

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: DAUPHIN

Magisterial District Number: 12-3-05  
MDJ: Hon. Lowell A. Witmer  
Address: 7801 Allentown Blvd., Ste. A  
Harrisburg, PA 17112  
Telephone: (717)671-8720



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.

DEFENDANT: (NAME and ADDRESS):  
Charles S. Morais Gen.  
First Name Middle Name Last Name  
2767 Windy Hill Road  
Marietta, GA 30067

NCIC Extradition Code Type

- 1-Felony Full  4-Felony No Ext.  B-Misdemeanor Limited  E-Misdemeanor Pending  
 2-Felony Ltd.  5-Felony Pend.  C-Misdemeanor Surrounding States  
 3-Felony Surrounding States  A-Misdemeanor Full  D-Misdemeanor No Extradition  
 Distance: \_\_\_\_\_

DEFENDANT IDENTIFICATION INFORMATION

<b>RACE</b> <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	<b>ETHNICITY</b> <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown	Docket Number	Date Filed / /	OTN/LiveScan Number	Complaint/Incident Number 46-1060
		DOB 04/27/1962		POB	
		Add'l DOB / /		SSN	Add'l SSN - -
<b>GENDER</b> <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		First Name	Middle Name	Last Name	Gen.
AKA					

SID:	HAIR COLOR	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> RED (Red/Aubn.)	EYE COLOR		
Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> BLN (Blonde / Strawberry)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> PNK (Pink)	
	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> MUL (Multicolored)
	<input type="checkbox"/> BRO (Brown)	<input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> XXX (Unknown)
	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> SDY (Sandy)		<input type="checkbox"/> BRO (Brown)	<input type="checkbox"/> MAR (Maroon)	

Driver License	State GA	License Number	Expires: / /	WEIGHT (lbs.)
DNA	<input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location		
FBI Number		MNU Number		Ft. HEIGHT In.
Fingerprint Classification:				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code
VIN	Year	Make	Model	Style	Color	

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

George R. Zaiser, Senior Deputy Attorney Gen. / /2010  
(Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, Joseph Farkus (Name of the Affiant) (PSP/MPOETC -Assigned Affiant ID Number & Badge # PA022015A)  
 of OFFICE OF ATTORNEY GENERAL - BCI (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)  
 do hereby state: (check appropriate box)  
 1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_  
 I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe  
 with violating the penal laws of the Commonwealth of Pennsylvania at [ ] Harrisburg (Subdivision Code) (Place-Political Subdivision)  
 in Dauphin County [22] on or about the dates hereinafter set forth (County Code)

# POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number 46-1060
Defendant Name	First: Charles	Middle: S.	Last: Morais

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate :  
 (Set forth a **brief** summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	1-4	3927	a	of the	18 Pa. C.S.	4	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input checked="" type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED (F3) - SEE ATTACHED.

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	5-6	7268	b	of the	72 P.S.	2	UM		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: WILLFUL FAILURE TO FILE SALES TAX RETURNS (UM) - SEE ATTACHED

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	7-30	7268	b	of the	72 P.S.	24	UM		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: WILLFUL FAILURE TO REMIT SALES TAX (UM)- SEE ATTACHED.



# POLICE CRIMINAL COMPLAINT

<b>Docket Number:</b>	<b>Date Filed:</b> / /	<b>OTN/LiveScan Number</b>	<b>Complaint/Incident Number</b> 46-1060
<b>Defendant Name</b>	First: Charles	Middle: S.	Last: Morais

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S.§4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding Page, as well as the attached pages that follow, numbered \_\_\_ through \_\_\_, specifying offenses and Participants, if any.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

**(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

\_\_\_\_\_ (Date)

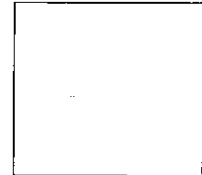
\_\_\_\_\_ (Signature of Affiant)

AND NOW, on this date \_\_\_\_\_ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

\_\_\_\_\_ (Magisterial District Court Number)

\_\_\_\_\_ (Issuing Authority)



**COMMONWEALTH OF PENNSYLVANIA**

v.

Charles Morais

ss

**AFFIDAVIT OF PROBABLE CAUSE**

1. The undersigned, a Special Agent with the Bureau of Criminal Investigation and Prosecution Section of the Office of Attorney General of Pennsylvania, being duly sworn according to law, deposes and says:

2. The Defendant is Charles Morais, an adult individual who according to his Georgia driver's license and his filed Pennsylvania personal income tax return, reports his address as 2767 Windy Hill Rd., Marietta, Georgia 30067.

