

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2834 Disciplinary Docket No. 3
: :
Petitioner : No. 146 DB 2021
: :
v. : Attorney Registration No. 206603
: :
JONATHAN EDWARD OLIVETTI : (Lackawanna County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 7th day of May, 2024, upon consideration of the Verified Statement of Resignation, Jonathan Edward Olivetti is disbarred on consent from the Bar of this Commonwealth. See Pa.R.D.E. 215. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 05/07/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2834 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 146 DB 2021
 :
JONATHAN EDWARD OLIVETTI : Attorney Registration No. 206603
Respondent : (Lackawanna County)

RESIGNATION
UNDER Pa.R.D.E. 215

JONATHAN EDWARD OLIVETTI, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 (“Enforcement Rules”) and further states as follows:

1. He is a formerly admitted attorney in the Commonwealth of Pennsylvania, having been admitted to the bar on or about June 30, 2011. His registration number is 206603.
2. He desires to submit his resignation as a member of said bar.
3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.
4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with, and acted upon the advice of counsel in connection with his decision to execute the within resignation.

FILED
04/17/2024
The Disciplinary Board of the
Supreme Court of Pennsylvania

5. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations concern criminal convictions.

6. On May 7, 2021, he entered a plea of guilty in the United States District Court for the Middle District of Pennsylvania before the Honorable Jennifer P. Wilson to one count each of Mail Fraud (18 U.S.C. § 1341) and Tax Evasion (26 U.S.C. § 7201), arising from his scheme to defraud his client and to avoid income tax due. A true and correct copy of the Criminal Information is attached hereto, made a part hereof, and marked as Exhibit 1.

7. On April 1, 2022, he entered a plea of guilty in the United States District Court for the Middle District of Pennsylvania before the Honorable Jennifer P. Wilson to one count of Wire Fraud (18 U.S.C. §1343), arising out of his fraudulent obtaining of funds, including Paycheck Protection Program and Economic Injury Disaster Loan loans. A true and correct copy of the Criminal Information is attached hereto, made a part hereof, and marked as Exhibit 2.

8. On May 9, 2023, he was sentenced on each of those counts to 27 months of imprisonment and 2 years of supervised release. He was ordered to pay restitution in the amount of \$267,861.09. On May 31, 2023, an Amended Judgment was entered to change the court's prison facility placement recommendation to the Bureau of Prisons. True and correct copies of the Judgment and Amended Judgment are attached hereto, made a part hereof, and marked as Exhibit 3.

9. He acknowledges that by Order dated December 7, 2021, the Supreme Court of Pennsylvania placed him on temporary suspension pursuant to Enforcement Rule 214 (relating to attorneys convicted of crimes).

10. He acknowledges that the material facts upon which the criminal convictions are predicated, which are contained within the Criminal Information documents at Exhibits 1 and 2, are true.

11. He submits the within resignation because he knows that if charges were predicated upon the criminal misconduct under investigation he could not successfully defend against them.

12. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

13. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel.

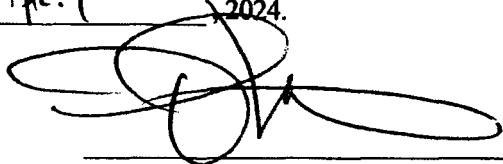
14. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

15. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

16. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1).

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signed this 17th day of Apr. 1, 2024.



Jonathan Edward Olivetti, Respondent

4/4/25
Date

John Hall
Witness

Exhibit 1

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA .

v. .

. Docket No. 3:

JONATHAN OLIVETTI, .

Defendant .

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE

MAIL FRAUD
[18 U.S.C. § 1341]

I. Introduction

At times material to the Information:

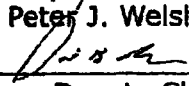
1. The defendant, JOHNATHAN OLIVETTI, was an attorney licensed to practice law in the Commonwealth of Pennsylvania, whose practice was based in Lackawanna County and Philadelphia County.

2. T.S. died on May 15, 2018, and was survived by his parents as heirs.

Certified from the record

Date 06/30/2021

Peter J. Welsh, Clerk

Per 
Deputy Clerk

3. T.S. posthumously received approximately \$138,306.67 from a civil lawsuit initiated prior to his death. The award check was made payable to "The Estate of [T.S.]" and provided to T.S.'s mother.

