

WHT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE COAR
MAGISTRATE JUDGE BROWN

UNITED STATES OF AMERICA

FILED

No. 05 CR 914

v.

AUG 31 2006

Violations: Title 18, United States
Code, Sections 152(1) and 152(2);
Title 31, United States Code, Section 5324

MELVIN D. VAN ALLEN, JR.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT
Superseding Indictment

COUNT ONE

The SPECIAL AUGUST 2006-2 GRAND JURY charges:

1. At times material to this superseding indictment:

(a) Defendant MELVIN D. VAN ALLEN, JR. and his wife had a checking account at TCF National Bank over which they both had signatory authority.

(b) Defendant MELVIN D. VAN ALLEN, JR. and his wife had a checking account at Bridgeview Bank & Trust Company over which they both had signatory authority.

(c) Defendant MELVIN D. VAN ALLEN, JR. operated an unincorporated business that purchased and resold used automobile parts.

(d) A bankruptcy case was commenced by the filing of a bankruptcy petition in United States Bankruptcy Court. Persons filing for bankruptcy were referred to as "debtors" under federal bankruptcy law. Chapter 7 of the Bankruptcy Code (Title 11, United States Code) provided that individual debtors without adequate income or assets to pay their debts could petition the United States Bankruptcy Court to obtain a discharge of their debts.

(e) In connection with the filing of a bankruptcy petition, the debtor was required by law to fully disclose his interest in all assets, including all real property and personal property, whether or not the assets were held in the debtor's name or in the name of another person or entity

on behalf of the debtor. The debtor was also required to disclose all liabilities and debts owed to creditors. The assets and liabilities of the debtor comprised what was called the debtor's "bankruptcy estate."

(f) The assets and liabilities of the debtor were required to be listed in certain Schedules and a "Statement of Financial Affairs," signed by the debtor under penalty of perjury, and filed with the Bankruptcy Court. Among the Schedules that the debtor was required to complete and file under penalty of perjury were Schedule A, Real Property, and Schedule B, Personal Property. On the Schedules and Statement of Financial Affairs, the debtor was required to disclose truthfully certain information, including all income from employment and from the operation of any business, and all real property and personal property in which the debtor held any legal, equitable, or beneficial interest.

(g) The United States Trustee supervised the administration of cases and bankruptcy trustees in cases under Title 11.

(h) The bankruptcy trustee was assigned by the United States Trustee and was responsible for the administration of the debtor's bankruptcy estate, including the liquidation of assets and the distribution of proceeds to creditors.

(i) In Chapter 7 liquidation, a debtor was required to turn over all of his non-exempt assets to the bankruptcy trustee and to report all of his debts. The bankruptcy trustee was then required to liquidate or sell all non-exempt assets and to distribute the proceeds to the debtor's reported creditors. After entry of the discharge of the debtor's debts, the creditors were prohibited from attempting to collect from the debtor. The privilege of discharge depended, in part, upon the debtor's disclosure of a true and accurate picture of his financial affairs.

(j) Section 341 of the Bankruptcy Code required the debtor to appear at a meeting of creditors, where creditors were allowed to appear and question the debtor under oath about relevant matters.

2. In or about August 1986, in the Northern District of Illinois, Eastern Division, defendant MELVIN D. VAN ALLEN, JR. purchased a single-family residence located at 8032 West 85th Place, Justice, Illinois (the "85th Place property"), together with his wife and mother. On or about August 11, 1992, they transferred title to the 85th Place property to a land trust entitled Bridgeview Bank & Trust Company Trust No. 1-2107 ("Trust No. 1-2107"). Defendant MELVIN D. VAN ALLEN, JR. and his wife were made beneficiaries of Trust No. 1-2107. Under the terms of the trust, the beneficial interest of defendant MELVIN D. VAN ALLEN, JR. in the 85th Place property was as a joint tenant with his wife, with rights of survivorship. The 85th Place property remained in Trust No. 1-2107 during 2003 and 2004.