3. On April, 2010, the Bureau of Criminal Investigation and Prosecution Section, Office of Attorney General, received a copy of the investigative report of Special Agent Glenn D .Adamire of the Department of Revenue's Office of Criminal Tax Investigations relative to the investigation of said Defendant.

4. Your Affiant has reviewed this report, portions of which are contained herein.

5. The Defendant is an owner of Kronos Hotels, LLC, the purported management corporation for Portfolio Pittsburgh, LLC; Portfolio Lancaster, LLC; Portfolio York, LLC; and Dubois Hotels, LLC. According to the online PA100 Internet Registrations, the Defendant is also an owner, the Chief Executive Officer and individual responsible for sales tax for Portfolio Pittsburgh, LLC; Portfolio Lancaster, LLC; Portfolio York, LLC; and Dubois Hotels, LLC. The 2007 PA S Corporation/Partnership Information returns for Portfolio Pittsburgh, LLC; Portfolio Lancaster, LLC; and Portfolio York, LLC reflect Defendant is an owner of said entities. Except for Kronos Hotels, LLC, the above listed corporations traded as

hotels. The Defendant is also an officer and the person responsible to remit employer withholding taxes according to the online PA100 Internet Registration for Destination Hospitality Georgia, LLC.

6. The principal place of business for Kronos Hotels, LLC and Destination Hospitality Georgia, LLC is 2767 Windy Hill Rd, Marietta, GA 30067. The principal place of business for Portfolio Pittsburgh, LLC is 401 Holiday Drive, Pittsburgh, PA 15220. The principal place of business for Portfolio Lancaster, LLC is 521 Greenfield Rd, Lancaster, PA 17602. The principal place of business for Portfolio York, LLC is 334 Arsenal Rd, York, PA 17402. The principal place of business for Dubois Hotels, LLC is 1896 Rich Highway, Dubois, PA 15801.

7. A search of the Department of Revenue's records with respect to sales tax for Portfolio Pittsburgh, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237310, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84-21041-7 with an effective date of June 13, 2007.
- b) Sales tax returns were filed for Portfolio Pittsburgh, LLC. for the filing periods 02Q07, 03Q07, and 10M07 through 09M08.
- c) No record of \$126,302.15 in collected sales tax remitted for Portfolio Pittsburgh, LLC for the filing periods 04M08 through 09M08 as set forth in the Schedule of Counts 11 through 16 of within compliant.

8. A search of the Department of Revenue records with respect to sales tax for Portfolio Lancaster, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237314, which is also used for Commonwealth

identification purposes. The business was assigned sales tax account number 84206673 with an effective date of June 13, 2007.

- b) Sales tax returns were filed for Portfolio Lancaster, LLC for the filing periods 02Q07, 03Q07, and 10M07 through 09M08.
- c) No record of \$56,921.16 in collected sales tax remitted for Portfolio Lancaster, LLC for the filing periods 03M08 through 09M08 as set forth in the Schedule of Counts 17 through 23 of within compliant.

9. A search of the Department of Revenue records with respect to sales tax for Portfolio York, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237328, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84210346 with an effective date of June 13, 2007.
- b) Sales tax returns were filed for Portfolio York, LLC for the filing periods 02Q07, 03Q07, and 10M07 through 08M08.
- c) No sales tax return filed for Portfolio York, LLC for tax period 09M08 as set forth in the Schedule of Counts 6 of within complaint.
- d) No record of an estimated \$32,278.12 in collected sales tax remitted for Portfolio York, LLC for the filing periods 03M08 through 09M08 as set forth in the Schedule of Counts 24 through 30 of within compliant.

10. A search of the Department of Revenue records with respect to sales tax for Dubois Hotels, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 26-1463295, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84458757 with an effective date of January 8, 2008.
- b) Sales tax returns were filed for Dubois, LLC for the filing periods 01Q08 through 03Q08.
- c) No sales tax return filed for Dubois Hotels, LLC for tax period 04Q08 as set forth in the Schedule of Counts 5 of within complaint.
- d) No record of an estimated \$95,347.57 in collected sales tax remitted for Dubois Hotels, LLC for the filing periods 01Q08 through 04Q08 as set forth in the Schedule of Counts 1 through 4 and Counts 7 through 10 of within compliant.

11. A search of the Department of Revenue records with respect to employer withholding tax for Destination Hospitality Georgia, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 20-8416856, which is also used for Commonwealth identification purposes. The business was assigned employer withholding tax account number 93168239 with an effective date of January 8, 2008.
- b) Employer withholding tax returns were filed for Destination Hospitality Georgia, LLC for the filing periods 02Q07, 03Q07 and 02Q08.

