

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.
: :
: Criminal No. 23-
v. : :
: 18 U.S.C. § 371
: :
RICHARD CURRY : :
: :

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Introduction

1. From in or around January 2022 to in or around April 2023, Defendant Richard Curry (“CURRY”) conspired with Christopher Anderson (“Anderson”), Eliyahu “Eli” Weinstein, a/k/a “Mike Konig,” (“Weinstein”), Aryeh “Ari” Bromberg (“Bromberg”), Joel Wittels (“Wittels”), Shlomo Erez (“Erez”), and Alaa Hattab (“Hattab” and collectively, the “Conspirators”), and others to defraud investors and potential investors of tens of millions of dollars by (a) actively concealing Weinstein’s identity, history of fraud and role in purported investments; (b) falsely claiming that investors funds would be used to invest in lucrative deals involving, among other things, COVID-19 masks, scarce baby formula, and first-aid kits bound for Ukraine; and (c) operating a Ponzi scheme by using new investor money to pay off earlier investors.

Background

2. At times material to this Information:

Weinstein's Prior Fraud Convictions

a. On or about January 3, 2013, Weinstein pled guilty to conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and engaging in monetary transactions from specified unlawful activity, in violation of 18 U.S.C. § 1957 ("Weinstein I"). Weinstein's criminal activity in Weinstein I resulted in over \$224 million in losses to investors. On or about February 25, 2014, the Honorable Joel A. Pisano, U.S. District Judge, sentenced Weinstein to 22 years' imprisonment, followed by three years of supervised release.

b. While on pretrial release in Weinstein I, Weinstein committed a second investment fraud scheme involving false and fraudulent representations related to purported investments in securities and real estate ("Weinstein II"), which resulted in over \$6 million in additional losses to investors. On or about September 3, 2014, Weinstein pled guilty in Weinstein II to conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, committing wire fraud while on pretrial release, in violation of 18 U.S.C. §§ 1343 and 3147, and engaging in monetary transactions from specified unlawful activity, in violation of 18 U.S.C. § 1957. On or about December 15, 2014, Judge Pisano sentenced Weinstein to a 135-month prison term, 24 months of which was to run consecutive to the 22-year sentence the court had imposed in Weinstein I, and an additional term of three years of supervised release.

c. On or about January 19, 2021, the President of the United States commuted Weinstein’s 24-year prison sentence to a period of time served. At the time of his release, Weinstein had served approximately 7 years and 8 months of his total prison term of 24 years. The commutation left intact all other components of Weinstein’s sentence, including his obligations to pay restitution to the victims of Weinstein I and Weinstein II, totaling over \$228 million.

The Optimus Entity and Individuals

d. Optimus Investments Inc. (“Optimus”) was a New Jersey entity formed in or around September 2021. Optimus raised millions of dollars from individual investors to finance the purported purchase and sale of medical supplies and other goods.

e. Weinstein resided in New Jersey and was a silent partner in Optimus.

f. Bromberg resided in New Jersey, served as a co-owner of Optimus, and was a signatory on Optimus’s primary bank account, ending in 7976 (the “Optimus Account”).

g. Wittels resided in New Jersey and served as a co-owner of Optimus. Wittels handled accounting for Optimus and was a signatory on the Optimus Account.

The Tryon Entity and Individuals

h. Tryon Management Group LLC (“Tryon”) was a New Jersey entity formed in or around January 2022. From in or around January 2022 to in or

around January 2023, Tryon raised more than \$35 million from approximately 150 investors, including many in New Jersey, to finance Optimus’s purported transactions.

- i. CURRY resided in Pennsylvania and was a co-owner of Tryon
- j. Anderson resided in New Jersey and was a co-owner of Tryon.

The Other Conspirators

k. Erez was a citizen of Israel and purported to serve as Weinstein’s attorney and business partner. Erez purchased properties and controlled bank accounts for Weinstein’s benefit.

l. Hattab was a United States citizen residing in Canada and purported to serve as a broker for Weinstein and Optimus on deals for medical supplies and other goods. Hattab owned Saniton Plastic LLC (“Saniton Plastic”), a bottling company which, according to its website, created “interlocking bottle technology” that “reduces up to 35% of carbon emissions.”

The Conspiracy

2. From in or around January 2022 to in or around April 2023, in the District of New Jersey, and elsewhere, the defendant,

RICHARD CURRY,

did willfully and knowingly combine, conspire, confederate, and agree with Anderson, Weinstein, Bromberg, Wittels, Erez, Hattab, and others, by the use of the means and instrumentalities of interstate commerce, and of the mails, and of facilities of national securities exchanges, to use and employ, in connection with the purchase and sale of securities, manipulative and deceptive devices and contrivances by: (a) employing

devices, schemes, and artifices to defraud; (b) making untrue statements of material facts and omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (c) engaging in acts, practices, and courses of business which operated and would operate as a fraud and deceit upon persons, contrary to Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5.

