, LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing, LLC, Palisades Anesthesia Associates, LLC, MGK Holdings, LLC, and/or MGK Enterprises, Inc. for the furtherance or promotion of the criminal objects of: racketeering, in violation of N.J.S.A. 2C:41-2, financial facilitation of criminal activity, in violation of N.J.S.A. 2C:21-25, securities fraud, in violation of N.J.S.A. 49:3-52 et. seq., forgery and fraudulent practices in violation of N.J.S.A. 2C:21-1 et seq., and theft by deception, in violation of N.J.S.A. 2C:20-4, contrary to provisions of N.J.S.A.

2C:21-9C, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and dignity of the same.

COUNT EIGHT

(Theft by Deception - Second Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, purposely did obtain money, in an amount greater than \$75,000, from A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., by deception, that is, by creating or reenforcing the false impression that the money solicited would be an investment in a medical facility, when the they instead diverted the funds for their personal use, contrary to the provisions of N.J.S.A. 2C:20-4, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Theft by Failure to Make Required Disposition of Property
Received - Second Degree)

GEORGE BUSSANICH, SR.

and

GEORGE BUSSANICH, JR.

between on or about March 2009, and on or about July 2013, at the City of Hackensack, the Borough of Cliffside Park, the Township of Park Ridge, the Borough of Creskill, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, did commit theft by purposely obtaining or retaining property belonging to A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., that is, investment funds, having an approximate value of \$3,500,000, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said investment funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TEN

(Conspiracy - First Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

AND

CHRISTOPHER HANNA

who are named as defendants herein, between on or about August 2014, and September 2015, at City of Hackensack, the Township of Park Ridge, the Township of Emerson, the Township of Cliffside Park, the Town of Edgewater, the Borough of Cresskill, the Borough of Franklin Lakes, all in the County of Bergen, the Borough of Surf City, in the County of Ocean, the City of Paterson and the Town of Totowa, both in the county of Passaic, the Township of Parlin, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Financial Facilitation of Criminal Activity, Securities Fraud, Misconduct by a Corporate Official, Theft by Deception, and Theft

by Failure to make Required Disposition, did agree together with one another, that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation, or commission of said crimes, that is:

1. Knowingly did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(a);

2. Knowingly did engage in a transaction involving property known or which a reasonable person would believe to be derived from criminal activity with the intent to facilitate or promote criminal activity, and/or knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(b)(1) and N.J.S.A. 2C:21-25(b)(2)(a);

3. Knowingly did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, said property

having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(c);

4. Knowingly did, in connection with the offer, sale, or purchase of any security, in an amount in excess of \$75,000, directly or indirectly, employ any device, scheme, or artifice to defraud, make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstance under which they are made, not misleading, or engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, contrary to the provisions of N.J.S.A. 49:3-52(a), N.J.S.A. 49:3-52(b), N.J.S.A. 49:3-52(c), and N.J.S.A. 49:3-70;

5. Purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C: 21-9C.

6. Purposely did obtain money, in an amount greater than \$75,000, from A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N., D.O., J.P., G.P., D.S., A.S., and D.S., by deception, contrary to the provisions of N.J.S.A. 2C:20-4;

7. Purposely did obtain or retain property belonging to A.A., S.A., B.D., N.D., M.G., S.G., A.H., N.H., A.H., S.H., G.H., J.H., R.I., S.I., M.K., F.L., B.L., V.M., M.M., R.M., R.M., F.N.,

D.O., J.P., G.P., D.S., A.S., and D.S., that is, investment funds, in an amount greater than \$75,000.00, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said investment funds as their' own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9.

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

and

CHRISTOPHER HANNA

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, the City of Paterson, in the County of Passaic, the Township of Parlin, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly did transport or possess property known or which a reasonable person would believe to be derived from criminal activity, said property having a value of \$500,000 or more, that is, unlawfully obtained investment funds, contrary to the provisions of N.J.S.A. 2C:21-25(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWELVE

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

and

CHRISTOPHER HANNA

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, the City of Paterson, in the County of Passaic, the Township of Parlin, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly did engage in a transaction involving property known or which a reasonable person would believe to be derived from criminal activity with the intent to facilitate or promote criminal activity, and/or knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, that is, the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH, Jr., WILMA

