

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

Case No. _____

Ct. 1: 18 U.S.C. § 371

Cts. 2-9 18 U.S.C. §§ 1341 and 2

v.

JEROME P. JACOBSON

a/k/a Jerry Jacobson

a/k/a Uncle Jerry

ROBIN LISA COLOMBO

WILLIAM R. FISHER

a/k/a Buddy Fisher

JERRY LEE KENNY

STACY L. BREEGLE

GLORIA BROWN

NOAH DWIGHT BAKER, Sr.

a/k/a Dwight Baker

LINDA BAKER

GEORGE CHANDLER

RONALD E. HUGHEY

a/k/a Ronnie Hughey

BRENDA S. PHENIS

JOHN F. DAVIS

ANDREW M. GLOMB

a/k/a Andy Glomb

a/k/a AJ Glomb

STANLEY L. WARWICK

VICTOR E. MARCHITELLO

JAMES PATRICK FAHERTY

a/k/a Jim Faherty

MICHAEL L. HOOVER

MARVIN BRAUN

STEVEN L. SINDER

WILEY RICHARD COUTURIER

EARL STUART

INDICTMENT

The Grand Jury charges:

COUNT ONE

A. INTRODUCTION

At all times material herein, unless otherwise specified:

Victims of the Fraudulent Scheme

_____1. _____The McDonald's Corporation (McDonald's), is a multi-national corporation with its headquarters in Oak Brook, Illinois. There are more than 28,000 McDonald's restaurants around the world, of which approximately 13,000 are located in the United States. Some McDonald's restaurants are owned and operated by McDonald's subsidiaries and affiliates, while some are operated under franchise agreements between McDonald's and third parties. In a cooperative advertising effort, McDonald's restaurants in the United States and certain other markets have sponsored promotional games in which customers of McDonald's restaurants play to win prizes of up to \$1 million.

_____2. _____Simon Marketing, Inc. (Simon) is an international marketing company, with its headquarters in Los Angeles, California, and offices in the Atlanta, Georgia area, among others. Simon contracted with McDonald's to conduct national advertising and promotional programs. These marketing campaigns included "Monopoly Game at McDonald's"; "Hatch, Match, and Win"; "When the USA Wins, You Win"; "The Deluxe Monopoly Game at McDonald's"; "The Monopoly and More Game at McDonald's";

“Disney’s Masterpiece Collection Trivia Challenge at McDonald’s”; “Who Wants to be a Millionaire Game”; “Win on the Spot;” and “Pick Your Prize Monopoly.”

The Defendants

3. JEROME P. JACOBSON, a/k/a Jerry Jacobson, a/k/a Uncle Jerry, was employed by Simon as the director of security. In that position, JEROME P. JACOBSON was entrusted with the responsibility of insuring the integrity of promotional games administered by Simon and with disseminating high-value game pieces in connection with various national advertising promotions conducted by Simon, on behalf of McDonald’s. JEROME P. JACOBSON embezzled more than \$20 million worth of high-value winning McDonald’s promotional game pieces from his employer, Simon, and distributed the winning game pieces to individuals who personally redeemed the embezzled game pieces or acted as recruiters, and who thereafter, recruited friends, relatives and associates to fraudulently represent themselves as legitimate winners of high-value winning McDonald’s promotional game pieces.

4. ROBIN LISA COLOMBO was a recruiter of game winners and a resident of Jacksonville, Florida, and Goose Creek, South Carolina. ROBIN COLOMBO is the widow of Jerry Colombo and the daughter of co-defendant WILLIAM R. FISHER, a/k/a Buddy Fisher.

5. WILLIAM R. FISHER, a/k/a Buddy Fisher, was a 1996 \$1 million game winner and a resident of Jacksonville, Florida. WILLIAM R. FISHER is the father of ROBIN COLOMBO.

6. JERRY LEE KENNY was a 1996 \$100,000 game winner and a resident of Front Royal, Virginia. JERRY LEE KENNY is a relative of ROBIN COLOMBO and WILLIAM R. FISHER.

7. STACY L. BREEGLE was a 1997 \$1 million game winner and a resident of Fredericksburg, Virginia. STACY L. BREEGLE is a relative of ROBIN COLOMBO and WILLIAM R. FISHER.

8. GLORIA BROWN was a 1997 \$1 million game winner and a resident of Jacksonville, Florida. GLORIA BROWN was a friend of ROBIN COLOMBO.