4. In approximately May 2019, T.S.'s mother met with JONATHAN OLIVETTI to discuss retaining JONATHAN OLIVETTI's legal services to assist with the distribution of the Estate of T.S.'s lawsuit award.

5. In May 2019, following that meeting, JONATHAN OLIVETTI used the United States Postal Service to mail T.S.'s mother a contract for legal services pertaining to the Estate of T.S.

6. In May 2019, T.S.'s mother signed the contract to retain JONATHAN OLIVETTI's legal services on behalf of the Estate of T.S. and used the United States Postal Service to mail the contract back to JONATHAN OLIVETTI, at his direction.

7. During JONATHAN OLIVETTI's legal representation of the Estate of T.S., T.S.'s mother used the United States Postal Service to send JONATHAN OLIVETTI various documents pertaining to the legal representation, at his direction.

II. The Scheme

8. It was part of the scheme and artifice to defraud that JONATHAN OLIVETTI advised T.S.'s mother that JONATHAN OLIVETTI would open an estate bank account for T.S.'s lawsuit award.

9. On or about May 16, 2019, as part of the scheme and artifice to defraud, JONATHAN OLIVETTI deposited and caused to be deposited approximately \$138,306.67 into an account held at PNC Bank in the name of the Estate of T.S. The account did not hold any additional funds other than the approximate \$138,306.67.

10. After May 16, 2019, T.S.'s mother regularly contacted and attempted to contact JONATHAN OLIVETTI to inquire when she would receive the \$138,306.67 from the Estate of T.S.

11. It was further a part of the scheme and artifice to defraud that JONATHAN OLIVETTI falsely informed T.S.'s mother that the Internal Revenue Service had seized and or frozen the approximately \$138,306.67 from the Estate of T.S.

12. It was further part of the scheme and artifice to defraud that on various dates between approximately May 16, 2019 and May 8, 2020, JOHNATHAN OLIVETTI withdrew and caused to be withdrawn a total

of \$91,991.28 from the account held at PNC Bank in the name of the Estate of T.S., and used those funds for personal expenses.

III. Statutory Allegations

13. From in or about May 2019, the exact date being unknown to in or about May 8, 2020, in the Eastern District of Pennsylvania and elsewhere, the defendant,

JONATHAN OLIVETTI,

with the intent to defraud, knowingly devised the above-described scheme and artifice to defraud to obtain money and property by materially false and fraudulent pretenses, representations, and promises.

14. For the purpose of executing, advancing, furthering, and carrying out the above described scheme and artifice to defraud, the defendant knowingly caused to be delivered by United States mail, and by private and commercial interstate carrier, documents relating to his representation of the Estate of T.S.

All in violation of Title 18, United States Code, Section 1341.

THE UNITED STATES ATTORNEY FURTHER CHARGES:

COUNT TWO

**TAX EVASION
[26 U.S.C. § 7201]**

From on or about November 9, 2015 through July 15, 2020, in Lackawanna County, Pennsylvania, within the Middle District of Pennsylvania, the defendant,

JONATHAN OLIVETTI,

willfully attempted to evade and defeat the payment of income tax due and owing by him to the United States of America, for the calendar years 2011, 2012 and 2014, in the amount of \$133,269.81, excluding interest accrued since assessment, by committing the following affirmative acts, among others:

1. using an Interest On Lawyer Trust Account (IOLTA) to hide personal funds from the Internal Revenue Service; and
2. providing false information about his interest in businesses and assets to an Internal Revenue Service Reporting Officer.

All in violation of Title 26, United States Code, Section 7201.

BRUCE D. BRANDLER
ACTING UNITED STATES ATTORNEY

Date: 2/25/2021

Jenny P. Roberts
JENNY ROBERTS
Assistant United States Attorney

Exhibit 2

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. : No. 3:
 :
 JONATHAN OLIVETTI :
 :
 Defendant :

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1
Wire Fraud
18 U.S.C. § 1343

I. Introduction

At times material to the Information:

Relevant Individuals and Entities

1. Defendant JONATHAN OLIVETTI resided in or about Philadelphia, Philadelphia County, within the Eastern District of Pennsylvania.