- c) No employer withholding tax returns filed for Destination Hospitality Georgia, LLC for tax periods 01Q08, and 03Q08 as set forth in the Schedule of Counts 31 through 32 of within complaint.
- d) No record of an estimated \$37,020.02 in employer withholding tax remitted for Destination Hospitality Georgia, LLC for the filing periods 01Q08 through 03Q08 as set forth in the Schedule of Counts 33 through 35 of within complaint.

12. A search of the Department of Revenue records with respect to Pennsylvania state income tax for Charles Morais revealed:

- a) A non-resident Pennsylvania personal income tax return filed by Charles Morais for tax year 2007 under social security number 421-17-9528 which he reported \$153,783.00 net income from the operation of a business.
- b) No record of \$5,442.24 in Pennsylvania personal income tax remitted for Charles Morais for tax year 2007 as set forth in the Schedule of Counts 36 of within complaint.

13. On February 17, 2010, Special Agents Glenn Adamire and May Pritchard interviewed Kishor Bhikha, regarding the sales tax issues of Dubois Hotels, LLC. Bhikha provided, in part, substantially the following information:

- a) Bhikha is an investor in real estate, mainly hotels, he is not involved with the daily operations of these hotels. He is a "member" of several different investment groups, and has ownership in about ten hotels at the present time.
- b) When Bhikha and his investment partners acquire a property, a management company is hired to operate the hotel on a daily basis. The hotel management group is responsible for all the liabilities of that hotel, including all taxes. The only time Bhikha gets involved with the hotel is at the end of the year, he will get a RK-1 of his investment earnings for the year for tax purposes.

- c) Bhikha acquired the Dubois Hotel in January 2008. The deal came through Charles Morais of Kronos Hotels. Bhikha was the sole investor for Dubois Hotels, LLC, his name is carried on the bank loan. Bhikha hired Kronos Hotels of Atlanta, which also invests in hotel properties, as the management company for Dubois from day one. Kronos was not the owners of the hotel.
- d) (Special Agent Adamire showed Bhikha a copy of the Pennsylvania Enterprise Registration for – PA100 for Dubois Hotels, LLC.) Bhikha never saw this document. Charles Morais and Sunil Mir were not the owners of the hotel as this form stated, they were the management company responsible for all aspects of the hotel including the taxes. Bhikha is not sure why Morais and Mir named themselves as owners.
- e) Bhikha again stated that he is not with Kronos, he is an independent investor. Charles Morais and Sunil Mir are the main operators of Kronos. Others involved are Moses Daniels, who handled all the finances, and Rajesh Mir, Sunil's brother.
- f) About three to four years ago, Bhikha gave \$200,000 to \$300,000 to Charles Morais to invest in hotels for him. Bhikha's brother, Sunil Bhikha, also gave Morais the same amount to invest.
- g) (Special Agent Adamire showed Bhikha the 2007 PA S Corporation/ Partnership Information Return for Portfolio Pittsburgh, LLC, Portfolio Lancaster, LLC, and Portfolio York, LLC.) Bhikha admitted he received RK-1's for each of these entities, Morais had used the money given to him by Bhikha and his brother to invest in these three hotels.
- h) Bhikha agreed that he only receives RK-1's for the entities and is a passive investor not involved with the daily operations of the hotels.
- i) (Special Agent Adamire showed Bhikha a copy of a spreadsheet of expenses for Dubois Hotels which was obtained through High Trust bank records supplied by Ketan Patel.) Destination Hospitality is the payroll company hired by Kronos Hotels to complete all aspects of payroll for Dubois. Destination Hospitality is owned by Charles Morais.
- j) Destination Hospitality, LLC is the umbrella company for the payroll of all the Kronos managed hotels. All payroll related expenses is deposited into the bank account for Destination Hospitality and from there employees are paid. Destination Hospitality is owned by Charles Morais and Sunil Mir.