9. NOAH DWIGHT BAKER, Sr., a/k/a Dwight Baker, was a recruiter of game winners and a resident of Westminster, South Carolina. NOAH DWIGHT BAKER, Sr. was a friend and associate of co-defendant JEROME P. JACOBSON and is the spouse of co-defendant LINDA BAKER.

10. LINDA BAKER assisted her husband, co-defendant NOAH DWIGHT BAKER, Sr., in the conspiracy, and is a resident of Westminster, South Carolina.

11. GEORGE CHANDLER was a 2000 \$1 million game winner and a resident of Walhalla, South Carolina. GEORGE CHANDLER is a friend and business associate of NOAH DWIGHT BAKER, Sr.

12. RONALD E. HUGHEY, a/k/a Ronnie Hughey, was a 2001 \$1 million game winner and a recruiter and is a resident of Anderson, South Carolina. RONALD E. HUGHEY is a friend and business associate of NOAH DWIGHT BAKER, Sr.

13. BRENDA S. PHENIS was a 2001 \$500,000 game winner and is a resident

of Westminster, South Carolina, and Richmond, Indiana. BRENDA S. PHENIS is a sister of co-defendant LINDA BAKER.

14. JOHN F. DAVIS was a 2001 \$1 million game winner and is a resident of Granbury, Texas. JOHN F. DAVIS is a relative of co-defendant RONALD E. HUGHEY.

15. ANDREW M. GLOMB, a/k/a Andy Glomb, a/k/a AJ Glomb, was a recruiter and is a resident of the Ft. Lauderdale, Florida area. ANDREW M. GLOMB is a friend and associate of co-defendant JEROME P. JACOBSON.

16. STANLEY L. WARWICK was a 1999 \$1 million game winner and is a resident of Burr Ridge, Illinois. STANLEY L. WARWICK is a friend of co-defendant ANDREW M. GLOMB.

17. VICTOR E. MARCHITELLO was a 1999 \$1 million game winner and is a resident of Harrison City, Pennsylvania. VICTOR E. MARCHITELLO is a friend and associate of co-defendant ANDREW M. GLOMB.

18. JAMES PATRICK FAHERTY, a/k/a Jim Faherty, was a 2000 \$1 Million winner and is a resident of Orlando, Florida.

19. MICHAEL L. HOOVER was a 2001 \$1 million game winner and is a resident of Westerly, Rhode Island. MICHAEL L. HOOVER is a friend of co-defendant ANDREW M. GLOMB.

20. MARVIN BRAUN was a \$25,000 winner and a recruiter and is a resident of North Miami Beach, Florida. MARVIN BRAUN is the step-brother of JEROME P. JACOBSON.

21. STEVEN L. SINDER was a 1998 \$1 million winner and is a resident of Rye Brook, New York. STEVEN L. SINDER is a friend and associate of MARVIN BRAUN.

22. WILEY RICHARD COUTURIER was a recruiter of game winners and is a resident of Marietta, Georgia. WILEY RICHARD COUTURIER is a friend of co-defendant JEROME P. JACOBSON.

23. EARL STUART was a 1996 \$1 million winner and a recruiter and is a resident of the Miami, Florida, area.

McDonald's Promotional Games

____24. In a consolidated national and international advertising and marketing effort, McDonald's operates promotional games designed to attract customers to McDonald's restaurants by providing customers with an opportunity to win prizes ranging from food products to prizes of up to \$1 million.

25. Each of the promotional games have low-value, mid-value and high-value prizes. In order to win a prize, McDonald's customers must obtain a game piece which may be: (1) handed out at a restaurant either attached to food paper products (such as french fry boxes and drink cups) or unattached and handed out separately; (2) found in an advertising insert in a newspaper or magazine; (3) received by direct mail; or (4) obtained by requesting a piece through the mail.

26. Customers have the opportunity to become instant winners or winners by collecting specific game pieces. Low-value prizes include food items and low dollar

cash prizes. High-value prizes can include vehicles, recreational vehicles and cash of up to \$1 million. Generally, there are two opportunities to win the \$1 million grand prize, one by obtaining the \$1 million instant winner game piece and one by collecting certain game pieces.

27. In order to claim a high-value prize, the winner must redeem the winning game piece with Simon. After receiving a winning game piece, Simon confirms the legitimacy of the game piece, and notifies McDonald's. Simon notifies the winners and, with respect to certain high-value prizes, McDonald's contacts the winners regarding possible promotional activity.