BUSSANICH, BRYAN NAZOR, BRENDAN BYRNE, ROBERT SCHOOLEY, HEIDI FRANCAVILLA and CHRISTOPHER HANNA, did engage in transactions involving unlawfully solicited investment funds, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(b)(1), N.J.S.A. 2C:21-25(b)(2)(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THIRTEEN

(Financial Facilitation of Criminal Activity - First Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

and

CHRISTOPHER HANNA

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, the City of Paterson, in the County of Passaic, the Township of Parlin, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, that is, the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH, Jr., WILMA BUSSANICH, BRYAN NAZOR, BRENDAN BYRNE, ROBERT SCHOOLEY, HEIDI FRANCAVILLA and CHRISTOPHER HANNA, did direct, organize, finance, plan, manage, supervise or control

transactions involving property, to wit: unlawfully solicited investment funds, said property having a value of \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25(c), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOURTEEN

(Securities Fraud - Second Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

ROBERT SCHOOLEY

and

BRYAN NAZOR

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this court, knowingly did, in connection with the offer, sale, or purchase of any security, in an amount in excess of \$75,000, directly or indirectly, employ any device, scheme, or artifice to defraud, make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstance under which they are made, not misleading, or engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in that the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH JR., and WILMA BUSSANICH, ROBERT SCHOOLEY, and BRYAN NAZOR did:

1. Solicit for sale an investment from S.A., M.G., S.G., A.H., N.H., A.H., S.H., R.I., S.I., F.L., V.M., M.M., R.M., G.P.,

and D.S., of approximately \$3,000,000 in medical facilities, without having had any intention to create said investment mechanism, and/or

2. Affirmatively misrepresented that the \$3,000,000 payment made by investors S.A., M.G., S.G., A.H., N.H., A.H., S.H., R.I., S.I., F.L., V.M., M.M., R.M., G.P., and D.S., was to be used in connection with an investment in medical facilities, and/or

3. Did engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon the investors that led them to believe that the investment funds were to be used to create or facilitate the operations of medical facilities, contrary to the provisions of N.J.S.A. 49:3-52(a), N.J.S.A. 49:3-52(b), N.J.S.A. 49:3-52(c), N.J.S.A. 49:3-70, N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIFTEEN

(Misconduct by a Corporate Official - Second Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

BRENDAN BYRNE

ROBERT SCHOOLEY

HEIDI FRANCAVILLA

and

CHRISTOPHER HANNA

between on or about August 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, the City of Paterson, in the County of Passaic, elsewhere, and within the jurisdiction of this court, purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, that is GEORGE BUSSANICH, SR., GEORGE BUSSANICH, JR., WILMA BUSSANICH, BRYAN NAZOR, BRENDAN BYRNE, ROBERT SCHOOLEY, AND HEIDI FRANCAVILLA, did use, control or operate Global Fund Management, LLC, Doctor's Medical Express Management, Inc., Doctor's Medical Express, Inc., BB Holdings, LLC, American Unity, LLC, HF Management Consultants, LLC, Medical

Billing and Management, LLC, and/or SJB Royalty, LLC, for the furtherance or promotion of the criminal objects of: racketeering, in violation of N.J.S.A. 2C: 41-2, financial facilitation of criminal activity, in violation of N.J.S.A. 2C:21-25, securities fraud, in violation of N.J.S.A. 49:3-52 et. seq., forgery and fraudulent practices in violation of N.J.S.A. 2C:21-1 et seq., theft by deception, in violation of N.J.S.A. 2C:20-4, and contempt, in violation of N.J.S.A. 2C:29-9, contrary to provisions of N.J.S.A. 2C: 21-9c, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and dignity of the same.