2. Olivetti Law, LLC was a limited liability company incorporated in the Commonwealth of Pennsylvania, with a business address located in Philadelphia, Philadelphia County, within the Eastern District of Pennsylvania. Olivetti Law, LLC was incorporated

on or about October 3, 2013, and JONATHAN OLIVETTI was listed as the sole organizer for Olivetti Law, LLC.

3. OLIVETTI was the sole employee of Olivetti Law, LLC.

4. The United States Small Business Administration (“SBA”) was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA included maintaining and strengthening the nation’s economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters. As part of those efforts, the SBA enabled and provided for loans with government-backed guarantees to small business owners through financial institutions and other lenders.

5. Lender #1, was located in Fort Lee, New Jersey. It was one of over 1,500 privately funded non-bank lenders approved by the SBA to process Paycheck Protection Program (“PPP”) loans.

The Paycheck Protection Program

6. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in March 2020 that provided emergency financial assistance to millions of Americans suffering financial difficulties from the economic impact of the COVID-19

pandemic. One source of relief provided by the CARES Act was the authorization of approximately \$349 billion in forgivable loans to small businesses, through the PPP. In April 2020, Congress authorized an approximate \$310 billion of additional PPP funding.

7. PPP loan proceeds were authorized to be used for businesses' employee payroll, mortgage interest, lease, and utilities expenses. The principal amount of and interest on a PPP loan was entirely forgivable if the business spent the loan proceeds on those authorized expenses within a designated period of time, and also spent a certain percentage of the PPP loan proceeds on payroll expenses.

8. To obtain a PPP loan, a qualifying business was required to submit a loan application signed by an authorized representative of the business. The PPP loan application required the business (through its authorized representative) to acknowledge the program rules and to make affirmative certifications, in order to be eligible to obtain the PPP loan.

9. In the PPP loan application, the applicant (through its authorized representative) was required to state, among other things, its: (a) average monthly payroll expenses; and (2) number of employees. Those figures were used to calculate the amount of money that the

small business was eligible to receive through the PPP. An applicant also was required to provide documentation showing its payroll expenses.

10. Although the SBA oversaw the PPP, PPP loan applications were processed by participating lenders, including Lender #1, who received and processed PPP loan applications and supporting documentation. If a PPP application was approved, the participating lender funded the PPP loan through its own monies, which were 100% guaranteed by the SBA. Data from the PPP loan application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the PPP loan.

The Economic Injury Disaster Loan Program

11. Another source of relief provided by the CARES Act was the expansion of an existing disaster-related program – the Economic Injury Disaster Loan (“EIDL”) – to provide low-interest financing (including forgivable \$10,000 advances) to small businesses and other eligible entities. The CARES Act authorized the SBA to provide EIDL loans to eligible small businesses experiencing substantial financial disruption resulting from the COVID-19 pandemic.

12. To obtain an EIDL loan, a qualifying business was required to submit an application directly to the SBA and provide information about the business's operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDL loans for COVID-19 relief, the 12-month period was the 12-month period from January 31, 2019, to January 31, 2020. The applicant was also required to certify that all of the information in the application was true and correct to the best of the applicant's knowledge.

13. EIDL loan applications were submitted directly to the SBA and processed by the agency with support from a government contractor. The amount of the loan, if the application was approved, was determined based, in part, on the information provided by the applicant about employment, revenue, and cost of goods sold. Any funds issued under an EIDL loan were issued directly by the United States Treasury.

14. As a general matter, EIDLs carried interest rates of 3.75% for for-profit corporations and 2.75% for non-profit corporations. The first payment on an EIDL loan was deferred for 12 months.

15. EIDL proceeds could only be used to pay fixed debts, payroll,

accounts payable and other bills that could have been paid had the disaster not occurred; however, such loan proceeds were not intended to replace lost sales or profits or for expansion of a business. Moreover, EIDL proceeds could not be used to “[r]efinance indebtedness which you incurred prior to the disaster event.” 13 C.F.R. § 123.303(b)(1).

II. Object of the Scheme to Defraud

16. The object of the scheme was for JONATHAN OLIVETTI to enrich himself by fraudulently obtaining funds, including two PPP loans of approximately \$20,800 each and two EIDL loans of approximately \$62,500, through misrepresentations and false documentation.