28. Payment of cash prizes of less than \$1 million is made in a single check. Disbursement of \$1 million prizes is generally made over a twenty (20) year period at a rate of \$50,000 per year. However, the \$1 million prize winner can elect to receive a single payment of \$1 million reduced to present value.

B. CHARGE

From in or about the late 1980's through on or about the return of this Indictment, at Jacksonville and Orlando, Florida, in the Middle District of Florida; in Miami and Ft. Lauderdale, Florida; in Atlanta, Lawrenceville, Marietta, and Oakwood, Georgia; in Westminster, Walhalla, Anderson, Goose Creek, Beaufort and Hilton Head, South Carolina; in Westerly, Rhode Island; in Litchfield, New Hampshire; in Rye Brook, New Jersey; in Front Royal and Fredericksburg, Virginia; in Monroeville, Pennsylvania; in Granbury, Texas; in Biloxi, Mississippi; in Indianapolis, Indiana; in Germantown, Tennessee; in Burr Ridge, Illinois; and elsewhere,

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STACY L. BREEGLE
GLORIA BROWN
NOAH DWIGHT BAKER, Sr.
a/k/a Dwight Baker
LINDA BAKER
GEORGE CHANDLER
RONALD E. HUGHEY
a/k/a Ronnie Hughey
BRENDA S. PHENIS
JOHN F. DAVIS
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
STANLEY L. WARWICK
VICTOR E. MARCHITELLO
JAMES PATRICK FAHERTY
a/k/a Jim Faherty

MICHAEL L. HOOVER
MARVIN BRAUN
STEVEN L. SINDER
WILEY RICHARD COUTURIER
EARL STUART

the defendants herein, and with others known and unknown to the grand jury, did knowingly and willfully combine, conspire, confederate and agree together to commit an offense against the United States, that is, to use the United States mails and cause the use of the United States mails in furtherance of a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses and representations, in violation of Title 18, United States Code, Sections 1341 and 2.

C. MANNER AND MEANS

1. It was part of the conspiracy that JEROME P. JACOBSON would abuse his position of trust with his employer, Simon, by embezzling high-value game pieces associated with McDonald's promotional games.

2. It was further part of the conspiracy that JEROME P. JACOBSON would enter into unlawful agreements with friends, relatives and associates to act as recruiters in the fraudulent scheme.

3. It was further part of the conspiracy that recruiters would identify and solicit friends, relatives and associates to falsely and fraudulently represent themselves as legitimate winners of high-value game pieces in McDonald's promotions.

4. It was further part of the conspiracy that JEROME P. JACOBSON would distribute winning high-value McDonald's promotional game pieces to recruiters with the

understanding that in return for the winning game piece, he would be compensated, generally, by receiving proceeds from winning game pieces.

5. It was further a part of the conspiracy that JEROME P. JACOBSON would be compensated for the winning game pieces in cash or other forms of payment.

6. It was further a part of the conspiracy that individuals who were provided winning high-value game pieces would act as recruiters and identify friends, relatives and associates who would falsely and fraudulently represent themselves as legitimate McDonald's promotional game winners.

7. It was further part of the conspiracy that winners would contact Simon and falsely and fraudulently claim to be legitimate winners of high-value game pieces.

8. It was further part of the conspiracy that winners would provide McDonald's with addresses for prize checks to be mailed.

9. It was further part of the conspiracy that winners, recruiters, and JEROME P. JACOBSON would cause McDonald's and/or Simon to mail prize checks to winners.

10. It was further part of the conspiracy that winners would negotiate the fraudulently obtained McDonald's promotional prize checks.

11. It was further part of the conspiracy that winners would transfer a portion of the proceeds from the fraudulent scheme to their recruiters.

12. It was further part of the conspiracy that winners and recruiters would transfer a portion of the proceeds from the fraudulent scheme to JEROME P. JACOBSON.

13. It was part of the conspiracy that the defendants would perform acts and make statements to hide and conceal and cause to be hidden and concealed the purpose of the conspiracy and the acts committed in furtherance thereof.

D. OVERT ACTS

_____ In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Middle District of Florida, and elsewhere:

Winner--Fisher

1. Between in or about March through May 1996, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "The Deluxe Monopoly Game at McDonald's."