COUNT SIXTEEN

(Theft by Deception - Second Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

BRYAN NAZOR

and

ROBERT SCHOOLEY

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, purposely did obtain money, in an amount greater than \$75,000, from S.A., M.G., S.G., A.H., N.H., A.H., S.H., R.I., S.I., F.L., V.M., M.M., R.M., G.P., and D.S., by deception, that is, by creating or reenforcing the false impression that the money solicited would be an investment in a medical facility, when, the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH, Jr., WILMA BUSSANICH, BRYAN NAZOR, BRENDAN BYRNE, ROBERT SCHOOLEY, HEIDI FRANCAVILLA and CHRISTOPHER HANNA instead diverted the funds for their personal use, contrary to the provisions of N.J.S.A. 2C:20-4, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVENTEEN

(Theft by Failure to Make Required Disposition of Property
Received - Second Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

ROBERT SCHOOLEY

and

BRYAN NAZOR

between on or about September 2014, and on or about September 2015, at the City of Hackensack, the Borough of Cliffside Park, the Borough of Cresskill, the Township of Park Ridge, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, did commit theft by purposely obtaining or retaining property belonging to S.A., M.G., S.G., A.H., N.H., A.H., S.H., R.I., S.I., F.L., V.M., M.M., R.M., G.P., and D.S., that is, investment funds, having an approximate value of \$3,000,000, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said investment funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT EIGHTEEN

(Fraud in Insolvency - Second Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

and

HEIDI FRANCAVILLA

between on or about December 2013, and on or about November 1, 2014, at the Borough of Cliffside Park, Borough of Park Ridge, City of Hackensack, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, knowing that proceedings had been or were about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors had been or was about to be made, with purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to the administration of property for the benefit of creditors, knowingly did destroy, remove, conceal, encumber, transfer, or otherwise deal with any property or obtain any substantial part of or interest in the debtor's estate, thereby deriving a benefit of approximately \$191,000; and/or knowingly did misrepresent or refuse to disclose to a receiver or other person entitled to administer property for the benefit of

creditors, the existence, amount or location of the property or any other information with GEORGE BUSSANICH, SR., GEORGE BUSSANICH, JR., AND/OR WILMA BUSSANICH could be legally required to furnish in relation to such administration or property, thereby deriving a benefit of approximately \$191,000, contrary to the provisions of N.J.S.A. 2C:21-13(a), N.J.S.A. 2C:21-13(c), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT NINETEEN

(Filing Fraudulent Tax Return - Third Degree)

HEIDI FRANCAVILLA

between on or about April 15, 2014, and on or about April 15, 2015, at the Township of Park Ridge, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did file, prepare, cause to be filed or assist in the preparation or filing of a false or fraudulent return, report, statement, or application for the calendar year ending in 2014, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure Law, [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-10, and against the peace of this State, the government and dignity of the same.

COUNT TWENTY

(Failure to File Tax Return - Third Degree)

GEORGE BUSSANICH, SR.

and

WILMA BUSSANICH

between on or about April 15, 2014, and on or about April 15, 2015, at township of Park Ridge, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did fail to file a tax return for the calendar year ending in 2014, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-8 and against the peace of this State, the government and dignity of the same.

COUNT TWENTY ONE

(Failure to pay Gross Income Tax - Third Degree)

GEORGE BUSSANICH, SR.

and

WILMA BUSSANICH

between on or about April 15, 2014 and on or about April 15, 2015, at Township of Park Ridge, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to evade, avoid, or otherwise not make timely payment of the tax required to be paid pursuant to N.J.S.A. 54:48-1 et seq., for the calendar years ending in 2013 and 2014, did fail to pay and turn over the gross income taxes due, contrary to the provisions of N.J.S.A. 54:52-9, and against the peace of this State, the government and dignity of the same.

COUNT TWENTY TWO

(Failure to File Tax Return - Third Degree)

GEORGE BUSSANICH, JR.

and

CHERYL BUSSANICH

between on or about April 15, 2014, and on or about April 15, 2015, at Township of Upper Saddle River, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did fail to file a tax return for the calendar years ending in 2013 and 2014, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-8 and against the peace of this State, the government and dignity of the same.

COUNT TWENTY THREE

(Failure to pay Gross Income Tax - Third Degree)

GEORGE BUSSANICH, JR.

and

CHERYL BUSSANICH

between on or about April 15, 2014 and on or about April 15, 2015, at Township of Upper Saddle River, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to evade, avoid, or otherwise not make timely payment of the tax required to be paid pursuant to N.J.S.A. 54:48-1 et seq., for the calendar years ending in 2013 and 2014, did fail to pay and turn over the gross income taxes due, contrary to the provisions of N.J.S.A. 54:52-9, and against the peace of this State, the government and dignity of the same.