Goal of the Conspiracy

3. The goal of the conspiracy was for CURRY and the other Conspirators to enrich themselves and their associates by soliciting and obtaining tens of millions of dollars of investors' funds through false and misleading pretenses, representations, omissions, and promises.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

Obtaining Investor Money by Concealing Weinstein's Identity

a. Since at least in or around December 2021, less than one year after the commutation of his sentence and release from prison, Weinstein was actively involved in operating Optimus in the shadows. To conceal his identity and control of the company, Weinstein used an alias, "Mike Konig," when communicating with lenders, potential investors, and business partners.

b. To further the deception, Bromberg and Wittels served as the nominal owners of Optimus on corporate documents, checks, corporate bank

accounts, and investor documents. In reality, Bromberg and Wittels took direction from Weinstein on business transactions, including where and when to move money.

c. Based on the material misrepresentations and omissions about Weinstein's business activities and his history of fraud, the Conspirators solicited and obtained tens of millions of dollars from Optimus and Tryon investors.

Obtaining Investor Money Through Optimus and Tryon:
Promises of Lucrative Deals and Substantial Returns

d. In or around late 2021, Optimus started raising money directly from a small number of investors to finance purported transactions related to COVID-19 medical supplies. CURRY was one of Optimus's initial investors.

e. In or around January 2022, Bromberg and Wittels began asking CURRY for more money to purportedly finance larger transactions for medical supplies. Soon after, CURRY and Anderson formed Tryon to raise money from individual investors to finance these deals for Optimus.

f. Bromberg and Wittels initially worked with Weinstein to conceal Weinstein's true identity from CURRY and Anderson, because they knew CURRY and Anderson were raising money for Optimus's supposed deals from individual investors who would not invest if they were aware of Weinstein's fraud convictions and his significant role at Optimus.

g. To further this deception, Bromberg and Wittels introduced Weinstein to CURRY and Anderson as "Mike Konig," and Weinstein communicated directly with CURRY and Anderson as Mike Konig, using an internet-based messaging application (the "Messaging Application").

h. Weinstein, posing as Mike Konig, provided CURRY and Anderson a purported framework for sourcing and funding deals: Optimus would finance or purchase medical supplies and related products and resell them to a third party for a profit, which Optimus would then split with Tryon for the benefit of their investors. Mike Konig (in reality, Weinstein) would find the deals through his various relationships and would get a cut of the supposed profits.

i. Based on this framework, CURRY and Anderson solicited investors through Tryon. Most of the investors were CURRY's and/or Anderson's family, friends, or close associates.

j. Tryon provided investors with notes promising outsized returns, many of which had an interest rate of 48%, an additional "equity" return of between 2% and 10%, and a full return of an investor's principal investment, all within three to six months. The promissory notes also generally included payout schedules, which often listed purported monthly distributions to investors of interest, equity, and principal (the "Monthly Distributions").

k. Tryon sent investors updates that described "Mike Konig" as its "Logistics Coordinator and Purchase Order procurement officer." The updates touted Mike Konig's track record of brokering large contracts involving millions of units of COVID-19 medical supplies and other similar products.

l. Bromberg, Wittels, and Weinstein (posing as Mike Konig) provided information to CURRY and Anderson about the various Optimus deals for potential and existing Tryon investors. Investors transferred their money to Tryon

based on these collective representations about the Optimus deals and the continued concealment of Weinstein's involvement in the deals and his history of fraud.

m. In or around January 2022, CURRY and Anderson began sending money from Tryon investors directly to Optimus through the Optimus Account.

Obtaining and Using Investor Money to Pay Other Investors

n. Almost immediately after Tryon started accepting investors' money and transferring it to Optimus, Weinstein's purported deals were not generating the promised returns, and Tryon was unable to pay Monthly Distributions owed to investors.

o. Rather than reveal this information to investors, CURRY and Anderson agreed with Weinstein (posing as Mike Konig), Bromberg, and Wittels to pool money from existing investors of both Optimus and Tryon and use it to make the Monthly Distributions to other investors in a Ponzi-like fashion (the "Ponzi Scheme").

p. The Conspirators concealed the Ponzi Scheme from Tryon investors by falsely telling investors that the Monthly Distributions derived from legitimate investment returns, not other investors' money.

q. In or around May 2022, CURRY and Anderson, at Bromberg and Wittels's request, provided funds from Tryon investors to pay Optimus investors, because supposed deal profits had not materialized. Instead of truthfully disclosing this information to Optimus investors, Bromberg and Wittels, with the help of Anderson, sent Optimus investors false statements indicating that the payouts were "profits" from specific deals.

r. The Ponzi Scheme continued throughout the relevant period of the conspiracy as Optimus repeatedly failed to generate promised returns and Tryon and Optimus were unable to pay distributions to investors.

