

Rev. 11/82 (P. For Authorizing)

CRIMINAL COMPLAINT

United States District Court

DISTRICT
Eastern District of Pennsylvania

UNITED STATES OF AMERICA
v.
TIMOTHY BURNS

DOCKET NO.

MAGISTRATE'S CASE NO.

FILED
JAN 15 2013

13-53

Complaint for violation of Title 18 United States Code § 1343

NAME OF JUDGE OR MAGISTRATE

OFFICIAL TITLE

LOCATION

Honorable L. FELIPE RESTREPO

U.S. Magistrate Judge

Philadelphia, PA

DATE OF OFFENSE

PLACE OF OFFENSE

ADDRESS OF ACCUSED (if known)

2008 through present

Philadelphia, PA

244 Bella Lane
King of Prussia, PA

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Defendant Timothy Burns, having devised a scheme to defraud and obtain money by means of false and fraudulent pretenses, representations and promises, for the purpose of executing the scheme, caused to be transmitted by means of wire communications in interstate commerce, writings, signs and signals, in violation of Title 18, United States Code, Section 1343.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

SEE AFFIDAVIT ATTACHED HERETO.

MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT (official title)

Michael K. Bantner

OFFICIAL TITLE

Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE (1)

DATE

Honorable L. FELIPE RESTREPO, United States Magistrate Judge

1/15/13

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT

I, Michael K. Bantner, depose and swear that:

1. I am a Special Agent of the FBI and have been so for 17 years. I have extensive experience in white collar fraud. I am a Certified Public Accountant and hold a Masters in Business Administration.

2. I am working with the United States Postal Inspection Service on an investigation of the fraudulent theft of funds by defendant Timothy Burns and financial management companies he created and continues to maintain.

3. I know the following from statements defendant Timothy Burns made to the FBI in 2012 and information provided by victims of defendant Burns' fraud scheme. As this affidavit is submitted only for a probable cause finding, I have not included all information that I have learned in this investigation.

4. The government has learned that through his scheme defendant Burns fraudulently misappropriated client funds in an amount substantially in excess of \$1 million.

5. Defendant Burns owns financial management companies that among other things take care of the day-to-day financial affairs of wealthy clients. Clients give the defendant access to their bank accounts and powers of attorney to initiate payments and transfers of funds to satisfy the clients' various on-going financial affairs. The defendant was authorized to pay himself for his legitimate and lawful services. At no time, however, was defendant Burns authorized to convert client funds to his own personal or business use. To the best of the government's knowledge, defendant Burns has between approximately 20 and 40 clients.

6. According to clients who have volunteered information to the FBI, from approximately 2010 to the present, defendant Burns has been misappropriating client funds and

attempting to do so.

7. In one case, defendant Burns, knowing that his clients were abroad, attempted to wire transfer \$300,000 from a client account to one of his own, alleging it was for the purpose of buying Facebook shares before their offering to the public. Defendant Burns also made smaller wire misappropriations from that client totaling approximately \$105,000 in 2010 and 2011.

8. In another case, the defendant admitted to clients that he had defrauded them by misappropriation, by wire transfer and by intra-bank transfers of funds, of between \$650,000 and \$1.1 million, some of which at least appears to have been falsely booked as an on-going investment in Facebook shares.

9. Wire transfers in these two cases were from PNC Bank and from then Wilmington Trust to Penn Liberty Bank. These transfers go through the interstate Federal Reserve system.

10. At roughly the same time as he was engaged in these misappropriations of funds, defendant Burns acquired real and personal property, including without limitation a beach house at 23 Pelican Drive, Avalon, New Jersey and an office building at 125 E. Elm Street, Conshohocken, Pennsylvania.

11. Some of the misappropriated money was wired, at his instruction from his offices in Conshohocken, Pennsylvania to a person in California who claimed to be able to acquire Facebook shares. Burns' effort to acquire these shares through his California connection was ultimately unsuccessful.

12. The government does not know at this juncture the full extent of the losses from defendant Burns' fraud and attempted fraud but reasonably believes based on the reports from

two of Burns' clients that substantially in excess of approximately \$1 million was taken.

13. For all these reasons, there is probable cause to believe that defendant Timothy Burns has committed interstate wire fraud in an amount in excess of \$1 million by misappropriation of funds entrusted to him by clients and others and has used these funds to enable him to purchase real and personal property, in violation of 18 U.S.C. § 1343.


MICHAEL K. BANTNER
FBI Special Agent

Sworn and subscribed to
before me this 15th day
of January, 2013.


HONORABLE L. FELIPE RESTREPO
United States Magistrate Judge