COUNT TWENTY FOUR

(Failure to File Tax Return - Third Degree)

ROBERT SCHOOLEY

between on or about April 15, 2014, and on or about April 15, 2015, at the Township of Park Ridge, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did fail to file a tax return for the calendar year ending in 2014, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-8 and against the peace of this State, the government and dignity of the same.

COUNT TWENTY FIVE

(Failure to pay Gross Income Tax - Third Degree)

ROBERT SCHOOLEY

between on or about April 15, 2014 and on or about April 15, 2015, at Township of Park Ridge, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with intent to evade, avoid, or otherwise not make timely payment of the tax required to be paid pursuant to N.J.S.A. 54:48-1 et seq., for the calendar year ending in 2014, did fail to pay and turn over the gross income taxes due, contrary to the provisions of N.J.S.A. 54:52-9, and against the peace of this State, the government and dignity of the same.

COUNT TWENTY SIX

(Contempt - Fourth Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

WILMA BUSSANICH

and

HEIDI FRANCAVILLA

between on or about December 2013, and on or about November 1, 2014, at the Borough of Cliffside Park, Borough of Park Ridge, City of Hackensack, all in the County of Bergen, elsewhere, and within the jurisdiction of this Court, did knowingly or purposely disobey a judicial order, or hindered, obstructed, or impeded the effectuation of a judicial order or the exercise of jurisdiction over any person, thing, or controversy by a court, administrative body, or investigative entity, that is, that is, the said GEORGE BUSSANICH, SR., GEORGE BUSSANICH, Jr., WILMA BUSSANICH, and HEIDI FRANCAVILLA did structure monetary transactions to avoid a Court imposed receivership upon the "Bussanich entities" and individuals, contrary to N.J.S.A. 2C:29-9, and N.J.S.A. 2C:2-6, and against the peace of the State, the government, and dignity of the same.

COUNT TWENTY SEVEN

(Contempt - Fourth Degree)

GEORGE BUSSANICH, SR.

GEORGE BUSSANICH, JR.

and

BRYAN NAZOR

between on or about September 2014, and on or about September 2015, at the City of Hackensack, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, did knowingly or purposely disobey a judicial order, or hindered, obstructed, or impeded the effectuation of a judicial order or the exercise of jurisdiction over any person, thing, or controversy by a court, administrative body, or investigative entity, that is, the said GEORGE BUSSANICH SR., GEORGE BUSSANICH, JR. and BRYAN NAZOR, did continue to sell securities in New Jersey, despite a consent agreement specifically proscribing them from doing so, contrary to N.J.S.A. 2C:29-9, and N.J.S.A. 2C:2-6, and against the peace of the State, the government, and dignity of the same.

COUNT TWENTY EIGHT

(Theft by Unlawful Taking - Second Degree)

WILMA BUSSANICH

between on or about September 1, 2015 and on or about September 9, 2015, at the City of Hackensack, in the County of Bergen, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully transfer an interest in immovable property, that is 61 Lillian Street, Park Ridge, New Jersey, with a value greater than \$75,000, belonging to another, "Jefferson Lillian, LLC" and/or Kristappa Sangavaram, with the purpose to benefit herself or another not entitled thereto, contrary to the provisions of N.J.S.A. 2C:20-3b, and against the peace of this State, the government and dignity of the same.

COUNT TWENTY NINE

(Theft - Second Degree)

GEORGE BUSSANICH, Jr.

and

HEIDI FRANCAVILLA

between on or about September 2014, and on or about September 2015, at the Township of Upper Saddle River, at the Town of Ridgefield, both in the County of Bergen, elsewhere, and within the jurisdiction of this Court knowingly did unlawfully take or exercise control over the movable property of F.L., that is money in an amount of 75,000 or more, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and dignity of the same.

COUNT THIRTY

(Theft by Failure to Make Required Disposition of Property
Received - Second Degree)

GEORGE BUSSANICH, JR.

and

HEIDI FRANCAVILLA

between on or about September 2014, and on or about September 2015, at the Township of Upper Saddle River, at the Town of Ridgefield, both in the County of Bergen, elsewhere, and within the jurisdiction of this Court, did commit theft by purposely obtaining or retaining property belonging to F.L., that is, money, having an approximate value over \$75,000, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said investment funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THIRTY ONE

(Forgery - Fourth Degree)

GEORGE BUSSANICH, JR.

between on or about September 2014, and on or about September 2015, at the Township of Upper Saddle River, at the Town of Ridgefield, both in the County of Bergen, elsewhere, and within the jurisdiction of this Court, with the purpose to defraud or injure F.L. and/or R.M., knowingly did execute a writing, namely check #5787, at the payor bank of PNC Bank, to the payee, SJB Royalty, so that it purported to be the act of R.M., who did not authorize said act, contrary to the provisions of N.J.S.A. 2C: 21-1a(1), and against the peace of the State, the government, and dignity of the same.