Weinstein Discloses His Real Identity to Anderson and CURRY, and the Conspirators Agree to Continue Defrauding Investors

s. In or around late August 2022, the Conspirators had a series of meetings in which Weinstein revealed his true identity to CURRY and Anderson. In these meetings, Weinstein also admitted to making various false statements about purported Optimus deals and to misappropriating Tryon investor money.

t. Both during and after these August 2022 meetings, the Conspirators agreed to continue concealing Weinstein's identity from investors and to raise additional money to pay off existing Tryon investors, all in an effort to stop the Ponzi Scheme from falling apart and to cover up the Conspirators' fraud.

u. Consistent with that plan, the Conspirators worked together to mislead and conceal material facts from investors, including that:

- (i) Mike Konig was actually Weinstein and had a history of fraud;
- (ii) Weinstein was the source of nearly every purported deal that formed the basis of Tryon's investments;
- (iii) Weinstein admitted to having provided false and misleading information about several of those deals;
- (iv) Weinstein misappropriated Tryon investor money for other purposes; and
- (v) neither Tryon nor Optimus could account for where and how Weinstein spent investor money.

v. As part of their plan to cover up the Ponzi Scheme, Weinstein directed Hattab to transfer Weinstein's stake in Saniton Plastic to Tryon, with the hope that Saniton Plastic would succeed as a business and generate enough profits to cover the tens of millions of dollars that Weinstein misappropriated from investors through the scheme. Hattab asked CURRY and Anderson to raise more money from investors for Saniton Plastic, while also telling CURRY and Anderson to continue concealing from Tryon investors Weinstein's identity and association with Saniton Plastic. From in or around August 2022 through in or around October 2022, CURRY and Anderson transferred approximately \$2.7 million from Tryon to Saniton Plastic, into an account controlled by HATTAB. The \$2.7 million was derived from new investor money as well as money from existing investors who had invested in other deals for purported medical supplies. CURRY and Anderson, in keeping with Hattab's request, concealed material facts from these investors, including Weinstein's identity, his association with Saniton Plastic, and the scheme to use future profits from Saniton Plastic to cover up the Ponzi Scheme.

w. To date, Saniton Plastic has generated no profits, despite using millions of dollars of investor money from Tryon for purported equipment and to fund lavish trips by Hattab and Anderson to Turkey and elsewhere to promote Saniton Plastic.

x. From in or around late August 2022 through at least in or around March 2023, CURRY and Anderson had multiple in-person meetings and numerous communications with Erez and others in which they discussed, among other things,

working as a team to conceal Weinstein's identity from investors and how to reassure Tryon investors who were concerned about their increasingly delayed payouts in order to prevent the Ponzi Scheme from falling apart.

Overt Acts

5. In furtherance of the conspiracy and to effect its unlawful object, the following overt acts, among others, were committed in the District of New Jersey and elsewhere:

a. On or about April 22, 2022, Anderson sent an email to Tryon investors stating that "Mike Konig" is "currently our Logistics Coordinator and Purchase Order procurement officer";

b. On or about August 6, 2022, Anderson sent an email to Tryon investors stating that "we're making a lot of people (including ourselves) killer returns";

c. On or about August 25, 2022, CURRY and Anderson caused a wire of approximately \$1,875,000 to be sent from Tryon to Saniton Plastic;

d. On or about August 26, 2022, CURRY met with Anderson, Weinstein, Bromberg, and Hattab at a hotel in or around Branchburg, New Jersey, and discussed concealing Weinstein's identity and continuing the Ponzi Scheme; and

e. On or about November 22, 2022, CURRY sent an email to investors stating that "[w]e have paid out tens of millions of dollars in payments to everyone and along the way, we've collected some significant assets as collateral to

make sure that we collectively have more than enough to cover the money we have borrowed.”

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION

1. Upon conviction of the offense charged in this Information, the defendant,

RICHARD CURRY,

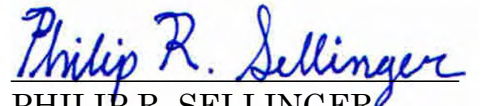
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in this Information, and all property traceable thereto.

Substitute Assets Provision

2. 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 to the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by 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-described forfeitable property.


PHILIP R. SELLINGER
UNITED STATES ATTORNEY