

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : INFORMATION
-v.- : 12 Cr. _____ (NRB)
JACQUES WAJSFELNER, :
Defendant. :

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COUNT ONE
**(Willful Failure to File Reports of
Foreign Bank and Financial Accounts)**

The United States Attorney charges:

The Defendant

1. At all times relevant to this Information,
JACQUES WAJSFELNER, the defendant, resided in Weston,
Massachusetts, and was a citizen of the United States.

**Obligations of United States Taxpayers
With Respect to Foreign Financial Accounts**

2. Citizens and residents of the United States who
have income in any one calendar year in excess of a threshold
amount ("U.S. taxpayers") are obligated to file a U.S.
Individual Income Tax Return, Form 1040 ("Form 1040"), for that
calendar year with the Internal Revenue Service ("IRS"). On
such return, U.S. taxpayers are obligated to report their income
from any source, regardless of whether the source of their
income is inside or outside the United States. In addition, on

Schedule B of Form 1040, the filer must indicate whether "at any time during [the relevant calendar year]" the filer had "an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account." If the taxpayer answers that question in the affirmative, then the taxpayer must indicate the name of the particular country in which the account is located. At all times relevant to this Information, JACQUES WAJSFELNER, the defendant, was a U.S. taxpayer.

3. Separate and apart from the obligation to file Forms 1040, U.S. taxpayers who have a financial interest in, or signature authority over, a bank, securities, or other financial account in a foreign country with an aggregate value of more than \$10,000 at any time during a particular calendar year are required to file with the IRS a Report of Foreign Bank and Financial Accounts, Form TD F 90-22.1 ("FBAR"). The FBAR for any calendar year is required to be filed on or before June 30 of the following calendar year. The FBAR requires that the filer identify the financial institution with which the account is held, the type of account (either bank, securities, or other), the account number, and the maximum value of the account during the calendar year for which the FBAR is being filed.

4. An "undeclared account" is a bank, securities, or other financial account maintained outside the United States and

beneficially owned by a U.S. taxpayer, such as WAJSFELNER, but that was intended to not be disclosed to the IRS on Schedule B of Form 1040 or on an FBAR and the income generated in which was intended to not be reported to the IRS on Form 1040.

Swiss Financial Institutions at Which WAJSFELNER Had Undeclared Accounts and WAJSFELNER's Financial Advisor

5. At all times relevant to this Information, an international bank (the "International Bank") was a bank organized under the laws of Switzerland with its headquarters in Zurich, Switzerland. Directly and through its subsidiaries, the International Bank operated a global financial services business. As one of the biggest banks in Switzerland and largest wealth managers in the world, the International Bank provided banking, wealth management, asset management, and investment banking services, among other services, around the globe, including through branches located in the United States. For decades, the International Bank operated a U.S. cross-border business through which its private bankers provided cross-border securities-related and investment advisory services to U.S. taxpayers who maintained accounts at the International Bank in Switzerland and other locations outside the United States, including to U.S. taxpayers living in the Southern District of New York.

6. At all times relevant to this Information, WEGELIN & CO. ("Wegelin"), founded in 1741, was Switzerland's oldest bank and maintained its headquarters in St. Gallen, Switzerland. Wegelin provided private banking, asset management, and other services to individuals and entities around the world, including to U.S. taxpayers living in the Southern District of New York. At no time did Wegelin have branches outside Switzerland.

7. At all times relevant to this Information, Beda Singenberger ("Singenberger") was a citizen and resident of Switzerland. Singenberger was a Certified Public Accountant. Singenberger owned, operated, and controlled a financial advisory firm called Sinco Treuhand AG ("Sinco"). Sinco maintained its principal place of business in Zurich, Switzerland. Acting directly and indirectly through Sinco and its employees, Singenberger provided wealth management and tax advice to individuals around the world, including to U.S. taxpayers living in the Southern District of New York.