3. On or about January 28, 2004, at Chicago, Illinois, in the Northern District of Illinois, Eastern Division, defendant MELVIN D. VAN ALLEN, JR. filed a Voluntary Petition for Bankruptcy under Chapter 7 of the Bankruptcy Code (Title 11, United States Code). The case was denominated: *In re Melvin D. Van Allen, Jr.*, No. 04 B 3232.

4. On or about January 28, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, in connection with a case under Title 11, United States Code, specifically, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, knowingly and fraudulently concealed from creditors and the United States Trustee property belonging to the defendant's bankruptcy estate, specifically, defendant's interest in the 85th Place property under Trust No. 1-2107;

In violation of Title 18, United States Code, Section 152(1).

COUNT TWO

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 3 of Count One are realleged and incorporated by reference as if fully stated herein.
2. On or about January 28, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, in connection with a case under Title 11, United States Code, specifically, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, knowingly and fraudulently concealed from creditors and the United States Trustee property belonging to the defendant's bankruptcy estate, specifically, defendant's interest in bank accounts at TCF National Bank and Bridgeview Bank & Trust Company;

In violation of Title 18, United States Code, Section 152(1).

COUNT THREE

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 3 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about January 28, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, in connection with a case under Title 11, United States Code, specifically, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, knowingly and fraudulently concealed from creditors and the United States Trustee property belonging to the defendant's bankruptcy estate, specifically, defendant's interest in an unincorporated automobile parts business;

In violation of Title 18, United States Code, Section 152(1).

COUNT FOUR

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 3 of Count One are realleged and incorporated by reference as if fully stated herein.

2. On or about March 3, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and fraudulently made a materially false oath and account in and in relation to a case under Title 11, United States Code, specifically, case no. 04 B 3232, *In re Melvin D. Van Allen, Jr.*, in the United States Bankruptcy Court, Northern District of Illinois, Eastern Division, in that defendant made the following statements under oath in response to the following questions of the bankruptcy trustee at the Section 341 meeting of creditors:

Q: Where do you live?

A: 8032 W. 85th Place, Justice, Illinois 60458.

Q: Is that a home or an apartment?

A: It's a home.

Q: Do you own the home?

A: No, I do not.

Q: Have you ever owned any real estate?

A: Uh, yes, I owned a home in Bridgeview, Illinois.

Q: How many years ago?

A: 1978.

Q: More than four?

A: Yes.

Q: Did you list all of your assets and all of your debts in this [bankruptcy] petition?

A: Yes, I did.

when in truth and in fact, as defendant well knew, defendant had a beneficial interest in the 85th

Place property and had not disclosed all of his assets in his bankruptcy petition;

In violation of Title 18, United States Code, Section 152(2).

COUNTS FIVE THROUGH TWENTY-NINE

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

On or about the dates set forth below, each such date constituting a separate count of this superseding indictment, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations prescribed thereunder, including Title 31, Code of Federal Regulations, Sections 103.22, 103.27, and 103.28, structured and attempted to structure currency transactions with Archer Bank by causing the deposit of United States currency in amounts under \$10,000, in separate transactions at one or more branches of Archer Bank as set forth below, each group of transactions conducted on a single date constituting a separate offense, and did so as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period commencing on or about July 1, 2003:

Count	Date	Branch	Deposit Amounts	Total
Five	July 17, 2003	Bridgeview	\$5,660.00	\$15,565.00
		Bridgeview	\$2,480.00	
		Bridgeview	\$3,375.00	
		Bridgeview	\$4,050.00	
Six	August 25, 2003	Bridgeview	\$2,425.00	\$14,615.00
		Bridgeview	\$4,880.00	
		Bridgeview	\$7,310.00	
Seven	September 18, 2003	Bridgeview	\$7,580.00	\$17,640.00
		Bridgeview	\$2,640.00	
		Bridgeview	\$3,480.00	
		Bridgeview	\$3,940.00	