AAG Elie Honig
Director
Division of Criminal Justice

A TRUE BILL:

Maura Plush

Foreperson

Deputy

Dated: 3/3/17

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ695-17-18
Superior Court
Docket Number _____

STATE OF NEW JERSEY)
v.)
George Bussanich, Sr.)
George Bussanich, Jr.)
Wilma Bussanich)
Bryan Nazor)
Brendan Byrne)
Robert Schooley)
Heidi Francavilla)
and)
Christopher Hanna)

APPENDIX A

1. All allegations set forth within Count One of the captioned indictment are hereby incorporated by reference and re-alleged as if fully set forth herein, for the purpose of alleging forfeitures pursuant to N.J.S.A. 2C:41-3b.

2. The defendants have property constituting:

A. Interests, including money and other things of value, established, acquired, maintained, operated, controlled, conducted or participated in, in violation of N.J.S.A. 2C:41-2c, and N.J.S.A. 2C:41-2d.

3. The said interests, all subject to forfeiture to the State of New Jersey, expressly include all items of real and personal property:

I) REAL PROPERTY

<u>Property Address</u>	<u>Property Owner</u>
1) 61 Lillian Street Park Ridge, NJ Block: 1916 Lot: 17	Jefferson Lillian Properties, LLC and/or Kristappa Sangavaram
2) 121 Jefferson Street Emerson, NJ Block: 309 Lot: 2	Jefferson Lillian Properties, LLC and/or Kristappa Sangavaram
3) 50 Anona Drive Upper Saddle River, NJ Block: 216 Lot: 5	50 Anona Holdings, LLC And/or Cheryl Bussanich & George Bussanich, Jr.
4) 466 Schroeder Lane Surf City, NJ Block: 114 Lot: 24	Wilma Bussanich

II) PERSONAL PROPERTY

A- Bank Accounts:

<u>Account Name/Owner</u>	<u>Account Number</u>
<u>TD Bank Accounts:</u>	
1) Doctors Medical Express, Inc Wilma Bussanich & Joseph Miglicaccio	431-2713583
2) Doctors Medical Express Management, LLC Heidi Francavilla	430-8195349
3) SJB Royalty, LLC Cheryl Bussanich & George Bussanich, Jr	430-4763752
4) Main Street Title & Settlement Bryan Nazor & Dominick DeCarlo (In the amount of \$290,448)	***-***7939

TD Ameritrade Account:

5) Urgent Care Facilities- Doctors Medical 869-237621
Express Inc.
Joseph Miglicaccio

E Trade Financial Account:

6) American Unity, LLC 35946864
Robert Schooley

Chase Bank Account:

7) Phoenix Capital Lending 787-048289
Bryan Nazor

B- Vehicles:

<u>Vehicle Make, Model, VIN #</u>	<u>Registered Owner</u>
8) 2013 Mini Cooper VIN: WMWSU3C58DT546018	MGK Holdings, LLC
9) 2009 Lincoln Town Car VIN: 2L1FM88W09X641645	MGK Holdings, LLC
10) 2008 Land Rover VIN: SALMF15458A276268	MGK Holdings, LLC
11) 1998 Nissan Altima VIN: 1N4DL01D0WC176277	MGK Holdings, LLC
12) 2007 Mercedes Benz K50 VIN: WDBTK56F37T078442	MGK Holdings, LLC
13) 2008 Ford Mustang VIN: 3FAHP07ZX8R143221	MGK Holdings, LLC
14) 2010 Land Rover VIN: SALSH2E48AA255377	MGK Holdings, LLC

C- Misc Personal Property

15) Interest in Refund for New York Rangers Season Tickets from
Madison Square Garden in the amount of \$58,770
Owner: George Bussanich, Sr.