III. Statutory Allegations

17. Between on or about June 18, 2020 and on or about January 19, 2021, within the Eastern District of Pennsylvania and elsewhere, the defendant,

JONATHAN OLIVETTI,

having devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud, transmitted and caused to be transmitted by means of wire communications in

interstate commerce certain writings, signs, signals, pictures, and sounds; namely, PPP Loan applications submitted by the internet and interstate wires to Lender #1 and EIDL loan applications submitted by the internet and interstate wires.

IV. Manner and Means of the Scheme

It was part of the scheme and artifice to defraud that the defendant employed the following manner and means:

18. On or about June 19, 2020, the defendant used the internet and interstate wires to submit and cause to be submitted to Lender #1, a PPP loan application on behalf of Olivetti Law, LLC. The application contained material misrepresentations, including that Olivetti Law, LLC had a payroll of \$8,333 per month, when in fact the payroll was significantly less. The application certified that the information provided was true, under penalty of law.

19. In reliance on the fraudulent misrepresentations in the PPP loan application, Lender #1 distributed approximately \$20,800 in PPP loan funds to OLIVETTI.

20. On or about January 19, 2021, the defendant used the internet and interstate wires to submit and cause to be submitted to Lender #1, a PPP loan application on behalf of Olivetti Law, LLC. The

application contained material misrepresentations, including that Olivetti Law, LLC had a payroll of \$8,320 per month, when in fact the payroll was significantly less. The application certified that the information provided was true, under penalty of law.


21. In reliance on the fraudulent misrepresentations in the second PPP loan application, Lender #1 distributed approximately \$20,800 in PPP loan funds to OLIVETTI.

22. Between approximately June 2020 and February 2021, the defendant used the internet and interstate wires to submit and cause to be submitted to the SBA two EIDL loan applications each seeking approximately \$62,500 on behalf of Olivetti Law, LLC. The applications contained material misrepresentations and ultimately were not approved by the SBA.

All in violation of Title 18, United States Code, Section 1343.

JOHN C. GURGANUS
United States Attorney

By:



JENNY R. ROBERTS
Assistant United States Attorney

Date: 12/13/2021

Exhibit 3

UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

UNITED STATES OF AMERICA)

v.)

JONATHAN OLIVETTI)

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:21-CR-00087 & 1:21-CR-00380

USM Number: 44033-509

Robert J. Daniels, Jr., Esquire

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 3:21-CR-00087-01 - Count 1 & 2 and 1:21-CR-00380 - Count 1

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1341	Mail Fraud	5/8/2020	1
26 U.S.C. § 7201	Tax Fraud	7/15/2020	2
18 U.S.C. § 1343	Wire Fraud (1:21-CR-00380)	1/19/2021	1

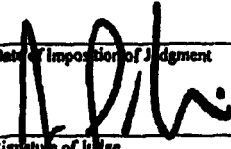
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/9/2023
Date of Imposition of Judgment


Signature of Judge

Jennifer P. Wilson, United States District Judge
Name and Title of Judge

Certified from the record

Date 5/20/23

Peter J. Welsh, Clerk

Per 

Deputy Clerk

5/9/2023
Date

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: Twenty-Seven (27) months. This term consists of 27 months on each of Counts 1 and 2 at docket number 3:21CR087-01, and on Count 1 at docket number 1:21CR380-01, all to run concurrently.

- The court makes the following recommendations to the Bureau of Prisons:
The court recommends placement at FCI Allenwood Low.

- The defendant is remanded to the custody of the United States Marshal.

- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____.
 - as notified by the United States Marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on 6/9/2023.
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL
By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Two (2) years. This term consists of two years on each of Counts 1 and 2 at docket number 3:21CR087-01, and on Count 1 at docket number 1:21CR00380-001, to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.
14. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines or special assessments.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEPENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

ADDITIONAL SUPERVISED RELEASE TERMS

1. You must cooperate in the collection of a DNA sample;
2. You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.) which could include an evaluation and completion of any recommended treatment;
3. You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.) which could include an evaluation and completion of any recommended treatment;
4. You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription;
5. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods;
6. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court;
7. You must apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation;
8. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office;
9. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer;
10. You must pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty; and
11. You must not engage in an occupation, business, profession, or volunteer activity that would require or enable you to engage in financial transactions without the prior approval of the probation officer.