Eight	October 29, 2003	Bridgeview Bridgeview Bridgeview Bridgeview	\$5,040.00 \$5,240.00 \$2,770.00 \$3,805.00	\$16,855.00
Nine	November 12, 2003	Bridgeview Bridgeview Bridgeview	\$3,650.00 \$5,455.00 \$4,810.00	\$13,915.00
Ten	December 2, 2003	Bridgeview Bridgeview Bridgeview	\$5,560.00 \$3,030.00 \$3,500.00	\$12,090.00
Eleven	December 10, 2003	Bridgeview Bridgeview Bridgeview Bridgeview	\$8,280.00 \$1,815.00 \$2,720.00 \$3,860.00	\$16,675.00
Twelve	December 12, 2003	Bridgeview Bridgeview Bridgeview Bridgeview	\$2,055.00 \$4,000.00 \$1,950.00 \$6,995.00	\$15,000.00
Thirteen	December 19, 2003	Bridgeview Bridgeview Bridgeview Bridgeview	\$3,020.00 \$7,965.00 \$3,020.00 \$7,380.00	\$21,385.00
Fourteen	December 30, 2003	Bridgeview Bridgeview Bridgeview Bridgeview	\$2,900.00 \$7,860.00 \$2,485.00 \$3,860.00	\$17,105.00
Fifteen	January 7, 2004	Bridgeview Bridgeview Bridgeview	\$4,620.00 \$5,180.00 \$4,855.00	\$14,655.00
Sixteen	January 9, 2004	Bridgeview Bridgeview Bridgeview	\$6,890.00 \$7,880.00 \$5,110.00	\$19,880.00
Seventeen	January 16, 2004	Bridgeview Bridgeview Bridgeview Motor	\$3,940.00 \$8,120.00 \$2,130.00 \$2,520.00	\$16,710.00

Eighteen	January 23, 2004	Bridgeview Bridgeview Garfield Ridge	\$7,410.00 \$8,065.00 \$4,260.00	\$19,735.00
Nineteen	January 27, 2004	Bridgeview Bridgeview Bridgeview	\$4,800.00 \$8,860.00 \$4,940.00	\$18,600.00
Twenty	January 30, 2004	Hickory Hills Hickory Hills Motor Motor	\$1,820.00 \$8,155.00 \$7,880.00 \$6,510.00	\$24,365.00
Twenty-One	February 5, 2004	Bridgeview Hickory Hills Bridgeview Kedzie	\$3,900.00 \$7,630.00 \$5,015.00 \$3,410.00	\$19,955.00
Twenty-Two	February 10, 2005	Bridgeview Hickory Hills Garfield Ridge	\$8,020.00 \$7,910.00 \$4,895.00	\$20,825.00
Twenty-Three	February 19, 2004	Bridgeview Bridgeview Bridgeview Hickory Hills	\$8,225.00 \$8,550.00 \$5,505.00 \$5,265.00	\$27,545.00
Twenty-Four	March 3, 2004	Bridgeview Hickory Hills Bridgeview Garfield Ridge	\$7,005.00 \$6,740.00 \$5,320.00 \$6,730.00	\$25,795.00
Twenty-Five	March 4, 2004	Bridgeview Bridgeview Hickory Hills Hickory Hills	\$6,020.00 \$6,160.00 \$4,620.00 \$6,025.00	\$22,825.00
Twenty-Six	March 10, 2004	Bridgeview Garfield Ridge Hickory Hills Bridgeview Bridgeview	\$7,840.00 \$5,770.00 \$7,340.00 \$2,310.00 \$5,055.00	\$28,315.00

