

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case: 2:06-cr-20322  
Assigned To: Tarnow, Arthur J  
Referral Judge: Pepe, Steven D  
Filed: 06-13-2006 At 04:26 PM  
INDI USA V MIZERNI, ET AL (3 DFTS)  
TAM

D-1: WLADIMTR MIZERNI, and  
D-2: ABDULLA A. AL-JUFAIRI, and  
D-3: HALINA MIZERNI,

VIO.: 18 U.S.C. § 371 (Conspiracy)  
18 U.S.C. § 1001 (False Statements)  
18 U.S.C. § 2 (Aiding and Abetting)

Defendants.

INDICTMENT

**THE GRAND JURY CHARGES:**

COUNT ONE

D-1: WLADIMIR MIZERNI  
D-2: ABDULLA A. AL-JUFAIRI  
(18 U.S.C. § 371- Conspiracy)

I. That from on or about March 2001 to on or about June 26, 2001, defendants **WLADIMIR MIZERNI ("MIZERNI")** and **ABDULLA A. AL-JUFAIRI ("AL-JUFAIRI")** conspired and agreed together, and with persons known and unknown to the Grand Jury, to defraud the United States, and to violate Title 18, United States Code, Section 1001, by knowingly and willfully making and causing to be made false statements as to material facts in a matter within the jurisdiction of the executive branch of the Government of the United States.

II. The ways and means, and objects, of the conspiracy are described essentially as follows:

The Small Business Administration ("SBA") is an independent agency within the executive branch of government that was created by Congress in 1953 for the purpose of encouraging the development of small businesses by, among other things, guaranteeing certain loans (or portions of such loans) made by lenders to small businesses and thereby enabling the small businesses to obtain long-term credit that otherwise would not be available on reasonable terms and conditions. The SBA will issue guarantees of up to 90% of loan value. Generally, the principals of the small business receiving an SBA-guaranteed loan are required to put a certain amount of their own money into the business. This "equity injection" reduces the need for debt, provides an incentive for the principals to remain committed to the business, provides a cushion which helps the business endure economic slumps, and improves the value of the collateral as security for the loan.

One lender that issued many SBA-guaranteed loans was Allied Capital SBLC Corporation, later known as Business Loan Center and then as Business Loan Express ("BLX"). BLX had a local office in Troy, Michigan.

**AL-JUFAIRI** was involved in the construction, purchase, renovation, operation, and sale of gas stations and had been involved in many transactions in which BLX was the lender. **AL-JUFAIRI** also had an ownership interest in Van Buren Oil, a gasoline supplier.

Eric Haroutunion and Sharon Haroutunian, doing business as ESCO Oil, owned a gas station located at 31875 Ryan Road, Warren, Michigan. Bank One held the mortgage on the gas

station. The Haroutunians fell behind in their payments to Bank One, and owed a large amount of money to Van Buren Oil. **AL-JUFAIRI** wanted to find a new buyer for the gas station in the hope that Van Buren Oil could recover the money it was owed. An acquaintance of **AL-JUFAIRI**'s introduced **MIZERNI** to **AL-JUFAIRI** as a potential buyer. **AL-JUFAIRI** created a limited liability company, Ryan Petro-Mart, L.L.C., for **MIZERNI**, and **MIZERNI** applied to BLX for an SBA-guaranteed loan to Ryan Petro-Mart, L.L.C. In the BLX loan application, **MIZERNI** was identified as an 85% owner of Ryan Petro-Mart, L.L.C., and Amer Farran, **AL-JUFAIRI**'s brother-in-law, was identified as a 15% owner. A Management Resume form signed by **MIZERNI** falsely stated that from 1988 to 1993 he had managed a Shell Service Station, and a Personal Financial Statement signed by **MIZERNI** and his wife alleged that they had a net worth of \$400,500. While the loan application was pending, **AL-JUFAIRI** and his partner in Van Buren Oil provided interim financing to keep Bank One from foreclosing on its loan to the Haroutunians.

The SBA authorized BLX's issuance of a \$1,350,000 SBA-guaranteed loan to Ryan Petro-Mart, L.L.C., conditioned upon, among other things, the borrower supplying an equity injection of at least \$240,000. At the loan closing on June 26, 2001, **MIZERNI** and Amer Farran signed an Equity Statement which stated that "The attached paid receipts, bank deposit tickets and/or bank statements represent a cash injection into the business in the amount of \$240,000.00 as required under the terms of the authorization and Loan Agreement with the Small Business Administration dated May 22, 2001 regarding Loan GP 452432 40 07 DET." The referenced documentation was a letter from Van Buren Oil which stated that Pantall-Gallup, L.L.C. d/b/a

Van Buren Oil had received a check for \$200,000 from **MIZERNI**, and a Ukrainian Future Credit Union account statement reflecting that on June 25, 2001, Ryan Petro-Mart, L.L.C.'s account balance was more than \$63,000. The Van Buren Oil letter, which was faxed from **AL-JUFAIRI**'s office, bore a forged signature and was not true, and, contrary to the purported Ukrainian Future Credit Union account statement (which was faxed from the credit union by **MIZERNI**'s wife, who worked there), the Ryan Petro-Mart, L.L.C. account was substantially less than \$63,000.

**MIZERNI** and Farran defaulted on the loan, and the SBA paid a claim of \$1,039,260.01 on or about June 20, 2003.

III. In furtherance of the conspiracy and to accomplish the objects thereof, the conspirators performed and caused to be performed in the Eastern District of Michigan, and elsewhere, the following overt acts, among others:

- a) The offenses alleged in counts two through four were within the scope of the conspiracy and were committed by the conspirators in the course of and in furtherance of the conspiracy, as each conspirator could reasonably foresee. These offenses are alleged and incorporated herein as overt acts.
- b) On or about March 29, 2001, **AL-JUFAIRI**'s attorney filed with the Michigan Department of Consumer and Industry Services the Articles of Organization for Ryan Petro-Mart, L.L.C.
- c) On or about April 9, 2001, **MIZERNI** signed a U.S. Small Business Administration Application for Business Loan.

- d) On or about April 9, 2001, **MIZERNI** signed a Statement of Financial Need.
- e) On or about April 9, 2001, **MIZERNI** signed a Personal Financial Statement.
- f) On or about April 9, 2001, **MIZERNI** signed a Management Resume.
- g) On or about April 20, 2001, **MIZERNI** signed a Commitment Letter.
- h) On or about June 26, 2001, **MIZERNI** and Amer Farran signed a SBA Note.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 371.

COUNT TWO

D-1: WLADIMIR MIZERNI

D-2: ABDULLA A. AL-JUFAIRI

(18 U.S.C. §§ 1001, 2- False Statements; Aiding and Abetting)

I. That the allegations set forth in Count 1 are realleged and incorporated herein.

II. That on or about June 26, 2001, in the Eastern District of Michigan, Southern Division, defendants **WLADIMIR MIZERNI** ("**MIZERNI**") and **ABDULLA A. AL-JUFAIRI** knowingly and willfully made and caused to be made a false statement as to a material fact in a matter within the jurisdiction of the executive branch of the Government of the United States. That is, at the closing on his SBA-guaranteed loan, **MIZERNI** signed an Equity Statement which stated that "The attached paid receipts, bank deposit tickets and/or bank statements represent a cash injection into the business in the amount of \$240,000.00 as required under the terms of the authorization and Loan Agreement with the Small Business Administration dated May 22, 2001 regarding Loan GP 452432 40 07 DET." In truth and as defendants well-knew, **MIZERNI** and Amer Farran had not made a \$240,000 cash injection into the business, and the documents referenced in the Equity Statement were false and fraudulent.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1001 and 2.

COUNT THREE

D-1: WLADIMIR MIZERNI

D-2: ABDULLA A. AL-JUFAIRI

(18 U.S.C. §§ 1001, 2- False Statements; Aiding and Abetting)

I. That the allegations set forth in Count 1 are realleged and incorporated herein.

II. That on or about June 26, 2001, in the Eastern District of Michigan, Southern Division, defendants **WLADIMIR MIZERNI** ("MIZERNI") and **ABDULLA A. AL-JUFAIRI**, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully used and caused to be used, a false document, knowing that the document contained a materially false and fraudulent statement and entry. That is, at the closing on his SBA-guaranteed loan, **MIZERNI** used an SBA Standby Creditor's Agreement which stated that Pantall Group, L.L.C. d/b/a Van Buren Oil Company, which was allegedly owed \$200,000 by Ryan Petro-Mart L.L.C., would not accept any further payments from Ryan Petro-Mart L.L.C. until the SBA-guaranteed loan from BLX was satisfied. The document was purportedly signed by Terry Pantall, owner of Pantall Group, L.L.C. In fact and as defendants then knew, the signature of Terry Pantall was a forgery, and there was no entity named "Pantall Group, L.L.C."

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1001 and 2.

COUNT FOUR

D-3: HALINA MIZERNI

(18 U.S.C. §§ 1001, 2- False Statements; Aiding and Abetting)

I. That the allegations set forth in Count 1 are realleged and incorporated herein.

II. That on or about June 25, 2001, in the Eastern District of Michigan, Southern Division, defendants **HALINA MIZERNI**, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made and caused to be made a false document, knowing that the document contained a materially false and fraudulent statement and entry. That is, in furtherance of her husband's application for an SBA-guaranteed loan, **HALINA MIZERNI** made and caused to be made a false Ukrainian Future Credit Union account statement which falsely indicated that on June 25, 2001, there was a \$63,008.05 balance in the account of Ryan Petro-Mart, L.L.C. **HALINA MIZERNI** then knew that in truth the Ryan Petro-Mart, L.L.C. account balance was substantially less than \$63,008.05, and she knew that the false account statement would be used to fraudulently document that Ryan Petro-Mart, L.L.C. had satisfied the SBA's requirement of an owner equity injection.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1001 and 2.

Dated: June 13, 2006

**THIS IS A TRUE BILL.**

s/ Grand Jury Foreperson  
GRAND JURY FOREPERSON

STEPHEN J. MURPHY  
United States Attorney

s/ Stephen T. Robinson  
STEPHEN T. ROBINSON (P28030)  
Assistant United States Attorney

United States District Court Eastern District of Michigan	<h2 style="margin: 0;">Criminal Case Co</h2>	Case: 2:06-cr-20322 Assigned To: Tarnow, Arthur J Referral Judge: Pepe, Steven D Filed: 06-13-2006 At 04:26 PM INDI USA V MIZERNI, ET AL (3 DFTS) TAM
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**NOTE:** It is the responsibility of the Assistant U.S. Attorney signing this form to complete

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	<b>Judge Assigned:</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>AUSA's Initials:</b> STR

**Case Title:** USA v. Wladimir Mizerni, Abdulla A. Al-Jufairi, Halina Mizerni

**County where offense occurred :** Oakland

**Check One:**                       **Felony**                       **Misdemeanor**                       **Petty**

- Indictment  /Information \_\_\_\_\_ no prior complaint.
- Indictment \_\_\_\_\_ /Information \_\_\_\_\_ based upon prior complaint [Case number: \_\_\_\_\_]
- Indictment \_\_\_\_\_ /Information \_\_\_\_\_ based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information:**

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name**

**Charges**

June 13, 2006

Date

  
 Stephen T. Robinson  
 Assistant United States Attorney

313-226-9670

Phone Number

<sup>1</sup> Companion cases are matters in which it appears that substantially similar evidence will be offered at trial or the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.