2. In or about May, 1996, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's", to Jerry Colombo.

3. In or about May, 1996, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to WILLIAM R. FISHER.

4. On or about June 14, 1996, WILLIAM R. FISHER, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

5. On or about June 14, 1996, WILLIAM R. FISHER, falsely and fraudulently

represented to McDonald's representatives that he was a resident of Litchfield, New Hampshire, when in truth and fact, WILLIAM R. FISHER was a resident of Jacksonville, Florida.

6. On or about July 11, 1996, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

7. On or about June 4, 1997, the defendants caused McDonald's to mail a \$50,000 corporate check to WILLIAM R. FISHER, Jacksonville, Florida.

8. On or about June 16, 1997, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

9. On or about June 2, 1998, the defendants caused McDonald's to mail a \$50,000 corporate check to WILLIAM R. FISHER, Jacksonville, Florida.

10. On or about June 9, 1998, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

11. On or about May 26, 1999, the defendants caused McDonald's to mail a \$50,000 corporate check to WILLIAM R. FISHER, Jacksonville, Florida.

12. On or about June 1, 1999, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

13. On or about May 26, 2000, the defendants caused McDonald's to mail a \$50,000 corporate check to WILLIAM R. FISHER, Jacksonville, Florida.

14. In or about June 2000, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

15. On or about May 24, 2001, the defendants caused McDonald's to mail a \$50,000 corporate check to WILLIAM R. FISHER, Jacksonville, Florida.

16. On or about June 4, 2001, WILLIAM R. FISHER negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

Winner--Kenny

17. Between in or about March and April, 1996, JEROME P. JACOBSON embezzled a \$100,000 winning game piece from his employer, Simon, for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's."

18. Between in or about March and April, 1996, JEROME P. JACOBSON provided a \$100,000 winning game piece for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's", to Jerry Colombo.

19. Between in or about March and April, 1996, Jerry Colombo provided a \$100,000 winning game piece for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's" to JERRY LEE KENNY.

20. In or about April, 1996, JERRY LEE KENNY, falsely and fraudulently claimed to be a legitimate winner of a \$100,000 game piece from a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's".

21. On or about April 11, 1996, the defendants caused McDonald's to mail a \$100,000 corporate check to JERRY LEE KENNY, Front Royal, Virginia.

Winner--Breegle

22. Between in or about January through March, 1997, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly Game at McDonald's."

23. Between in or about January through March, 1997, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to Jerry Colombo.

24. Between in or about February and March, 1997, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's" to STACY L. BREEGLE.

25. In or about March 10, 1997, STACY L. BREEGLE , falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's."

Winner--Brown

26. Between in or about January through April, 1997, JEROME P.

JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "Monopoly Game at McDonald's."

27. In or about March, 1997, ROBIN LISA COLOMBO recruited GLORIA BROWN to falsely represent herself as a legitimate winner in a McDonald's promotional game.

28. In or about April, 1997, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to Jerry Colombo.

29. In or about April, 1997, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to GLORIA BROWN.

30. On or about April 24, 1997, GLORIA BROWN falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's."

31. On or about May 28, 1997, GLORIA BROWN negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

32. On or about May 18, 1998, GLORIA BROWN negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

33. On or about May 4, 1999, GLORIA BROWN negotiated a prize check

issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

34. On or about May 2, 2000, GLORIA BROWN negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

35. On or about April 27, 2001, GLORIA BROWN negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

Winner--Chandler

36. Between in or about January through June, 2000, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Hatch, Match, and Win."

37. Between in or about May and June, 2000, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "Hatch, Match, and Win," to NOAH DWIGHT BAKER, Sr.

38. Between in or about May and June, 2000, NOAH DWIGHT BAKER, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Hatch, Match, and Win," to GEORGE CHANDLER.

39. On or about June 6, 2000, GEORGE CHANDLER, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Hatch, Match, and Win."

40. On or about July 7, 2000, GEORGE CHANDLER, negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a South Carolina financial institution.

41. On or about November 6, 2000, GEORGE CHANDLER assigned his rights and interest in the nineteen (19) remaining payments of his winnings from the "Hatch, Match, and Win" promotion, for \$390,125, to a financial institution.

Winner--Hughey

42. Between in or about February through April, 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

43. Between in or about March and April, 2001, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to NOAH DWIGHT BAKER, Sr.

