

1545

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
) Criminal No. 13-81
v.)
) (18 U.S.C. § 371,
NATHAN E. HARPER) and 26 U.S.C. § 7203)

INDICTMENT

COUNT 1

The grand jury charges:

At all times material to this indictment:

1. The City of Pittsburgh (hereinafter "City") was a local government as defined by Title 18, United States Code, Section 666(a)(1).

2. The City of Pittsburgh Bureau of Police (hereinafter "Police Department") was a department of the City of Pittsburgh and thus a "government agency", as defined by Title 18, United States Code, Section 666(d)(2).

3. The City and the Police Department received, during the calendar years 2008 through 2012, benefits in excess of \$10,000 under federal programs involving grants, contracts, subsidies or loans.

4. The defendant, NATHAN E. HARPER, was a resident of the Western District of Pennsylvania, and the Police Chief of the City of Pittsburgh and thus an agent of the City as defined by Title 18, United States Code, Section 666(d)(1).

5. Under the rules and regulations of the Police Department, police officers could make themselves available to work off-duty assignments for a wide range of business, community activities and appropriate private events, which was called "secondary employment". City procedures governing the Secondary Employment Program required entities wishing to employ off-duty officers to complete and submit an application to the Police Department's Office of Special Events for approval. The Office of Special Events would prepare an invoice to the employing entities seeking payment for the officers' overtime and a \$3.85 administrative fee for each hour of overtime. The fee was to cover expenses and potential liabilities. The employing entities would submit payment via check or cash to the Office of Special Events, which would forward the check or cash to the City Treasurer's office for deposit into City maintained accounts.

THE CONSPIRACY AND ITS OBJECTS

6. From in and around July 2008, and continuing thereafter until in and around January 2013, in the Western District of Pennsylvania and elsewhere, the defendant, NATHAN E. HARPER, knowingly and willfully did conspire, combine, confederate and agree together with individuals known and unknown to the grand jury, to commit an offense against the United States, that is, Theft Concerning Programs Receiving Federal Funds, in violation of Title 18, United States Code, Section 666(a)(1)(A).

MANNER AND MEANS OF THE CONSPIRACY

7. It was part of the conspiracy that on or about June 27, 2008, the defendant, NATHAN E. HARPER, instructed an employee of the Police Department known to the grand jury to open account number 11207 at the Pittsburgh Police Federal Credit Union (hereinafter "Credit Union") titled "IPF" (hereinafter "IPF Account"). The defendant, NATHAN E. HARPER, was a signator to the account, and was one of eight individuals known to the grand jury who was assigned Visa debit cards on the account. The defendant, NATHAN E. HARPER, received a Visa card ending in 0955.

8. It was further a part of the conspiracy that on or about January 8, 2010, the defendant, NATHAN E. HARPER, instructed an employee of the Police Department known to the grand jury to obtain two Visa debit cards on account 10272 at the Credit Union titled "Special Events" (hereinafter "Special Events Account"). The defendant, NATHAN E. HARPER, received a Visa card ending in 4288. The account had been opened on or about September 28, 2004. The defendant, NATHAN E. HARPER, was a signator to the account.

9. It was further a part of the conspiracy that beginning in and around July 2008, and continuing to in and around November 2012, the defendant, NATHAN E. HARPER, instructed employees of the Police Department to misapply checks and cash totaling at least \$70,628.92 received by the Special Events Office

under the Secondary Employment Program and deposit the checks into the Special Events Account or the IPF account.

10. It was further a part of the conspiracy that beginning on or about September 2, 2008, and continuing to on or about December 20, 2012, the defendant, NATHAN E. HARPER, did misapply for his own use approximately \$31,986.99 of the funds in the Special Events Account and the IPF Account using Visa cards ending in 0955 and 4288.

OVERT ACTS

11. On or about June 27, 2008, the defendant, NATHAN E. HARPER, instructed an employee of the Police Department known to the grand jury to open the IPF Account. The defendant, NATHAN E. HARPER, was a signator to the account, and was one of eight individuals known to the grand jury who was assigned a Visa debit card on the account. The defendant, NATHAN E. HARPER, received a Visa card ending in 0955.

12. On or about January 8, 2010, the defendant, NATHAN E. HARPER, instructed an employee of the Police Department known to the grand jury to obtain two Visa debit cards on the Special Events Account. The defendant, NATHAN E. HARPER, received a Visa card ending in 4288.