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS \$ 300.00 \$ 287,861.09 \$ \$ \$

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(f), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Susan Szychulski		\$91,991.28	
Internal Revenue Service		\$133,269.81	
Small Business Administration		\$21,800.00	
MBE Capital		\$20,800.00	

TOTALS \$ 0.00 \$ 287,861.09

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 268,161.09 due immediately, balance due
- not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g. months or years), to commence _____ (e.g. 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g. months or years), to commence _____ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g. 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
During the term of imprisonment, the balance of the restitution is payable every three months in an amount, after a telephone allowance, equal to 50 percent of the funds deposited into the defendant's inmate trust fund account. In the event the restitution is not paid in full prior to the commencement of supervised release, the defendant shall, as a condition of supervised release, satisfy the amount due in monthly installments of no less than \$100, to commence thirty days after release from confinement.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JYTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

UNITED STATES OF AMERICA

v.

JONATHAN OLIVETTI

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 3:21-CR-00087 & 1:21-CR-00380

USM Number: 44033-509

Date of Original Judgment: 5/9/2023
(Or Date of Last Amended Judgment)

Robert J. Daniels, Jr., Esquire
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 3:21-CR-00087-01 - Count 1 & 2 and 1:21-CR-00380 - Count 1

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1341	Mail Fraud	5/8/2020	1
26 U.S.C. § 7201	Tax Fraud	7/15/2020	2
18 U.S.C. § 1343	Wire Fraud (1:21-CR-00380)	1/19/2021	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/31/2023
Date of Imposition of Judgment

Jennifer P. Wilson
Signature of Judge

Jennifer P. Wilson, U.S. District Judge
Name and Title of Judge

5/31/2023
Date

Certified from the record

Date 6/20/23

Peter J. Welsh, Clerk

Per [Signature]
Deputy Clerk

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: Twenty-Seven (27) months. This term consists of 27 months on each of Counts 1 and 2 at docket number 3:21CR087-01, and on Count 1 at docket number 1:21CR380-01, all to run concurrently.

- The court makes the following recommendations to the Bureau of Prisons:
*The court recommends placement at FCI Fort Dix.

- The defendant is remanded to the custody of the United States Marshal.

- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____.
 - as notified by the United States Marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on 6/9/2023
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

Two (2) years. This term consists of two years on each of Counts 1 and 2 at docket number 3:21CR087-01, and on Count 1 at docket number 1:21CR00380-001, to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. § 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JONATHAN OLIVETTI

CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.
14. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines or special assessments.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JONATHAN OLIVETTI

CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

ADDITIONAL SUPERVISED RELEASE TERMS

1. You must cooperate in the collection of a DNA sample;
2. You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.) which could include an evaluation and completion of any recommended treatment;
3. You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.) which could include an evaluation and completion of any recommended treatment;
4. You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription;
5. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods;
6. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court;
7. You must apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation;
8. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office;
9. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer;
10. You must pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty; and
11. You must not engage in an occupation, business, profession, or volunteer activity that would require or enable you to engage in financial transactions without the prior approval of the probation officer.

DEFENDANT: JONATHAN OLIVETTI
CASE NUMBER: 3:21-CR-00087 & 1:21-CR-00380

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 300.00	\$ 267,861.09	\$	\$	\$

The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Susan Szychulski		\$91,991.28	
Internal Revenue Service		\$133,269.81	
Small Business Administration		\$21,800.00	
MBE Capital		\$20,800.00	

TOTALS \$ _____ 0.00 \$ _____ 267,861.09

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JONATHAN OLIVETTI
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Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

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- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
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During the term of imprisonment, the balance of the restitution is payable every three months in an amount, after a telephone allowance, equal to 50 percent of the funds deposited into the defendant's inmate trust fund account. In the event the restitution is not paid in full prior to the commencement of supervised release, the defendant shall, as a condition of supervised release, satisfy the amount due in monthly installments of no less than \$100, to commence thirty days after release from confinement.

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Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.
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- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTIA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Jessica L. Chapman

Name: Jessica L. Chapman, Disciplinary Counsel

Attorney No.: 323038