44. Between in or about March and April, 2001, NOAH DWIGHT BAKER, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to RONALD E. HUGHEY.

45. In or about March, 2001, RONALD E. HUGHEY obtained a state of Tennessee driver's license and telephone service at a Germantown, Tennessee residence.

46. On or about April 27, 2001, RONALD E. HUGHEY, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a

McDonald's promotional game, named "Who Wants to be a Millionaire Game."

47. In or about July, 2001, RONALD E. HUGHEY, telephoned McDonald's in order to arrange for McDonald's to issue a \$50,000 check to RONALD E. HUGHEY.

48. On or about July 13, 2001, RONALD E. HUGHEY deposited a \$50,000 McDonald's check in a financial institution at Brownsville, Tennessee.

Winner--Phenis

49. Between in or about February through April, 2001, JEROME P. JACOBSON embezzled a winning \$500,000 million game piece from his employer, Simon, for a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

50. Between in or about March through May, 2001, JEROME P. JACOBSON provided a \$500,000 winning game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to NOAH DWIGHT BAKER, Sr.

51. Between in or about April and May, 2001, NOAH DWIGHT BAKER, Sr. provided a \$500,000 winning game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to BRENDA S. PHENIS.

52. On or about May 16, 2001, BRENDA S. PHENIS falsely and fraudulently claimed to be a legitimate winner of a \$500,000 game piece from a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

53. In the morning of on or about July 12, 2001, BRENDA S. PHENIS and NOAH DWIGHT BAKER, Sr. had a telephone conversation during which they

discussed BRENDA S. PHENIS having a call block feature place on her South Carolina telephone to prevent McDonald's from knowing that BRENDA S. PHENIS was calling from South Carolina instead of Asheville, North Carolina.

54. On or about July 17, 2001, BRENDA S. PHENIS traveled to Los Angeles, California, from Indianapolis, Indiana, and negotiated a \$500,000 check issued by Simon in connection with the McDonald's "Who Wants to be a Millionaire Game" promotional game.

55. In the morning of on or about July 18, 2001, NOAH DWIGHT BAKER, Sr. and LINDA BAKER had several conversations in which they discussed BRENDA S. PHENIS taking a \$500,000 prize check and made plans to travel from South Carolina to Indianapolis, Indiana, to locate BRENDA S. PHENIS.

56. In the morning of on or about July 18, 2001, LINDA BAKER had a telephone conversation with a relative in Richmond, Indiana, during which LINDA BAKER asked the relative to pass certain information to BRENDA S. PHENIS regarding her obligation to return the proceeds from the \$500,000 check to NOAH DWIGHT BAKER, Sr. and LINDA BAKER.

Winner--Davis

57. Between in or about April through July, 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

58. In or about July, 2001, JEROME P. JACOBSON provided a winning \$1

million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to NOAH DWIGHT BAKER, Sr.

59. In or about July, 2001, NOAH DWIGHT BAKER, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to RONALD E. HUGHEY.

60. In or about July, 2001, RONALD E. HUGHEY provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to JOHN F. DAVIS.

61. On or about July 27, 2001, JOHN F. DAVIS claimed to be a legitimate winner of a \$1 million prize in the McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

Winner--Warwick

62. Between in or about January through April, 1999, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

63. Between in or about March and April, 1999, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

64. Between in or about March and April, 1999, ANDREW M. GLOMB provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to STANLEY WARWICK.

65. On or about April 11, 1999, STANLEY WARWICK claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Winner--Marchitello

66. Between in or about January through March, 1999, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

67. Between in or about February and March, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

68. In or about March, 1999, ANDREW M. GLOMB provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to VICTOR E. MARCHITELLO.

69. On or about March 31, 1999, VICTOR E. MARCHITELLO claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Winner--Faherty

70. Between in or about January through April, 2000, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

71. Between in or about March and April, 2000, JEROME P. JACOBSON

provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

72. Between in or about March and April, 2000, ANDREW M. GLOMB transferred a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's", which was ultimately possessed by JAMES PATRICK FAHERTY.

73. On or about April 18, 2000, JAMES PATRICK FAHERTY claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

74. In the morning of on or about August 17, 2001, ANDREW M. GLOMB placed a telephone call to a relative of JAMES PATRICK FAHERTY, and told the relative to warn JAMES PATRICK FAHERTY to expect a telephone call from McDonald's about a re-union and that the re-union was "on the up and up."