13. On or about the following dates, the defendant, NATHAN E. HARPER, caused employees of the Police Department to take the following checks, among others, received by the Special Events

Office for the Secondary Employment Program and deposit the checks into the Special Events Account or the IPF account, each such deposit being a separate overt act:

<u>Check Date</u>	<u>Check Number</u>	<u>Payor</u>	<u>Amount</u>
09/03/2009	67838	URS	\$665.10
09/16/2009	2171035	University of Pittsburgh	\$5,675.52
12/09/2009	52541	W.J. Beitler	\$7,436.00
12/11/2009	60014020	First Group America	\$1,093.40
12/23/2009	52659	W.J. Beitler	\$10,011.93
01/04/2010	1101	535 Liberty Ave LLC	\$1,064.16
01/06/2010	70070	Fibertech Networks	\$798.12
03/31/2010	20420	Greenway Park Apts	\$2,017.48
06/01/2010	1114	Botero Development	\$3,724.56
08/12/2011	138404	SSM Industries	\$1,760.85
09/01/2011	2644	Promowest Northshore	\$4,329.17
06/07/2012	4238264	Giant Eagle	\$3,201.28
08/22/2012	10416	DQE Communications	\$2,091.63
10/17/2012	106528	Fibertech Networks	\$2,804.17

14. It was further a part of the conspiracy that on or about the following dates, the defendant, NATHAN E. HARPER, did access the funds in the Special Events Account and the IPF Account through ATM transactions using Visa cards ending in 0955 and 4288 for his own personal use, each such ATM withdrawal being a separate overt act:

<u>Date</u>	<u>Location</u>	<u>Amount</u>
03/10/2010	107 Federal Street	\$243
04/16/2010	107 Federal Street	\$103
04/21/2010	107 Federal Street	\$63
04/21/2010	107 Federal Street	\$103
06/01/2010	915 Freeport Road	\$53
06/23/2010	915 Freeport Road	\$253
08/27/2010	107 Federal Street	\$83
10/19/2010	107 Federal Street	\$103
12/10/2010	915 Freeport Road	\$203
12/13/2010	2031 Penn Avenue	\$203
01/05/2011	107 Federal Street	\$63
01/14/2011	107 Federal Street	\$103
01/24/2011	107 Federal Street	\$253
02/23/2011	107 Federal Street	\$53
11/07/2011	915 Freeport Road	\$103
11/16/2011	107 Federal Street	\$63
12/13/2011	107 Federal Street	\$303
12/26/2011	206 Rodi Road	\$203
01/20/2012	107 Federal Street	\$243
02/20/2012	107 Federal Street	\$103
10/27/2012	437 Grant Street	\$103
11/17/2012	4764 Baum Blvd.	\$153
11/28/2012	4600 5th Avenue	\$63

15. It was further a part of the conspiracy that on or about the following dates, among others, the defendant, NATHAN E. HARPER, and others known to the grand jury, did access the funds in the Special Events Account and the IPF Account via the Visa cards ending in 0955 and 4288 for the personal use of the defendant, NATHAN E. HARPER, each such use being a separate overt act:

<u>Date</u>	<u>Vendor</u>	<u>Amount</u>	<u>Purchase</u>
04/19/2010	The Wine Loft	\$66.50	
04/23/2010	Terry Poe Automotive	\$235.40	XM Radio
05/28/2010	Grandview Saloon	\$49.13	Alcohol
06/07/2010	Houston-Starr	\$700.85	Oven upgrade
07/08/2010	Little Giant Ladders	\$54.00	Ladder Accessories
07/12/2010	D'Imperio's	\$110.95	Food and alcohol
07/12/2010	D'Imperio's	\$36.03	Alcohol
08/16/2010	Sam's Club	\$391.38	32" LCD television and other items
09/13/2010	Harris Grill	\$44.65	Food and alcohol
11/04/2010	Nakama Pittsburgh	\$60.59	Food
11/24/2010	Bravo McKnight	\$80.79	Food and alcohol
12/05/2010	Outback	\$89.45	Food and alcohol
12/17/2010	Atria's Fox Chapel	\$148.13	Food and alcohol
12/24/2010	Hofbrauhaus Pittsburgh	\$40.00	Gift card
12/24/2010	Macy's	\$189.55	Perfume & gift cards
12/29/2010	Monroeville News	\$74.88	Movies
01/28/2011	The Church Brew Works	\$30.00	Food and alcohol