- k) Pacific Investments, LLC, Portfolio Hotels, LLC, and Portfolio Pittsburgh, LLC are all Kronos, there is no reason that money from the account of Dubois Hotels should be going to them.
- l) Regarding Intercontinental Hotel Group, Bhikha thinks these payments were made because Kronos (Morais and Mir) was looking to purchase another Holiday Inn hotel, which did not work out. There is not reason money from this account should be going to them.
- m) Bhikha does not know what Morais and Mir did with all the money. He has not seen them and is unsure if they are even in the Atlanta area.
- n) It was while Bhikha was in India that he learned of the problem with the Dubois Hotel. The High Trust Bank had sent him a notice of foreclosure due to the mortgage not being paid. Bhikha later learned that Morais and Mir were paying the mortgage with his reserve fund instead of the receipts from the hotel.
- o) When Bhikha purchased the hotel, the Bank placed monies in a special reserve fund. This totaled six to twelve months of mortgage payments. If the mortgage was not paid by the required time, the bank would take the payment due from the reserve fund. When the fund ran out, the Bank stated foreclosure procedures.
- p) Destination Hospitality, according to Bhikha, is where most of the money from the Dubois Hotel account went. He did say that the High Trust account only received credit card revenues from the hotel.
- q) Bhikha is not sure of the name of the accountant for Kronos Hotels, but he did get his RK-1's on time. He had a major loss for the tax year 2008 from all the hotels under Kronos control.
- r) Charles Morais and Sunil Mir were responsible for paying all the hotel bills, sales taxes and payroll taxes. At present, Bhikha needs to find out who Destination Hospitality was using as a payroll company. (i.e. Paychex, ADP, etc.)
- s) Bhikha thinks that Morais or Mir are attempting to reopen the JFK airport property. This property and the Windy Hill property were owned by an Indian lady who lost everything due to Morais and Mir.
- t) Bhikha thinks that Destination Hospitality is the key to finding out where the money went, if the accounts can be located. All the credit card machines came from Kronos, who stipulated into which bank accounts the receipts would go.

14. On June 24, 2009 Special Agent Glenn Adamire, Bureau of Criminal Tax Investigations, PA Department of Revenue, interviewed Denise M. Pickup, Revenue Enforcement Collections Agent, Bureau of Collections and Taxpayer Assistance, PA Department of Revenue, Greensburg District Office, Greensburg, PA. 15601, at her place of business regarding her collection efforts to bring Portfolio Lancaster, LLC into tax compliance. Pickup provided the following information:

- a) According to the Sales Tax Registration form, Charles Morais and Sunil Mir are listed as corporate officers. Pickup dealt with Morais and Anna Fink, who was listed as the contact person for the business.
- b) Portfolio Lancaster, LLC is a hotel (Holiday Inn) located in Lancaster, PA. The business has a sales tax license, only; Pickup was not able to say who took care of the employer withholding taxes. Due to the distance involved, Pickup never made a field visit to the hotel.
- c) On September 10, 2009, Pickup also reviewed the Registration for Sales Tax license (PA100) and then called (404) 460-5118 and spoke to one Benjamin Lee who was listed on the form as the individual who prepared the form.
- d) Pickup identified herself to Lee, she stated she was calling regarding sales tax liability for the business and asked if she could speak to the CEO Charles Morais. Lee told her that she needed to speak to Anna Fink. Pickup advised Lee that she had tried to contact her but that she has not complied and when she tried to call her number, there was no answer.
- e) Lee stated he is going to email both Anna Fink and Charles Morais and give them information on how to reach Pickup. Pickup is also going to send an email to both Fink and Morais and request they contact her.
- f) On September 11, 2008, Charles Morais called Pickup and told her that he would like to pay off all these liabilities in six months. He further stated he and his accountant will call her on Monday, September 15, 2008 to make arrangements to pay off the tax liability.
- g) On September 16, 2008, Pickup received a telephone call from Charles Morais, he wanted a six month DPP to pay the sales tax due for 11M07 through 02M08 and he would like to start immediately.

Morais would like to use September 15, 2008, as an initial payment date, and then to make payments of the fifteenth of each month October 2008 to February 2009.

- h) On October 9, 2008, Pickup sent an email to Morais and Fink advising them no payment had been received. She asked that the payment be sent via overnight mail today.

14. Special Agent Adamire conducted telephone interviews with Jennifer Tuttle, Anna Fink, Frank Harling and Benjamin Lee, all former employees of Kronos Hotels, LLC. Tuttle, Fink, and Harling worked in the Corporate Financial Office of Kronos Hotels, LLC located in Greenville, SC. Lee worked at the Atlanta headquarters of Kronos Hotels, LLC. These interviews revealed:

- a) All bills and invoices, including those related to taxes, were sent to and processed by the corporate financial office in Greenville, SC. Checks were drawn for each invoice and sent to the corporate headquarters for signature and distribution.
- b) Charles Morais and Sunil Mir were owners of Kronos Hotels, LLC along with others who included Moses Daniels and Rajesh Mir. Moses Daniels was the individual at the corporate headquarters who signed and mailed the invoiced checks.
- c) Charles Morais and Sunil Mir were aware of every problem, including those related to taxes, taking place within the corporation.
- d) Charles Morais and Sunil Mir were the individuals who authorized payment of bills; Moses Daniels never made a payment decision without first getting authorization from Morais and Mir.