Winner--Hoover

75. From in or about April through July, 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

76. Between in or about June and July, 2001, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to ANDREW M. GLOMB.

77. On or about July 16, 2001, ANDREW M. GLOMB provided a winning \$1

million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to MICHAEL L. HOOVER.

78. On or about July 17, 2001, MICHAEL L. HOOVER claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

Winner--Braun

79. In or about the late 1980's, JEROME P. JACOBSON embezzled a \$25,000 winning game piece from his employer, Simon, for a McDonald's promotional game.

80. In or about the late 1980's, JEROME P. JACOBSON provided a winning \$25,000 game piece for a McDonald's promotional game to MARVIN BRAUN.

81. In or about the late 1980's, MARVIN BRAUN redeemed the winning \$25,000 game piece for a McDonald's promotional game in the name of a relative.

Winner--Sinder

82. Between in or about January through April, 1998, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "Monopoly at McDonald's."

83. Between in or about March and April, 1998, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to MARVIN BRAUN.

84. Between in or about March and April, 1998, MARVIN BRAUN provided a

winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to STEVEN L. SINDER.

85. On or about April 14, 1998, STEVEN L. SINDER claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Recruiter--Couturier

86. In or about mid-1998, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$4,000 as payment for an embezzled winning game piece for a new 1998 Chevrolet Corvette coupe, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Alabama.

87. In or about mid-1998, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$8,000 as payment for an embezzled winning game piece for either a new 1998 Chevrolet Corvette coupe or a cash equivalent, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Louisiana.

88. On or about June 15, 1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$45,000 in proceeds from the fraudulent redemption of one embezzled winning game piece for \$200,000 and a Sea-Doo sport boat, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Missouri.

89. In or about mid-1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$60,000 in proceeds from the fraudulent redemption of one embezzled winning game piece for \$200,000 and a Sea-Doo sport boat, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Kentucky.

90. In or about the fall of 1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$70,000 in proceeds from the fraudulent redemption of one embezzled \$1 million winning game piece from a McDonald's promotional game, named "McDonald's QPC Game," which had been redeemed by a co-conspirator living in Colorado.

91. In or about the spring of 2000, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$50,000 to \$60,000 in proceeds from the fraudulent redemption of one embezzled \$200,000 winning game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Utah.

92. In or about the fall of 2000, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$70,000, in proceeds from the fraudulent redemption of one embezzled \$1 million winning game piece from a McDonald's promotional game, named "The Taste Trials Game at McDonald's," which had been redeemed by a co-conspirator living in Nevada.

93. On or about July 18, 2001, WILEY RICHARD COUTURIER paid JEROME

P. JACOBSON approximately \$50,000 in proceeds from the fraudulent redemption of one embezzled \$200,000 winning game piece from a McDonald's promotional game, named "Who Wants to be a Millionaire," which had been redeemed by a co-conspirator living in Delaware.

Winner--Stuart

94. Between in or about January through August, 1996, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

95. Between in or about January through August, 1996, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to a co-conspirator.

96. Between in or about January through August, 1996, a co-conspirator provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to EARL STUART.

97. On or about August 25, 1996, EARL STUART claimed to be a legitimate winner of a \$1 million prize in a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SIX

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO
WILLIAM R. FISHER
a/k/a Buddy Fisher

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the dates set forth below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO
WILLIAM R. FISHER
a/k/a Buddy Fisher

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 and representations, caused the below listed items to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

| <u>COUNT</u> | <u>DATE</u> | <u>ITEM MAILED</u> | <u>MAILED FROM</u> | <u>MAILED TO</u> |
|---------------------|--------------------|---------------------------|---------------------------|----------------------------------|
| TWO | 6/4/97 | \$50,000 McDonald's Check | Oak Brook, IL | 6425 New Ct. Jacksonville, FL |
| THREE | 6/2/98 | \$50,000 McDonald's Check | Oak Brook, IL | 6425 New Ct. Jacksonville, FL |
| FOUR | 5/26/99 | \$50,000 McDonald's Check | Oak Brook, IL | 6425 New Ct. Jacksonville, FL |
| FIVE | 5/26/00 | \$50,000 McDonald's Check | Oak Brook, IL | 6425 New Ct. Jacksonville, FL |
| SIX | 5/24/01 | \$50,000 McDonald's Check | Oak Brook, IL | 6425 New Ct. Jacksonville, FL |