<u>Date</u>	<u>Vendor</u>	<u>Amount</u>	<u>Purchase</u>
02/28/2011	Hokkaido Seafood	\$104.28	Food
05/03/2011	Monroeville Mad Mex	\$42.51	Food and alcohol
05/05/2011	Savoy Restaurant	\$23.19	Alcohol
05/25/2011	Savoy Restaurant	\$15.84	Alcohol
06/17/2011	Nola on the Square	\$42.31	Food
08/11/2011	Jerome Bettis Grille	\$61.57	Food and alcohol
08/12/2011	Jerome Bettis Grille	\$16.50	Alcohol
08/17/2011	Ruth's Chris Steak House	\$107.63	Food and alcohol
10/01/2011	Elbow Room	\$49.80	Food and alcohol
11/01/2011	Outback	\$125.37	Food and alcohol
11/18/2011	Elbow Room	\$66.18	Food and alcohol
12/01/2011	Savoy Restaurant	\$112.16	Food and alcohol
12/02/2011	Soba and Umi	\$40.24	Food and alcohol
12/09/2011	Ross Wooden Nickel	\$91.18	Food and alcohol
12/14/2011	Capital Grille	\$326.33	
12/16/2011	Redbeards Bar and Grill	\$55.66	Food and alcohol
12/29/2011	Sharp Edge Beer	\$48.50	Food and alcohol
01/05/2012	Ruth's Chris Steak House	\$154.50	Food
01/12/2012	Jerome Bettis Grille	\$31.56	Food
01/13/2012	Kaya	\$47.06	Food and alcohol
01/26/2012	PA Liquor Control	\$37.43	Alcohol
02/04/2012	James Street Gastropub	\$50.87	Food and alcohol
02/14/2012	Ruth's Chris Steak House	\$105.84	Food and alcohol

<u>Date</u>	<u>Vendor</u>	<u>Amount</u>	<u>Purchase</u>
03/12/2012	Jerome Bettis Grille	\$26.50	Food
04/17/2012	Verde Mexican Kitchen	\$34.82	Food and alcohol
05/03/2012	McCormick & Schmick's	\$76.32	Food
07/20/2012	Elbow Room	\$59.76	Food and alcohol
08/03/2012	Bella Vista Ristorante	\$64.35	Food and alcohol
08/11/2012	James Street Gastropub	\$38.03	Food and alcohol
08/16/2012	Joe's Crab Shack	\$172.56	Food and alcohol
08/22/2012	Pittsburgh Grille	\$47.12	Food
09/07/2012	James Street Gastropub	\$18.04	Alcohol
09/11/2012	The Carlton	\$44.96	Food
09/13/2012	Harris Grill	\$29.57	Food and alcohol
09/14/2012	Nola on the Square	\$69.92	Alcohol
09/28/2012	Pittsburgh Grill	\$44.22	Food
10/25/2012	Bahama Breeze	\$51.04	
10/25/2012	Fairmont Pittsburgh	\$37.01	Alcohol
12/20/2012	McCormick & Schmick's	\$71.17	

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

COUNT 2

The grand jury further charges:

16. That during the calendar year 2008, the defendant, NATHAN E. HARPER, who was a resident of Pittsburgh, in the Western District of Pennsylvania, had and received gross income of at least \$110,029.64; that by reason of such gross income he was required by law, following the close of the calendar year 2008, and on or before October 15, 2009, to make an income tax return to the Director, Internal Revenue Service Center, at Philadelphia, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of Title 26, United States Code, Section 7203.

COUNT 3

The grand jury further charges:

17. That during the calendar year 2009, the defendant, NATHAN E. HARPER, who was a resident of Pittsburgh, in the Western District of Pennsylvania, had and received gross income of at least \$117,427.48; that by reason of such gross income he was required by law, following the close of the calendar year 2009, and on or before October 15, 2010, to make an income tax return to the Director, Internal Revenue Service Center, at Philadelphia, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of Title 26, United States Code, Section 7203.

COUNT 4

The grand jury further charges:

18. That during the calendar year 2010, the defendant, NATHAN E. HARPER, who was a resident of Pittsburgh, in the Western District of Pennsylvania, had and received gross income of at least \$123,970.17; that by reason of such gross income he was required by law, following the close of the calendar year 2010, and on or before October 15, 2011, to make an income tax return to the Director, Internal Revenue Service Center, at Philadelphia, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of Title 26, United States Code, Section 7203.

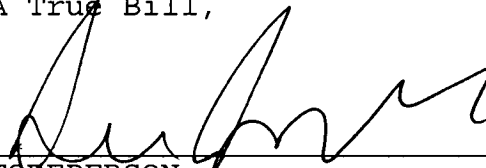
COUNT 5

The grand jury further charges:


19. That during the calendar year 2011, the defendant, NATHAN E. HARPER, who was a resident of Pittsburgh, in the Western District of Pennsylvania, had and received gross income of at least \$118,636.69; that by reason of such gross income he was required by law, following the close of the calendar year 2011, and on or before October 15, 2012, to make an income tax return to the Director, Internal Revenue Service Center, at Philadelphia, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of Title 26, United States Code, Section 7203.

A True Bill,



FOREPERSON



DAVID J. HICKTON
United States Attorney
PA ID No. 34524