15. Special Agent Adamire examined bank records for Dubois Hotels, LLC from High Trust Bank, account number 103055 from January 1, 2008 through March 31, 2009. These records showed debits from the account totaling \$236,102.61 not related to the business operations of Dubois Hotels, LLC.

16. Special Agent Adamire relied on the sales tax reported by Dubois Hotels, LLC for tax periods 01Q08 through 03Q08 and calculated the tax for the non-filed period by dividing the total of all periods by three. Special Agent Adamire relied on sales tax reported by Portfolio York, LLC for tax periods 12M07 through

08M08 and calculated the tax for the non-filed period by dividing the total of all periods by ten. Special Agent Adamire relied on the employer withholding tax reported by Destination Hospitality Georgia, LLC for tax periods 02Q07, 03Q07 and 02Q08 and calculated the tax for the non-filed periods by dividing the total of the three reported periods by three.

17. The above information is based upon an investigation conducted and information received from Department of Revenue Special Agent Glenn D. Adamire, which your Affiant believes to be true and correct to the best of his knowledge.

\_\_\_\_\_  
, Special Agent

SWORN TO AND SUBSCRIBED  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: DAUPHIN



POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.

Magisterial District Number: 12-3-05  
MDJ: Hon. Lowell A. Witmer  
Address: 7801 Allentown Blvd., Ste. A  
Harrisburg, PA 17112  
Telephone: (717)671-8720

DEFENDANT:

(NAME and ADDRESS):

Sunil

Mir

First Name

Middle Name

Last Name

Gen.

2767 Windy Hill Road  
Marietta, GA 30067

NCIC Extradition Code Type

- 1-Felony Full       4-Felony No Ext.       B-Misdemeanor Limited       E-Misdemeanor Pending  
 2-Felony Ltd.       5-Felony Pend.       C-Misdemeanor Surrounding States  
 3-Felony Surrounding States       A-Misdemeanor Full       D-Misdemeanor No Extradition  
 Distance: \_\_\_\_\_

DEFENDANT IDENTIFICATION INFORMATION

<b>RACE</b> <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	<b>ETHNICITY</b> <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown	Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
		DOB 12/31/1973	POB		46-1060
		Add'l DOB / /	SSN	Add'l SSN - -	
<b>GENDER</b> <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		First Name	Middle Name	Last Name	Gen.
		AKA			

SID:	HAIR COLOR	EYE COLOR
Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> BLN (Blonde / Strawberry) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> WHI (White) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> XXX (Unknown)

Driver License	State GA	License Number	Expires: / /	WEIGHT (lbs.)
DNA	<input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location		
FBI Number		MNU Number		Ft. HEIGHT in.
Fingerprint Classification:				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code
VIN	Year	Make	Model	Style	Color	

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

George R. Zaiser, Senior Deputy Attorney Gen.

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

/ /2010

(Date)

I, Joseph Farkus

(Name of the Affiant)

(PSP/MPOETC -Assigned Affiant ID Number & Badge #

of OFFICE OF ATTORNEY GENERAL - BCI

PA022015A

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

do hereby state: (check appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [ ] Harrisburg  
 (Subdivision Code) (Place-Political Subdivision)

in Dauphin County [22] on or about the dates hereinafter set forth  
 (County Code)



# POLICE CRIMINAL COMPLAINT

<b>Docket Number:</b>	<b>Date Filed:</b> / /	<b>OTN/LiveScan Number</b>	<b>Complaint/Incident Number</b> 46-1060
<b>Defendant Name</b>	<b>First:</b> Sunil	<b>Middle:</b>	<b>Last:</b> Mir

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate :  
 (Set forth a **brief** summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	1-4	3927	a	of the	18 Pa. C.S.	4	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input checked="" type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED (F3) - SEE ATTACHED.

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	5-6	7268	b	of the	72 P.S.	2	UM		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: WILLFUL FAILURE TO FILE SALES TAX RETURNS (UM) - SEE ATTACHED

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	<input type="checkbox"/> <b>A1</b> (Engaging)	<input type="checkbox"/> <b>A2</b> (Aiding)	<input type="checkbox"/> <b>B</b> (Knowledge)	<input type="checkbox"/> <b>Permitting (Title 75 Only)</b> 75 1575 A
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<input type="checkbox"/>	7-30	7268	b	of the	72 P.S.	24	UM		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<b>PennDOT Data (if applicable)</b>	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description/Acts of the accused associated with this Offense: WILLFUL FAILURE TO REMIT SALES TAX (UM)- SEE ATTACHED.



# POLICE CRIMINAL COMPLAINT

<b>Docket Number:</b>	<b>Date Filed:</b> / /	<b>OTN/LiveScan Number</b>	<b>Complaint/Incident Number</b> 46-1060
<b>Defendant Name</b>	<b>First:</b> Sunil	<b>Middle:</b>	<b>Last:</b> Mir

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S.§4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding Page, as well as the attached pages that follow, numbered \_\_\_ through \_\_\_, specifying offenses and Participants, if any.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

**(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

\_\_\_\_\_  
(Date)

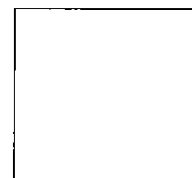
\_\_\_\_\_  
(Signature of Affiant)

AND NOW, on this date \_\_\_\_\_ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

\_\_\_\_\_  
(Magisterial District Court Number)

\_\_\_\_\_  
(Issuing Authority)



**COMMONWEALTH OF PENNSYLVANIA**

v.

Sunil Mir

SS

**AFFIDAVIT OF PROBABLE CAUSE**

1. The undersigned, a Special Agent with the Bureau of Criminal Investigation and Prosecution Section of the Office of Attorney General of Pennsylvania, being duly sworn according to law, deposes and says:

2. The Defendant is Sunil Mir, an adult individual who according to his Georgia driver's license and his filed Pennsylvania personal income tax return reports his address as 2767 Windy Hill Rd., Marietta, Georgia 30067.

3. On April, 2010 the Bureau of Criminal Investigation and Prosecution Section, Office of Attorney General, received a copy of the investigative report of Special Agent Glenn D. Adamire of the Department of Revenue's Office of Criminal Tax Investigations relative to the investigation of said Defendant.

4. Your Affiant has reviewed this report, portions of which are contained herein.

5. The Defendant is an owner of Kronos Hotels, LLC, the purported management corporation for Portfolio Pittsburgh, LLC; Portfolio Lancaster, LLC; Portfolio York, LLC; and Dubois Hotels, LLC. According to the online PA100 Internet Registrations, the Defendant is also an owner, the Chief Operating Officer and individual responsible for sales tax for Portfolio Pittsburgh, LLC; Portfolio Lancaster, LLC; Portfolio York, LLC; and Dubois Hotels, LLC. The 2007 PA S Corporation/Partnership Information return reflects the Defendant is an owner for Portfolio Pittsburgh, LLC; Portfolio

Lancaster, LLC; and Portfolio York, LLC. Except for Kronos Hotels, LLC, the above listed corporations traded as hotels.

6. The principal place of business for Kronos Hotels, LLC is 2767 Windy Hill Rd, Marietta, GA 30067. The principal place of business for Portfolio Pittsburgh, LLC is 401 Holiday Drive, Pittsburgh, PA 15220. The principal place of business for Portfolio Lancaster, LLC is 521 Greenfield Rd, Lancaster, PA 17602. The principal place of business for Portfolio York, LLC is 334 Arsenal Rd, York, PA 17402. The principal place of business for Dubois Hotels, LLC is 1896 Rich Highway, Dubois, PA 15801.

7. A search of the Department of Revenue's records with respect to sales tax for Portfolio Pittsburgh, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237310, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84-21041-7 with an effective date of June 13, 2007.
- b) Sales tax returns were filed for Portfolio Pittsburgh, LLC for the filing periods 02Q07, 03Q07, and 10M07 through 09M08.
- c) No record of \$126,302.15 in collected sales tax remitted for Portfolio Pittsburgh, LLC for the filing periods 04M08 through 09M08 as set forth in the Schedule of Counts 11 through 16 of within compliant.

8. A search of the Department of Revenue records with respect to sales tax for Portfolio Lancaster, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237314, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84-20667-3 with an effective date of June 13, 2007.
- b) Sales tax returns were filed for Portfolio Lancaster, LLC for the filing periods 02Q07, 03Q07, and 10M07 through 09M08.
- c) No record of \$56,921.16 in collected sales tax remitted for Portfolio Lancaster, LLC for the filing periods 03M08 through 09M08 as set forth in the Schedule of Counts 17 through 23 of within compliant.

9. A search of the Department of Revenue records with respect to sales tax for Portfolio York, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 75-3237328, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84-21034-6 with an effective date of June 13, 2007.
- b) Sales tax returns were filed for Portfolio York, LLC for the filing periods 02Q07, 03Q07, and 10M07 through 08M08.
- c) No sales tax return filed for Portfolio York, LLC for tax period 09M08 as set forth in the Schedule of Counts 6 of within complaint.