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS SEVEN AND EIGHT

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO
GLORIA BROWN

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the dates set forth below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO
GLORIA BROWN

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 and representations, caused the below listed items to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

| <u>COUNT</u> | <u>DATE</u> | <u>ITEM MAILED</u> | <u>MAILED FROM</u> | <u>MAILED TO</u> |
|---------------------|--------------------|---------------------------|---------------------------|--------------------------------------|
| SEVEN | 4/26/00 | \$50,000 McDonald's check | Oak Brook, IL | 6606 Kinlock Dr. Jacksonville, FL |
| EIGHT | 4/23/01 | \$50,000 McDonald's check | Oak Brook, IL | 6606 Kinlock Dr. Jacksonville, FL |

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT NINE

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Orlando, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
JAMES PATRICK FAHERTY

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the date set forth below, at Orlando, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
JAMES PATRICK FAHERTY

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 and representations, caused the below listed item to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

| <u>DATE</u> | <u>ITEM MAILED</u> | <u>MAILED FROM</u> | <u>MAILED TO</u> |
|--------------------|----------------------------------|---------------------------|--|
| 5/30/00 | \$490,907.00 McDonald's Check | Oak Brook, IL. | 414 Delancy Park Drive Orlando, Florida 32806 |

In violation of Title 18, United States Code, Sections 1341 and 2.

FORFEITURES

1. The allegations contained in Counts One through Nine of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(C) and 982(p), as incorporated by reference in Title 28, United States Code, Section 2461(c).

2. The defendants, JEROME P. JACOBSON, a/k/a Jerry Jacobson, a/k/a Uncle Jerry, ROBIN LISA COLOMBO, WILLIAM R. FISHER, a/k/a Buddy Fisher, JERRY LEE KENNY, STACY L. BREEGLE, GLORIA BROWN, NOAH DWIGHT BAKER, Sr., a/k/a Dwight Baker, LINDA BAKER, GEORGE CHANDLER, RONALD E. HUGHEY, a/k/a Ronnie Hughey, BRENDA S. PHENIS, JOHN F. DAVIS, ANDREW M. GLOMB, a/k/a Andy Glomb, a/k/a AJ Glomb, STANLEY L. WARWICK, VICTOR E. MARCHITELLO, JAMES PATRICK FAHERTY, a/k/a Jim Faherty, MICHAEL L. HOOVER, MARVIN BRAUN, STEVEN L. SINDER, WILEY RICHARD COUTURIER, and EARL STUART shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), any and all right, title, and interest they may have in any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violations of 18 U.S.C. §§ 371, 1341 and 2 including but not limited to the following:

- a. A sum of money equal to \$10 million in United States currency, representing the amount of proceeds obtained as a result of the

conspiracy to violate 18 U.S.C. § 1341 in Count One of the Indictment;

- b. 1989 Mercedes "Roadster", VIN DMV43422;
- c. 1995 Ford F350 Pickup, VIN 1FTJW35F6SEA34340;
- d. 1997 Isuzu Rodeo, VIN 4S2CK58E8V4338867;
- e. 1997 Lexus ES300, VIN JT8BF22G0V0055423;
- f. 1998 Chevrolet Corvette, VIN 1G1YY22G5W5127591;
- g. 2000 Honda S2000, VIN JHMAP1144YT004083;
- h. 2001 Toyota Highlander, VIN JTEGF21A210018075;
- i. \$10,000.00 in United States currency seized from Geneva Ladd, held for defendant BRENDA S. PHENIS, which sum constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the violation of the conspiracy to violate 18 U.S.C. § 1341;
- j. All United States currency funds or other monetary instruments in the approximate amount of \$84,976.00 credited to account number 640058269 controlled by defendants NOAH DWIGHT BAKER, Sr. and GEORGE CHANDLER in the name of Edgewater Development Corporation, held in a brokerage account at A.G. Edwards; and
- k. All United States currency funds or other monetary instruments

in the approximate amount of \$7,744.65 credited to account number 0453-173042 in the name of BRENDA S. PHENIS, Wachovia Bank, Asheville, North Carolina.

3. If any of the property described above, 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 party;
- 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 divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under

the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL,

Foreperson

MAC CAULEY
United States Attorney

By: _____
MARK B. DEVEREAUX
Assistant United States Attorney

By: _____
BRIAN M. KANE, Managing
Assistant United States Attorney