8. Between in or about 2007 and 2010, Singenberger provided to one of his U.S. taxpayer clients a document (the "Singenberger Client List") containing significant details regarding clients and prospective clients who were U.S. taxpayers, including:

- a. The U.S. taxpayers' last names and, in some cases, first names;
- b. Their places of residence;
- c. The dates and places of Singenberger's last meeting with the U.S. taxpayers;
- d. The names of the entities through which the U.S. taxpayers held their accounts;
- e. The jurisdictions under whose laws these entities were formed, for example, Hong Kong or Liechtenstein;
- f. The names of the Swiss banks at which the entities held the U.S. taxpayers' accounts, including the International Bank and Wegelin; and/or
- g. The names of the client advisor who serviced the U.S. taxpayers' accounts at the identified banks.

9. With respect to JACQUES WAJSFELNER, the defendant, the Singenberger Client List indicated, in substance and in part, that an entity called Ample Lion Ltd. was formed under the laws of Hong Kong and that an account in the name of Ample Lion Ltd. was held at the International Bank. The document further noted that WAJSFELNER resides in Weston, Massachusetts, and that Singenberger had last met with WAJSFELNER on June 14, 2006.

**WAJSFELNER's Undeclared Accounts
at the International Bank and Wegelin**

10. From at least in or about 1995 until at least in or about 2011, JACQUES WAJSFELNER, the defendant, had a financial interest in, and signature and other authority over, two undeclared accounts at the International Bank and, later, one undeclared account at Wegelin. From at least in or about 1995 until at least in or about 2011, the undeclared accounts in which WAJSFELNER had a financial interest, and over which WAJSFELNER had signature and other authority, had an aggregate value of more than \$10,000. Between approximately 2006 and 2011, the year-end balances of undeclared accounts of which WAJSFELNER was the beneficial owner were not less than \$3.99 million.

11. Specifically, in or about March 1995, JACQUES WAJSFELNER, the defendant, opened an undeclared account in his own name at the International Bank (the "Wajsfelner Individual International Bank Account"). At the time that WAJSFELNER opened the undeclared Wajsfelner Individual International Bank Account, WAJSFELNER presented his U.S. passport to a representative of the International Bank in order to verify his identity.

12. Periodically thereafter, JACQUES WAJSFELNER, the defendant, directed a client relationship manager at the

International Bank to transfer funds from the Wajsfelner Individual International Bank Account. For example:

a. On or about August 2, 2001, WAJSFELNER directed that \$82,000 be transferred to an account held in the name of an entity at the Swiss branch of another bank.

b. On or about August 18, 2003, WAJSFELNER directed that a U.S. dollar denominated bank check in the amount of \$15,000 be sent to a person in Zurich.

c. On or about March 2, 2009, WAJSFELNER directed that 100,000 euros be transferred to a lawyer in Germany.

13. In or about June 2006, JACQUES WAJSFELNER, the defendant, opened, and caused to be opened, another undeclared account at the International Bank. WAJSFELNER did so with the assistance of Singenberger. Specifically, on or about April 24, 2006, Singenberger caused to be incorporated under the laws of Hong Kong an entity called Ample Lion Ltd. ("Ample Lion"). In the incorporation paperwork, SINGENBERGER was identified as a director of Ample Lion. Thereafter, on or about June 22, 2006, Singenberger completed documents necessary to open an undeclared account in the name of Ample Lion at the International Bank (the "Ample Lion International Bank Account"). WAJSFELNER was identified to the International Bank as the beneficial owner of the assets in the Ample Lion Account. Singenberger had

signature authority over the Ample Lion International Bank Account. SINGENBERGER arranged for correspondence related to the Ample Lion International Bank Account to be sent to Sinco and never to WAJSFELNER in the United States.

14. On or about July 13, 2006, JACQUES WAJSFELNER, the defendant, directed the International Bank in writing to "transfer all equities and other assets to the newly formed company account." Thereafter, all of the securities and cash contained in the Wajsfelner Individual International Bank Account were transferred to the Ample Lion International Bank Account. At or about the time of the transfer, the Ample Lion International Bank Account held assets valued at approximately \$3.275 million.

15. On various occasions between July 13, 2006, and December 2008, JACQUES WAJSFELNER, the defendant, directed transactions in the Ample Lion International Bank Account, either by sending the International Bank a facsimile, visiting the International Bank in person, or by speaking with a representative of the International Bank over the telephone. For example, on or about October 20, 2008, WAJSFELNER directed that more than 200,000 euro be transferred to an account held by WAJSFELNER at a bank in Germany. On multiple occasions, WAJSFELNER directed transactions in the Ample Lion International

Bank Account without going through Sinco or Singenberger as an intermediary.