- d) No record of an estimated \$32,278.12 in collected sales tax remitted for Portfolio York, LLC for the filing periods 03M08 through 09M08 as set forth in the Schedule of Counts 24 through 30 of within compliant.

10. A search of the Department of Revenue records with respect to sales tax for Dubois Hotels, LLC revealed:

- a) The above-named business holds Federal Employer Identification Number 26-1463295, which is also used for Commonwealth identification purposes. The business was assigned sales tax account number 84-45875-7 with an effective date of January 8, 2008.
- b) Sales tax returns were filed for Dubois, LLC for the filing periods 01Q08 through 03Q08.
- c) No sales tax return filed for Dubois Hotels, LLC for tax period 04Q08 as set forth in the Schedule of Counts 5 of within complaint.
- d) No record of an estimated \$95,347.57 in collected sales tax remitted for Dubois Hotels, LLC for the filing periods 01Q08 through 04Q08 as set forth in the Schedule of Counts 1 through 4 and Counts 7 through 10 of within compliant.

11. A search of the Department of Revenue records with respect to Pennsylvania state income tax for Sunil Mir revealed:

- a) A non-resident Pennsylvania personal income tax return filed by Sunil Mir for tax year 2007 under social security number 060-84-

6601 on which he reported \$160,145.00 net income from the operation of a business.

- b) No record of \$5,667.02 in Pennsylvania personal income tax remitted for Sunil Mir for tax year 2007 as set forth in the Schedule of Counts 31 of within complaint.

12. On February 17, 2010, Special Agents Glenn Adamire and May Pritchard interviewed Kishor Bhikha, regarding the sales tax issues of Dubois Hotels, LLC. Bhikha provided, in part, substantially the following information:

- a) Bhikha is an investor in real estate, mainly hotels, he is not involved with the daily operations of these hotels. He is a "member" of several different investment groups, and has ownership in about ten hotels at the present time.
- b) When Bhikha and his investment partners acquire a property, a management company is hired to operate the hotel on a daily basis. The hotel management group is responsible for all the liabilities of that hotel, including all taxes. The only time Bhikha gets involved with the hotel is at the end of the year, he will get a RK-1 of his investment earnings for the year for tax purposes.
- c) Bhikha acquired the Dubois Hotel in January 2008. The deal came through Charles Morais of Kronos Hotels. Bhikha was the sole investor for Dubois Hotels, LLC, his name is carried on the bank loan. Bhikha hired Kronos Hotels of Atlanta, which also invests in hotel properties, as the management company for Dubois from day one. Kronos was not the owners of the hotel.
- d) (Special Agent Adamire showed Bhikha a copy of the Pennsylvania Enterprise Registration for – PA100 for Dubois Hotels, LLC.) Bhikha never saw this document. Charles Morais and Sunil Mir were not the owners of the hotel as this form stated, they were the management company responsible for all aspects of the hotel including the taxes. Bhikha is not sure why Morais and Mir named themselves as owners.
- e) Bhikha again stated that he is not with Kronos, he is an independent investor. Charles Morais and Sunil Mir are the main operators of Kronos. Others involved are Moses Daniels, who handled all the finances, and Rajesh Mir, Sunil's brother.

- f) About three to four years ago, Bhikha gave \$200,000 to \$300,000 to Charles Morais to invest in hotels for him. Bhikha's brother, Sunil Bhikha, also gave Morais the same amount to invest.
- g) (Special Agent Adamire showed Bhikha the 2007 PA S Corporation/Partnership Information Return for Portfolio Pittsburgh, LLC, Portfolio Lancaster, LLC, and Portfolio York, LLC.) Bhikha admitted he received RK-1's for each of these entities, Morais had used the money given to him by Bhikha and his brother to invest in these three hotels.
- h) Bhikha agreed that he only receives RK-1's for the entities and is a passive investor not involved with the daily operations of the hotels.
- i) (Special Agent Adamire showed Bhikha a copy of a spreadsheet of expenses for Dubois Hotels which was obtained through High Trust bank records supplied by Ketan Patel.) Destination Hospitality is the payroll company hired by Kronos Hotels to complete all aspects of payroll for Dubois. Destination Hospitality is owned by Charles Morais.
- j) Destination Hospitality, LLC is the umbrella company for the payroll of all the Kronos managed hotels. All payroll related expenses is deposited into the bank account for Destination Hospitality and from there employees are paid. Destination Hospitality is owned by Charles Morais and Sunil Mir.
- k) Pacific Investments, LLC; Portfolio Hotels, LLC; and Portfolio Pittsburgh, LLC are all Kronos, there is no reason that money from the account of Dubois Hotels should be going to them.
- l) Regarding Intercontinental Hotel Group, Bhikha thinks these payments were made because Kronos (Morais and Mir) was looking to purchase another Holiday Inn hotel, which did not work out. There is not reason money from this account should be going to them.
- m) Bhikha does not know what Morais and Mir did with all the money. He has not seen them and is unsure if they are even in the Atlanta area.
- n) It was while Bhikha was in India that he learned of the problem with the Dubois Hotel. The High Trust Bank had sent him a notice of foreclosure due to the mortgage not being paid. Bhikha later learned that Morais and Mir were paying the mortgage with his reserve fund instead of the receipts from the

hotel.