Twenty-Seven	March 16, 2004	Bridgeview Bridgeview Hickory Hills Summit Bridgeview Summit	\$2,005.00 \$8,135.00 \$2,140.00 \$6,040.00 \$3,530.00 \$7,780.00	\$29,630.00
Twenty-Eight	April 2, 2004	Bridgeview Hickory Hills Hickory Hills Motor Summit	\$7,950.00 \$3,750.00 \$7,265.00 \$2,410.00 \$6,780.00	\$28,155.00
Twenty-Nine	April 15, 2004	Bridgeview Garfield Ridge Hickory Hills Summit Bridgeview	\$2,220.00 \$6,230.00 \$5,460.00 \$6,150.00 \$7,840.00	\$27,900.00

All in violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

COUNT THIRTY

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

On or about June 7, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations prescribed thereunder, including Title 31, Code of Federal Regulations, Sections 103.22, 103.27, and 103.28, structured and attempted to structure an \$11,400 currency transaction by cashing a \$9,500 check at the Western-North Currency Exchange, Chicago, Illinois, and a \$1,900 check at the New 31st & Kedzie Currency Exchange, Chicago, Illinois, on the same day, and did so as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period commencing on or about July 1, 2003;

In violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

COUNT THIRTY-ONE

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

On or about June 9, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations prescribed thereunder, including Title 31, Code of Federal Regulations, Sections 103.22, 103.27, and 103.28, structured and attempted to structure an \$11,326 currency transaction by cashing a \$9,500 check at the Western-North Currency Exchange, Chicago, Illinois, and cashing a \$1,826 check at the New 31st & Kedzie Currency Exchange, Chicago, Illinois, on the same day, and did so as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period commencing on or about July 1, 2003;

In violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

COUNT THIRTY-TWO

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

On or about June 10, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

MELVIN D. VAN ALLEN, JR.,

defendant herein, knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations proscribed thereunder, including Title 31, Code of Federal Regulations, Sections 103.22, 103.27, and 103.28, structured and attempted to structure an \$11,000 currency transaction by cashing a \$9,500 check at the Western-North Currency Exchange, Chicago, Illinois, and cashing a \$1,500 check at the New 31st & Kedzie Currency Exchange, Chicago, Illinois, on the same day, and did so as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period commencing on or about July 1, 2003;

In violation of Title 31, United States Code, Sections 5324(a)(3) and (d)(2).

FORFEITURE ALLEGATION

The SPECIAL AUGUST 2006-2 GRAND JURY alleges:

1. The allegations in Counts Five through Thirty-Two of this superseding indictment are realleged and incorporated by reference as if fully stated herein for the purpose of alleging that certain property is subject to forfeiture to the United States pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

2. As a result of his violations of Title 31, United States Code, Section 5324, as charged in Counts Five through Thirty-Two,

MELVIN D. VAN ALLEN, JR.,

defendant herein, shall forfeit to the United States, pursuant to Title 31, United States Code, Section 5317, any and all right, title, and interest he may have in any property, real and personal, involved in the offenses, which property is subject to forfeiture pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

3. The interests of defendant MELVIN D. VAN ALLEN, JR. subject to forfeiture to the United States pursuant to Title 31, United States Code, Section 5317(c)(1)(A) include, but are not limited to, \$539,461 in United States currency, which represents property involved in the offenses charged in Counts Five through Thirty-Two of this superseding indictment.

4. By virtue of the commission of the offenses charged in Counts Five through Thirty-Two of this superseding indictment by defendant MELVIN D. VAN ALLEN, JR., all right, title, and interest that defendant MELVIN D. VAN ALLEN, JR. has in the above-described property is vested in the United States and hereby forfeit pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

5. If any of the property described above as being subject to forfeiture pursuant to Title 31, United States Code, Section 5317(c)(1)(A), as a result of any act or omission of defendant MELVIN D. VAN ALLEN, JR.:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred 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 to seek forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 31, United States Code, Section 5317(c)(1)(B).

All pursuant to Title 31, United States Code, Section 5317(c)(1)(A).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY