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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

Trenton Division

UNITED STATES OF AMERICA	:	Criminal No. <u>11-861 (JAP)</u>
	:	
v.	:	Count 1: Conspiracy
	:	(18 U.S.C. § 371)
BRIDGET BONHEYO and	:	
JEROME BONHEYO	:	Counts 2-3: Wire Fraud
	:	(18 U.S.C. §§ 1343 and 2)
	:	
Defendants.	:	Counts 4-7: False Claims
	:	(18 U.S.C. §§ 287 and 2)
	:	
	:	Forfeiture Notice
	:	(18 U.S.C. §§ 981, 982)
	:	
	:	<b>Under Seal Pursuant to</b>
	:	<b>Fed. R. Crim. P. 6(e) (4)</b>
	:	
	:	<b><u>INDICTMENT</u></b>

The Grand Jury, in and for the District of New Jersey, sitting at Trenton, charges:

**General Allegations**

At all times relevant to this Indictment:

1. The Americans with Disabilities Act ("ADA") required that each common carrier providing telephone voice transmission services provide Telecommunications Relay Services ("TRS") in the area in which it offered services so that deaf and hard of hearing individuals could communicate with hearing individuals "in a manner that is functionally equivalent to . . . voice communication services." A nationwide TRS program began in 1993. Video Relay Service ("VRS") was a specific type of TRS.

2. VRS was an online video translation service that

allowed people with hearing disabilities to communicate with hearing individuals online through the use of interpreters and web cameras. A person with a hearing disability could communicate with a hearing person by contacting a VRS provider through an audio and video internet connection. The VRS provider, in turn, employed a Video Interpreter ("VI") to view and interpret the hearing disabled person's conversation using American Sign Language and relay the signed conversation orally to a hearing person. VRS also allowed a hearing person to initiate contact with a hearing disabled person through a VI.

3. TRS, including VRS, was funded by fees assessed by the Federal Communications Commission ("FCC") on all common carriers providing interstate telecommunications services. The fees were generally passed on to consumers through charges included in consumers' telephone bills. The fees were deposited into the TRS Fund.

4. The TRS Fund was established by the FCC in 1993 and was the mechanism for collecting and disbursing TRS funds to companies that provided VRS. The National Exchange Carrier Association ("NECA") was responsible for, among other things, administering the TRS Fund.

5. "Certified VRS Providers" were eligible to bill NECA directly, and be reimbursed by NECA directly, for legitimate VRS calls that were processed by the Certified VRS Provider, its contractors and subcontractors. Among the types of VRS calls that would not be reimbursed by NECA were: (a) calls during which little to no

communication or interpreting occurred; and/or (b) calls that were made for the purpose of generating VRS minutes for reimbursement (collectively, "Bogus Calls").

6. The TRS Fund reimbursed Certified VRS Providers at the rate of approximately \$6.73 per minute (or approximately \$403.80 per hour) for the first 50,000 minutes billed in any given month, approximately \$6.46 per minute (approximately \$387.60 per hour) for minutes 50,001 through 500,000, and approximately \$6.26 per minute (approximately \$375.60 per hour) for all minutes over 500,000.

**Defendants and Relevant Entities**

7. NECA was a non-profit association that administered the TRS Fund, acting as agent for the government. This function included collecting carriers' annual contributions, receiving claims for reimbursement from Certified VRS Providers and making payments on behalf of the FCC to Certified VRS Providers for these claims. NECA was headquartered in Whippany, New Jersey, in Morris County.

8. When billing NECA, Certified VRS Providers would submit their monthly claims and requests for payment ("Claims"), along with the required backup documentation, to NECA. NECA paid the Certified VRS Provider out of the TRS Fund, a function that the FCC contracted to NECA. VRS calls processed in a given month by the Certified VRS Provider, its contractors, and subcontractors typically were incorporated into a Claim and submitted to NECA for payment/reimbursement.

9. Company 1 was a Certified VRS Provider based in Flint, Michigan. Company 1 provided VRS through its own call centers and also contracted with outside entities to operate VRS call centers. A call center, among other things, is a physical location where VIs are stationed to interpret and process VRS calls. The VRS calls processed through Company 1's call centers, as well as the VRS calls processed by call centers of Company 1's contractors and subcontractors, were billed by Company 1 to NECA.

10. Company 2 ("Company 2") was a Delaware corporate entity established in or about October 2006 and headquartered in Philadelphia, Pennsylvania. Company 2 held itself out as a contractor for Company 1, purportedly providing marketing services for Company 1. In connection with its marketing services, Company 2 made available, and purportedly marketed, to VRS callers three Uniform Resource Locators ("URLs"), or internet addresses, which individuals could use to make VRS calls through Company's 1's call centers, or call centers of Company's 1's contractors and/or subcontractors.

11. In its capacity as contractor for Company 1, Company 2 subcontracted with BONHEYO & BONHEYO, LLC ("B&B"), a Delaware corporate entity that was established in or about November 2006 and headquartered in Frederick, Maryland. In or about April 2007, B&B contracted with Company 2 purportedly to provide marketing services for Company 2. The business relationship extended through at least January 2009. Under the arrangement between Company 2 and B&B, B&B was paid by Company 2, each month, based on a percentage of monies

Company 2 received from Company 1 for VRS calls that were reimbursed by NECA.

12. VIABLE COMMUNICATIONS, INC. ("VIABLE") was a Delaware corporation established in 2005 and headquartered in Rockville, Maryland. VIABLE operated call centers, or subcontracted to others, the operation of call centers in various states throughout the country. VIABLE was not a certified VRS provider that could bill directly to NECA. Instead, VIABLE billed NECA through Company 1. From in or about early 2009 through in or about July 2009, B&B purported to provide consulting services for VIABLE.

13. Defendant BRIDGET BONYEHO ("BRIDGET BONHEYO") was an owner of B&B and its Chief Executive Officer.

14. Defendant JEROME BONHEYO ("JERRY BONHEYO") was an owner of B&B, its Chief Financial Officer, and the husband of B&B CEO BRIDGET BONHEYO.

**COUNT 1**

**(Conspiracy: 18 U.S.C. § 371)**

15. The allegations contained in paragraphs 1-14 of this Indictment are repeated and realleged as if fully set forth herein.

16. From in or about April 2007 through in or about July 2009, the exact dates being unknown to the Grand Jury, in the District of New Jersey and elsewhere, defendants

**BRIDGET BONHEYO and**

**JERRY BONHEYO**

and others known and unknown to the Grand Jury did willfully, that is with the intent of furthering the objects of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other to commit an offense against the United States, namely:

(a) false claims, that is, making and presenting to any department or agency of the United States, a false, fictitious, and fraudulent claim upon and against the United States, or any department or agency thereof, in violation of Title 18, United States Code, Section 287; and

(b) wire fraud, that is, having intentionally devised and intending to devise a scheme and artifice to defraud another, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, to knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

**Purpose of the Conspiracy**

17. It was a purpose of the conspiracy for defendants BRIDGET BONHEYO and JERRY BONHEYO, and others, to unlawfully enrich themselves by submitting and causing the submission, via interstate wires, of false, fraudulent, and fictitious claims to NECA.

**Manner and Means of the Conspiracy**

18. The manner and means by which defendants BRIDGET BONHEYO and JERRY BONHEYO, and others, would seek to accomplish the purpose of the conspiracy included, among other things, the following:

19. Defendants BRIDGET BONHEYO and JERRY BONHEYO would instruct and cause their employees and contractors to make over \$2.5 million worth of Bogus Calls through Company 2's URLs and VIABLE's URL, collectively, for the purpose of generating reimbursements from NECA.

20. Defendants BRIDGET BONHEYO and JERRY BONHEYO would require their employees and contractors to spend 80% of their work time making VRS calls (the "80/20 Rule" or "Quota") that purported to be legitimate marketing calls using, at first, Company 2's URLs, and later, Viable's URL. If employees and contractors did not spend 80% of their work time making VRS calls, their pay would be docked accordingly.

21. In order to meet the requirements of the 80/20 Rule, a significant amount of the calls that would be made by employees and contractors at B&B, most of whom were hearing disabled, were Bogus Calls. The following types of Bogus Calls, among others, were made:

a. VRS calls to conference call lines, which would be made and attended by employees and contractors of B&B. During these calls, employees and contractors of B&B would not communicate with each other for long periods of time, would engage in discussions unrelated to B&B's marketing business, and/or would make the calls for

the purpose of generating VRS minutes that ultimately would be reimbursed by NECA to B&B.

b. VRS calls to automated numbers that, when called, would continue indefinitely. During these calls, B&B employees and contractors would not pay attention to the relayed communication, would engage in discussions unrelated to B&B's marketing business, and/or would make the calls for the purpose of generating VRS minutes that ultimately would be reimbursed by NECA to B&B.

c. VRS calls to recordings of VRS conference calls previously attended by the same, and other, employees and contractors of B&B. During these calls, employees and contractors of B&B would not pay attention to the VIs for long periods of time, if at all. Additionally, these calls would be made by employees and contractors of B&B in instances where there was no business justification to replay the call, where the content of the information being communicated did not relate to B&B's marketing business, and/or for the purpose of generating VRS minutes that ultimately would be reimbursed by NECA to B&B.

d. VRS calls made to "evaluate" VIs. These calls would be made by employees and contractors of B&B, purportedly to observe and report on the sign language skills of the VIs. In reality, however, these calls would be made repeatedly during the course of months by the same employees and contractors of B&B, to evaluate the same set of VIs. During these calls, B&B employees and contractors would not pay attention to the relayed communication,

would engage in discussions unrelated to B&B's marketing business, and/or would make the calls for the purpose of generating VRS minutes that ultimately would be reimbursed by NECA to B&B.

22. Defendant BRIDGET BONHEYO would recommend to employees and contractors at B&B certain numbers to use to make Bogus Calls in order to help employees and contractors meet their Quotas.

23. Defendant BRIDGET BONHEYO would encourage employees and contractors to make Bogus Calls while they performed clerical and administrative duties. These types of calls would become known by employees and contractors at B&B as "kill minute" calls and also would be made to meet the Quota.

24. When the internet protocol, or IP, addresses of certain employees and contractors of B&B would be blocked by VRS call centers for repeatedly making Bogus Calls, defendants BRIDGET BONHEYO and JERRY BONHEYO would instruct their employees and contractors to take measures to obtain new IP addresses. By obtaining new IP addresses, B&B employees and contractors would circumvent the controls used to prevent Bogus Calls from being made, would allow additional Bogus Calls to be made, and would deceive those monitoring the VRS calls into believing that the caller who previously had been blocked had stopped making Bogus Calls.

25. Defendant JERRY BONHEYO would instruct employees and contractors at B&B to keep their Bogus Calls below certain time thresholds so as not to raise "red flags" with the government and

others monitoring the legitimacy of the VRS calls that were being made by employees and contractors of B&B.

26. In summer 2009, immediately before B&B ceased operation, defendant JERRY BONHEYO, and others, would instruct employees and contractors at B&B to destroy relevant documents and related materials.

**Overt Acts**

27. In furtherance of the conspiracy, and to accomplish its unlawful purpose, at least one of the conspirators committed, or caused to be committed, in the District of New Jersey, and elsewhere, the following overt acts, among others:

28. On or about February 19, 2008, defendants BRIDGET BONHEYO and JERRY BONHEYO caused the transmission of a monthly claim to be sent via interstate wires to NECA in Whippany, New Jersey, in Morris County, that contained a request for reimbursement/payment for VRS calls processed by Company 1, Company 1's contractors, and Company 1's subcontractors during the month of January 2008.

29. On or about July 10, 2008, a co-conspirator ("CC-1") sent defendant BRIDGET BONHEYO a log of VRS calls made by CC-1 during the day of July 9, 2008. Included was a call reportedly lasting 5 hours.

30. On or about October 16, 2008, defendants BRIDGET BONHEYO and JERRY BONHEYO caused the transmission of a monthly claim to be sent via interstate wires to NECA in Whippany, New Jersey, in Morris County, that contained a request for reimbursement/payment for VRS

calls processed by Company 1, Company 1's contractors, and Company 1's subcontractors during the month of September 2008.

31. On or about November 17, 2008, defendants BRIDGET BONHEYO and JERRY BONHEYO caused the transmission of a monthly claim to be sent via interstate wires to NECA in Whippany, New Jersey, in Morris County, that contained a request for reimbursement/payment for VRS calls processed by Company 1, Company 1's contractors, and Company 1's subcontractors during the month of October 2008.

32. On or about November 17, 2008, Defendant JERRY BONHEYO sent an email to CC-1 instructing CC-1 to "help [] reset [the] IP number" of a B&B employee or contractor whose IP address had been blocked for making too many Bogus Calls.

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

**COUNTS 2-3**

**(Wire Fraud: 18 U.S.C. §§ 1343 and 2)**

33. The scheme and artifice to defraud is described in paragraphs 1-32 of this Indictment, which are re-alleged and incorporated as if fully set forth herein.

34. On or about the dates set forth below, in the District of New Jersey and elsewhere, defendants

**BRIDGET BONHEYO and**

**JERRY BONHEYO**

having intentionally devised and intending to devise a scheme and artifice to defraud the federal government, and for obtaining money

and property by means of materially false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted, by means of wire communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, as set forth in Counts 2 - 3, below.

Count	Defendants	On or About Date of Wire Transmission	Description of Wire Transaction
2	BRIDGET BONHEYO and JERRY BONHEYO	February 19, 2008	Email from Company 1 in Flint, Michigan, containing monthly bill from Company 1 for calls processed by Company 1, Company 1's contractors and subcontractors during the month of January 2008, received by NECA in Whippany, New Jersey, Morris County
3	BRIDGET BONHEYO and JERRY BONHEYO	March 13, 2008	Email from Company 1 in Flint, Michigan, containing monthly bill from Company 1 for calls processed by Company 1, Company 1's contractors and subcontractors during the month of February 2008, received by NECA in Whippany, New Jersey, Morris County

(In violation of Title 18, United States Code, Sections 1343 and 2.)

COUNTS 4-7

(Submission of False Claims: 18 U.S.C. §§ 287 and 2)

35. The allegations contained in paragraphs 1-32 of this Indictment are repeated and realleged as if fully set forth herein.

36. On or about the dates enumerated below, in the District of New Jersey and elsewhere, defendants

**BRIDGET BONHEYO and**

**JERRY BONHEYO**

and others known and unknown to the Grand Jury, did make and present and cause the making and presenting to a person or officer in the civil, military, and naval service of the United States, and to a department or agency thereof, the following claims upon and against the United States, and a department or agency thereof, knowing such claims to be false, fictitious, and fraudulent, as set forth in Counts 4 - 7, below.

Count	Defendants	On or about Claim Date	Description of Claim
4	BRIDGET BONHEYO and JERRY BONHEYO	August 18, 2008	Monthly bill from Company 1 to NECA for VRS calls processed by Company 1, Company 1's contractors and subcontractors during the month of July 2008, and received by NECA in Whippany, New Jersey, Morris County
5	BRIDGET BONHEYO and JERRY BONHEYO	September 16, 2008	Monthly bill from Company 1 to NECA for VRS calls processed by Company 1, Company 1's contractors and subcontractors during the month of August 2008, and received by NECA in Whippany, New Jersey, Morris County
6	BRIDGET BONHEYO and JERRY BONHEYO	October 16, 2008	Monthly bill from Company 1 to NECA for VRS calls processed by Company 1, Company 1's contractors and subcontractors during the month of September 2008, and received by NECA in Whippany, New Jersey, Morris County
7	BRIDGET BONHEYO and JERRY BONHEYO	November 17, 2008	Monthly bill from Company 1 to NECA for VRS calls processed by Company 1, Company 1's contractors and subcontractors during the month of October 2008, and received by NECA in Whippany, New Jersey, Morris County

(In violation of Title 18, United States Code, Sections 287 and 2.)

**CRIMINAL FORFEITURE NOTICE**

**(18 U.S.C. §§ 981, 982)**

37. Pursuant to Rule 32.2(a), the defendant is hereby notified that, if convicted of any of the charges in this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, §§ 981(a)(1)(C), 982(a)(2)(A), and Title 28, United States Code, § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the counts of conviction, including wire fraud, in violation of Title 18, United States Code, § 1343; submission of false claims, in violation of Title 18, United States Code, § 287; and conspiracy to submit false claims and wire fraud, in violation of Title 18, United States Code, § 371.

38. Such forfeitable property includes a sum of money equal to the amount of proceeds obtained as a result of the offenses alleged in the Indictment, for which the defendant is jointly and severally liable. Such forfeiture shall include, but not be limited to, a money judgment in the amount of the gross proceeds of the fraud.

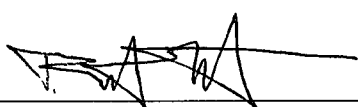
39. Pursuant to Title 21, United States Code, § 853(p), as incorporated by Title 18, United States Code, § 982(b)(1), and by Title 28, United States Code, § 2461(c), the defendant shall forfeit substitute property, up to the value of the amount ordered to be forfeited, if, by any act or omission of the defendant, the forfeitable property or any portion thereof cannot be located upon the exercise of due diligence; has been transferred, sold to, or deposited with a third party; has been placed beyond the jurisdiction of the

Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty. The property subject to forfeiture as substitute assets includes, but is not limited to, a sum of money equal to the amount of proceeds obtained as a result of the wire fraud, the submission of false claims, and the conspiracy to submit false claims and commit wire fraud.

A TRUE BILL

FOREPERSON

DENIS J. McINERNEY  
CHIEF, FRAUD SECTION

  
\_\_\_\_\_  
Kathleen McGovern  
Senior Deputy Chief, Fraud Section  
Robert A. Zink  
Trial Attorney, Fraud Section

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

**v.**

**BRIDGET BONHEYO and JEROME BONHEYO**

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**INDICTMENT FOR**

**18 U.S.C. §§ 371, 287, 1343, and 2**

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**A True Bill,**

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**Foreperson**

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**Paul J. Fishman**  
*U.S. ATTORNEY*  
*DISTRICT OF NEW JERSEY*

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**Robert A. Zink**  
*Trial Attorney, Fraud Section, Criminal Division*  
*(202) 285-4688*

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