- o) When Bhikha purchased the hotel, the Bank placed monies in a special reserve fund. This totaled six to twelve months of mortgage payments. If the mortgage was not paid by the required time, the bank would take the payment due from the reserve fund. When the fund ran out, the Bank stated foreclosure procedures.
- p) Destination Hospitality, according to Bhikha, is where most of the money from the Dubois Hotel account went. He did say that the High Trust account only received credit card revenues from the hotel.
- q) Bhikha is not sure of the name of the accountant for Kronos Hotels, but he did get his RK-1's on time. He had a major loss for the tax year 2008 from all the hotels under Kronos control.
- r) Charles Morais and Sunil Mir were responsible for paying all the hotel bills, sales taxes and payroll taxes. At present, Bhikha needs to find out who Destination Hospitality was using as a payroll company. (i.e. Paychex, ADP, etc.)
- s) Bhikha thinks that Morais and Mir are attempting to reopen the JFK airport property. This property and the Windy Hill property were owned by an Indian lady who lost everything due to Morais and Mir.
- t) Bhikha thinks that Destination Hospitality is the key to finding out where the money went, if the accounts can be located. All the credit card machines came from Kronos, who stipulated into which bank accounts the receipts would go.

13. Special Agent Adamire conducted telephone interviews with Jennifer Tuttle, Anna Fink, Frank Harling and Benjamin Lee, all former employees of Kronos Hotels, LLC. Tuttle, Fink, and Harling worked in the Corporate Financial Office of Kronos Hotels, LLC located in Greenville, SC. Lee worked at the Atlanta headquarters of Kronos Hotels, LLC. These interviews revealed:

- a) All bills and invoices, including those related to taxes, were sent to and processed by the corporate financial office in Greenville, SC. Checks were drawn for each invoice and sent to the

corporate headquarters for signature and distribution.

- b) Charles Morais and Sunil Mir are owners of Kronos Hotels, LLC along with others who included Moses Daniels and Rajesh Mir. Moses Daniels was the individual at the corporate headquarters who signed and mailed the invoiced checks.
- c) Charles Morais and Sunil Mir were aware of every problem, including those related to taxes, taking place within the corporation.
- d) Charles Morais and Sunil Mir were the individuals who authorized payment of bills; Moses Daniels never made a payment decision without first getting authorization from Morais and Mir.

14. On February 11, 2009 Special Agent Glenn Adamire interviewed Shane Campbell, Revenue Enforcement Collections Agent, Bureau of Collections and Taxpayer Assistance, Johnstown District Office, at his place of business regarding his collection efforts to bring Dubois Hotels, LLC into tax compliance. Campbell stated he had two contacts with Saleh Mouasher who identified himself as the Director of Operations for Dubois Hotels, LLC on October 28, 2008. On November 19, 2008, subsequent to the contacts with Mouasher, Campbell stated he received a payment for Dubois Hotels, LLC at the Johnstown District Office. The payment, check #1098, drawn on High Trust Bank was in the amount of \$3,300, and was signed by Sunil Mir. It was applied toward 01Q08 sales tax period, with a posting date of November 14, 2008. The payment was later backed out of the computer system due to the lack of sufficient funds.

15. Special Agent Adamire examined bank records for Dubois Hotels, LLC from High Trust Bank, account number 103055 from January 1, 2008 through March 31, 2009. These records showed debits from the account

totaling \$236,102.61 not related to the business operations of Dubois Hotels, LLC.

16. Special Agent Adamire relied on the sales tax reported by Dubois Hotels, LLC for tax periods 01Q08 through 03Q08 and calculated the tax for the non-filed period by dividing the total of all periods by three. Special Agent Adamire relied on sales tax reported by Portfolio York, LLC for tax periods 12M07 through 08M08 and calculated the tax for the non-filed period by dividing the total of all periods by ten.

17. The above information is based upon an investigation conducted and information received from Department of Revenue Special Agent Glenn D. Adamire, which your Affiant believes to be true and correct to the best of his knowledge.

---

, Special Agent

SWORN TO AND SUBSCRIBED

before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_

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