

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FEB 17 2022

BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

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§  
§  
§  
§

No. 6:22-CR-22  
JUDGE JDK-JDL

v.

PETER J. BENNETT (01)

UNDER SEAL

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**General Allegations**

At all times relevant to this Indictment:

The Defendant and Associated Companies and Individuals

1. **Peter J. Bennett** resided in or around Houston, Texas.
2. Peter J. Bennett, P.C., was a Texas company. Formed on December 28, 2012, the company is currently active.
3. Tree Pool, LLC (Tree Pool), was a Texas company. Formed on April 4, 2016, the company is currently active. The Water Buffalo Irrevocable Trust was the managing member. **Peter J. Bennett** was the registered agent.
4. The Water Buffalo Irrevocable Trust was a Texas trust created on April 5, 2016. **Peter J. Bennett** was the settlor and trustee. **Peter J. Bennett** and Unindicted Co-conspirator 1 were the beneficiaries of the trust.
5. Robert O’Neal resided in or around Beaumont, Texas.
6. Unindicted Co-conspirator 1 resided in or around Lumberton, Texas.

7. Ascend Professional Consulting, Inc. (APC), was a Texas company. Formed on August 21, 2015, the company is currently inactive. The company began to operate as Ascend Professional Management, Inc. (APM) on October 9, 2015. APM is also currently inactive. Unindicted Co-conspirator 1 was a principal of both companies. The companies were operated from Beaumont, Texas, in the Eastern District of Texas.

8. BenefitPro Consulting, LLC (BenefitPro), was a Texas limited liability company. Formed on April 28, 2016, the company is currently inactive. APM was the Managing Member. The company was operated from Beaumont, Texas, in the Eastern District of Texas.

#### Financial Institutions

9. JPMorgan Chase Bank, N.A. (JPMorgan) was a “financial institution,” as defined by Title 18, United States Code, Section 1956. It was based in New York, New York, within the Southern District of New York.

10. First Financial Bank, N.A. (First Financial) was a “financial institution,” as defined by Title 18, United States Code, Section 1956. It was based in Abilene, Texas, within the Northern District of Texas.

**COUNT 1**

Violation: 18 U.S.C. § 1956(h)  
(Conspiracy to Commit Money  
Laundering)

1. The General Allegations sections of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or about October 14, 2016, and continuing through on or about October 26, 2018, the exact dates being unknown, in the Eastern District of Texas, and elsewhere, the defendant, **Peter J. Bennett**, did knowingly and willfully combine, conspire, and agree with Robert O’Neal and others, both known and unknown to the Grand Jury, to commit offenses against the United States in violation of 18 U.S.C. §§ 1956 and 1957, that is:

- a. to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is illegal remunerations, a violation of 42 U.S.C. § 1320a-7b(b), and conspiracy to commit illegal remunerations, a violation of 18 U.S.C. § 371, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the

- financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i); and
- b. to knowingly engage and attempt to engage, in monetary transactions by, through, and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, and such property having been derived from a specified unlawful activity, that is, illegal remunerations, a violation of 42 U.S.C. § 1320a-7b(b), and conspiracy to commit illegal remunerations, a violation of 18 U.S.C. § 371, in violation of 18 U.S.C. § 1957.

#### **Manner and Means of the Conspiracy**

The manner and means used to accomplish the objectives of the conspiracy included, among others, the following:

3. **Peter J. Bennett** laundered proceeds and property derived from specified unlawful activity, namely a health care kickback conspiracy through which physicians were incentivized to make referrals to critical access hospitals in exchange for kickbacks which were disguised as investment returns.

4. **Peter J. Bennett** created sham trusts and shell corporations through which he laundered the proceeds and property derived from specified unlawful activity (hereinafter “kickback proceeds”).

5. On or about the following dates, Unindicted Co-conspirator 1 wired kickback proceeds from APC (First Financial account ending in 4469) to Tree Pool (JPMorgan account ending in 8678):

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Depositing Bank/Acct</u>
10/14/16	\$200,000.00	First Financial/4469	JPMorgan/8678
11/7/16	\$200,000.00	First Financial/4469	JPMorgan/8678
11/14/16	\$30,000.00	First Financial/4469	JPMorgan/8678
12/29/16	\$1,008,666.00	First Financial/4469	JPMorgan/8678

6. On or about the following dates, Unindicted Co-conspirator 1 wired kickback proceeds from BenefitPro (First Financial account ending in 7031) to Tree Pool:

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Depositing Bank/Acct</u>
12/26/17	\$360,439.70	First Financial/7031	JPMorgan/8678
12/29/17	\$62,601.01	First Financial/7031	JPMorgan/8678

7. On or about the following dates, **Peter J. Bennett** transferred kickback proceeds from Tree Pool to the Water Buffalo Irrevocable Trust (JPMorgan account ending in 2321):

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Depositing Bank/Acct</u>
10/21/16	\$200,000.00	JPMorgan/8678	JPMorgan/2321
11/15/16	\$200,000.00	JPMorgan/8678	JPMorgan/2321
12/29/16	\$1,009,666.00	JPMorgan/8678	JPMorgan/2321
1/2/18	\$150,000.00	JPMorgan/8678	JPMorgan/2321

8. **Peter J. Bennett** transferred kickback proceeds for the benefit of Robert O'Neal, as follows:

- a. From on or about November 22, 2016, and continuing through on or about July 27, 2017, **Peter J. Bennett** wrote checks and authorized wire transfers from the Water Buffalo Irrevocable Trust account totaling \$310,281.38 to

Company 1, a custom home builder in Beaumont, Texas, for renovations on Robert O'Neal's home, as follows:

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Transaction Type</u>
11/22/16	\$54,549.00	JPMorgan/2321	Wire
1/12/17	\$80,027.17	JPMorgan/2321	Check #1002
2/8/17	\$17,748.77	JPMorgan/2321	Wire
3/9/17	\$81,015.41	JPMorgan/2321	Wire
5/10/17	\$66,035.31	JPMorgan/2321	Wire
7/27/17	\$10,905.72	JPMorgan/2321	Check #1011

- b. On or about May 17, 2017, **Peter J. Bennett** wrote a check to himself from the Water Buffalo Irrevocable Trust account, deposited the check into his Peter J. Bennett, P.C. account (JPMorgan account ending in 3670), and then wrote a check in the same amount payable to Company 1 from his PC account, as follows:

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Depositing Bank/Acct or Destination</u>
5/17/17	\$3,893.00	JPMorgan/2321	JPMorgan/3670
5/17/17	\$3,893.00	JPMorgan/3670	Check #5788

- c. On or about February 8, 2017, **Peter J. Bennett** withdrew funds from the Water Buffalo Irrevocable Trust account to purchase a cashier's check from JPMorgan payable to Company 2, a luxury automobile dealership in Houston, Texas, for the purchase of a 2014 Mercedes E350 titled in the name of Robert O'Neal, as follows:

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Destination</u>
2/8/17	\$32,027.28	JPMorgan/2321	JPMorgan CC#9534508392
2/8/17	\$32,027.28	JPMorgan CC#9534508392	Company 2

- d. On or about December 6, 2017, **Peter J. Bennett** transferred kickback proceeds from the Water Buffalo Trust account and from another irrevocable trust account (JPMorgan account ending in 1265), through other financial accounts, including his personal bank account (JPMorgan account ending in 5563) and his Peter J. Bennett, P.C. account, to Company 3, a

company based in The Woodlands, Texas, in order to pay a settlement for the benefit of Robert O’Neal, as follows:

<u>Date</u>	<u>Amount</u>	<u>Originating Bank/Acct</u>	<u>Depositing Bank/Acct or Destination</u>
12/6/17	\$55,000.00	JPMorgan/2321	JPMorgan/5563
12/6/17	\$120,000.00	JPMorgan/1265	JPMorgan/5563
12/6/17	\$150,000.00	JPMorgan/5563	JPMorgan/3670
12/6/17	\$150,000.00	JPMorgan/3670	Wire to Company 3

- e. On or about May 8, 2018, **Peter J. Bennett** transferred kickback proceeds from the Water Buffalo Trust account and from another irrevocable trust account through other financial accounts, including his personal bank account and his Peter J. Bennett, P.C. IOLTA trust account (JPMorgan account ending in 4037), to Company 3, a company based in The Woodlands, Texas, in order to pay a settlement for the benefit of Robert O’Neal, as follows:

5/8/18	\$50,000.00	JPMorgan/2321	JPMorgan/5563
5/8/18	\$100,000.00	JPMorgan/1265	JPMorgan/5563
5/8/18	\$150,000.00	JPMorgan/5563	JPMorgan/4037
5/8/18	\$150,000.00	JPMorgan/4037	Wire to Company 3

All in violation of 18 U.S.C. § 1956(h).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 982(a)(1)

1. The allegations contained in Count 1 this Indictment are realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest.

2. Upon conviction of any violation of 18 U.S.C. §§ 1956 or 1957, the defendant, **Peter J. Bennett**, shall forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property, pursuant to 18 U.S.C. § 982(a)(1).

3. The property which is subject to forfeiture, includes but is not limited to the following:

A sum of money equal to \$2,724,080.41 in United States currency, representing the amount of property involved in the offense alleged in the indictment, for which the defendant is personally liable.

4. Pursuant to 21 U.S.C. § 853(p), as incorporated by reference by 18 U.S.C. § 982(b), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred, or sold to, or deposited with a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be subdivided without difficulty;



it is the intent of the United States to seek the forfeiture of other property of the defendant up to the value of the above-described forfeitable properties, including, but not limited to, any identifiable property in the name of the defendant, **Peter J. Bennett**.

5. By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 982(a)(1).

All pursuant to 18 U.S.C. § 982(a)(1) and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 982(b)(1).

A TRUE BILL

2/16/2022  
Date

B. J. 1  
GRAND JURY FOREPERSON

BRIT FEATHERSTON  
UNITED STATES ATTORNEY

Nathan C. Kummerfeld  
NATHANIEL C. KUMMERFELD  
ASSISTANT UNITED STATES ATTORNEY

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FOR THE EASTERN DISTRICT OF TEXAS  
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PETER J. BENNETT (01)	§	UNDER SEAL

**NOTICE OF PENALTY**

**COUNT 1**

VIOLATION: 18 U.S.C. § 1956(h)  
Conspiracy to Commit Money Laundering

PENALTY: Imprisonment of not more than twenty (20) years; the greater of a fine not to exceed \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or both such imprisonment and fine; and a term of supervised release of not more than three (3) years.

SPECIAL ASSESSMENT: \$100.00