16. At or about the dates indicated below, the Ample Lion International Bank Account held assets valued at approximately the amount indicated:

Date	Approximate Value of Assets Held in Ample Lion Credit Suisse Account
December 31, 2006	\$4,284,555
December 31, 2007	\$5,688,866

17. In or about the fall of 2008, the International Bank began the process of exiting its U.S. cross-border banking business.

18. On or about December 5, 2008, JACQUES WAJSFELNER, the defendant, directed Sinco, in substance and in part, to transfer the assets from the Ample Lion Account to an account held in his name. At or about the same time, Sinco passed along these instructions, including WAJSFELNER's written instructions, to the International Bank, which executed the transfer of the assets in the Ample Lion International Bank Account to the Wajsfelner Individual International Bank Account, which had remained open after the Ample Lion International Bank Account was opened in 2006. At or about the time of the transfer, the

Ample Lion International Bank Account held assets valued at approximately \$2.3 million.

19. On or about June 30, 2009, JACQUES WAJSFELNER, the defendant, opened an undeclared account in his own name at Wegelin (the "Wajsfelner Individual Wegelin Account"). At the time that WAJSFELNER opened the undeclared Wajsfelner Individual Wegelin Account, WAJSFELNER presented his U.S. passport to a representative of Wegelin in order to verify his identity.

20. At or about the same time, JACQUES WAJSFELNER, the defendant, directed the International Bank in writing, in substance and in part, to "transfer the assets to Wegelin account" and to "close the account." Thereafter, all of the securities and cash contained in the Wajsfelner Individual International Bank Account were transferred to the Wajsfelner Individual Wegelin Account. At or shortly after the transfer, the Wajsfelner Individual Wegelin Account held assets valued at approximately \$3.4 million.

21. At or about the dates indicated below, the Wajsfelner Individual Wegelin Account held assets valued at approximately the amount indicated:

Date	Approximate Value of Assets Held in Wajsfelner Individual Wegelin Account
December 31, 2009	\$4,131,298
December 31, 2010	\$5,488,348
December 31, 2011	\$3,990,005

WAJSFELNER's Tax Returns and FBARS

22. For each of the calendar years from at least 2005 through 2011, JACQUES WAJSFELNER, the defendant, filed and caused to be filed with the IRS a U.S. Individual Income Tax Return, Form 1040. On each of these returns, WAJSFELNER knowingly and willfully failed to report as income dividends, interest, and other income received by him in one or more bank, securities, and other financial accounts at the International Bank and Wegelin. On Schedule B attached to each of these returns, WAJSFELNER knowingly and willfully failed to disclose that he had an interest in or signature authority over a financial account in Switzerland, when, in truth and in fact, and as WAJSFELNER then and there well knew, he had an interest in and signature authority over a financial account in Switzerland.

23. For each of the calendar years from at least 1995 through 2011, JACQUES WAJSFELNER, the defendant, failed to file, and failed to cause to be filed, with the IRS an FBAR disclosing

his signatory or other authority over his accounts at the International Bank and, later, his account at Wegelin.

Statutory Allegations

24. On or before the filing due dates listed below, in the Southern District of New York and elsewhere, JACQUES WAJSFELNER, the defendant, did knowingly and willfully fail to file with the Commissioner of the IRS an FBAR disclosing that he had a financial interest in, and signature and other authority over, a bank, securities, and other financial account in a foreign country, to wit, at least one foreign bank, securities, and other financial account at the International Bank or Wegelin, which had an aggregate value of more than \$10,000 during each of the years listed below:

Calendar Year	Due Date to File FBAR	Bank(s)
2006	June 30, 2007	International Bank
2007	June 30, 2008	International Bank
2008	June 30, 2009	International Bank

Calendar Year	Due Date to File FBAR	Bank(s)
2009	June 30, 2010	International Bank, Wegelin
2010	June 30, 2011	Wegelin
2011	June 30, 2012	Wegelin

(Title 31, United States Code, Sections 5314 and 5322(a);
Title 31, Code of Federal Regulations,
Sections 1010.350, 1010.306(c, d), and 1010.840(b).)


PREET BHARARA
United States Attorney