

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

~~Eastern District of Kentucky~~
FILED
OCT 20 2022
AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 2:22-cr-71-DLB

ANTOINE A. BERENYI,
aka TONY BERENYI

* * * * *

THE GRAND JURY CHARGES:

COUNT 1
18 U.S.C. § 1349

Beginning in or about late 2017, and continuing through on or about November 22, 2019, in Gallatin County, in the Eastern District of Kentucky, and elsewhere,

ANTOINE A. BERENYI,
aka TONY BERENYI,

knowingly and voluntarily conspired with at least one other person, J.G. Vinson, to commit the crime of honest services wire fraud (18 U.S.C. §§ 1343 & 1346), that is, to devise a scheme to deprive Nucor Steel Gallatin, LLC (“Nucor”), of its right to the honest services of its employee, Vinson, by concealing material facts in order to deceive Nucor that Vinson was acting in his employer’s interest when in fact he was participating in a kickback scheme and, for the purpose of executing and furthering the fraudulent scheme, transmitted and caused to be transmitted wire communications in interstate commerce.

PURPOSE OF THE CONSPIRACY

It was the purpose of the conspiracy for **BERENYI** and Vinson to engage in a kickback scheme wherein **BERENYI** would pay Vinson a certain percentage of business or contract value as a kickback for deceptively steering Nucor business and contracts to **BERENYI** and **BERENYI's** business, thereby unlawfully enriching **BERENYI** and Vinson without regard for the interests of Nucor, without disclosing the arrangement to Nucor, and causing Nucor to incur expense not legitimately part of business or a contract's value.

MANNER AND MEANS OF THE CONSPIRACY

The following manner and means, among others, were used as part of the conspiracy:

1. **BERENYI** met Vinson, whom Nucor employed as an engineer, in approximately 2008 and developed a professional and personal relationship with Vinson over several years.
2. In late 2017, **BERENYI** met Vinson for dinner at Belterra Casino Hotel and proposed paying Vinson a "finder's fee" for ensuring **BERENYI's** business would receive the contract for an upcoming Nucor mill expansion project.
3. **BERENYI** and Vinson devised a kickback scheme in which **BERENYI** agreed to pay Vinson a "finder's fee" of either 30% of the net profits or 15% of the gross billings for the upcoming mill expansion project, without Nucor's knowledge or approval.

4. **BERENYI** concealed the expense of the kickback to Vinson by including it as a cost in **BERENYI's** proposal to Nucor, without Nucor's knowledge or approval.
5. After Nucor paid **BERENYI** pursuant to the contract, **BERENYI** or **BERENYI's** business paid Vinson his kickback amount through wire transfers and checks, which traveled in interstate commerce. Nucor's payments to **BERENYI** originated in the Eastern District of Kentucky, and monetary transfers to **BERENYI** and to Vinson crossed into South Carolina and Ohio.

All in violation of 18 U.S.C. § 1349.

COUNTS 2-15
18 U.S.C. § 1343

All of the above allegations are realleged and incorporated by reference as if fully set forth herein.

On or about each of the dates listed in the below table, in Gallatin County, in the Eastern District of Kentucky, and elsewhere,

ANTOINE A. BERENYI,
aka TONY BERENYI,

having devised a scheme or artifice to defraud and to obtain money or property by means of false or fraudulent pretenses, representations, or promises—that is, the scheme or artifice described in Count 1 of this Indictment—knowingly, and with intent to defraud, caused to be transmitted by means of wire communication in interstate or foreign commerce, the writings, signs, signals, pictures, and sounds summarized in the following

table—that is, the ACH payments from Nucor Steel Gallatin LLC, to Berenyi, Inc.—all for the purpose of executing such scheme or artifice:

Count #	Date Posted	Reference/Memo	Payment Amount
2	11/9/2018	NUCOR STEEL GALL ACH 181109 00206909 0000BERENYI INCORPOR	\$787,280.00
3	11/23/2018	NUCOR STEEL GALL ACH 181121 00207392 0000BERENYI INCORPOR	\$698,315.00
4	12/21/2018	NUCOR STEEL GALL ACH 181220 00208564 0000BERENYI INCORPOR	\$462,150.00
5	1/11/2019	NUCOR STEEL GALL ACH 190111 00209417 0000BERENYI INCORPOR	\$526,250.00
6	2/15/2019	NUCOR STEEL GALL ACH 190215 00210760 0000BERENYI INCORPOR	\$561,250.00
7	3/22/2019	NUCOR STEEL GALL ACH 190322 00212142 0000BERENYI INCORPOR	\$387,500.00
8	4/19/2019	NUCOR STEEL GALL ACH 190418 00213347 0000BERENYI INCORPOR	\$475,000.00
9	5/17/2019	NUCOR STEEL GALL ACH 190517 00214519 0000BERENYI INCORPOR	\$475,000.00
10	6/14/2019	NUCOR STEEL GALL ACH 190614 00215620 0000BERENYI INCORPOR	\$475,000.00
11	7/12/2019	NUCOR STEEL GALL ACH 190712 00216753 0000BERENYI INCORPOR	\$484,275.00
12	8/20/2019	NUCOR STEEL GALL ACH 190820 00218285 0000BERENYI INCORPOR	\$475,000.00
13	9/13/2019	NUCOR STEEL GALL ACH 190913 00219243 0000BERENYI INCORPOR	\$475,000.00
14	10/11/2019	NUCOR STEEL GALL ACH 191011 00220376 0000BERENYI INCORPOR	\$475,000.00
15	12/6/2019	NUCOR STEEL GALL ACH 191206 00222548 0000BERENYI INCORPOR	\$614,565.00

All in violation of 18 U.S.C. § 1343.

COUNTS 16-20
18 U.S.C. § 1956(a)(1)(A)(i)

All of the above allegations are realleged and incorporated by reference as if fully set forth herein.

On or about each of the dates listed in the below table, in the District of South

Carolina—a District to which the proceeds of specified unlawful activity were transferred from the Eastern District of Kentucky and with the Defendant’s participation—and elsewhere,

**ANTOINE A. BERENYI,
aka TONY BERENYI,**

knowingly conducted financial transactions affecting interstate and foreign commerce—that is, the kickback payments to Vinson summarized in the following table—which involved the proceeds of a specified unlawful activity—that is, wire fraud, in violation of 18 U.S.C. § 1343, as charged in Counts 2-15 of this Indictment—with the intent to promote the carrying on of such specified unlawful activity, and knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity while conducting such financial transactions.

Count #	Date	Bank of America Account Number of Recipient Account	Payment Amount
16	11/20/2018	XXXX-XXXX-0453	\$111,750.00
17	1/18/2019	XXXX-XXXX-0453	\$69,187.50
18	1/29/2019	XXXX-XXXX-0453	\$69,187.50
19	1/31/2019	XXXX-XXXX-0453	\$78,937.50
20	3/21/2019	XXXX-XXXX-0453	\$28,062.50

All in violation of 18 U.S.C. § 1956(a)(1)(A)(i).

**COUNTS 21-25
18 U.S.C. § 1957(a)**

All of the above allegations are realleged and incorporated by reference as if fully set forth herein.

On or about each of the dates listed in the below table, in the District of South Carolina—a District to which the proceeds of specified unlawful activity were transferred

from the Eastern District of Kentucky and with the Defendant's participation—and elsewhere in the United States,

**ANTOINE A. BERENYI,
aka TONY BERENYI,**

knowingly engaged in monetary transactions in criminally derived property of a value greater than \$10,000 affecting interstate and foreign commerce—that is, the kickback payments to Vinson summarized in the following table—which were derived from specified unlawful activity—that is, wire fraud, in violation of 18 U.S.C. § 1343, as charged in Counts 2-15 of this Indictment.

Count #	Date	Bank of America Account Number of Recipient Account	Payment Amount
21	11/20/2018	XXXX-XXXX-0453	\$111,750.00
22	1/18/2019	XXXX-XXXX-0453	\$69,187.50
23	1/29/2019	XXXX-XXXX-0453	\$69,187.50
24	1/31/2019	XXXX-XXXX-0453	\$78,937.50
25	3/21/2019	XXXX-XXXX-0453	\$28,062.50

All in violation of 18 U.S.C. § 1957(a).

FORFEITURE ALLEGATIONS

18 U.S.C. § 981(a)(1)

18 U.S.C. § 982(a)

28 U.S.C. § 2461(c)

All of the above allegations are realleged and incorporated by reference as if fully set forth herein.

Pursuant to 18 U.S.C. § 981(a)(1), 18 U.S.C. § 982(a), and 28 U.S.C. § 2461(c), upon conviction of the felony offenses charged in this Indictment, **ANTOINE A. BERENYI, aka TONY BERENYI**, shall forfeit any property, real or personal, involved in the offenses, any property traceable to such property, or any property that constitutes

or is derived from proceeds traceable, directly or indirectly, to the commission of the offenses, including, but not limited to:

MONEY JUDGMENT:

\$396,500, representing the proceeds obtained as a result of the crimes.

By virtue of the commission of the felony offenses charged in this Indictment, any and all interest **ANTOINE A. BERENYI, aka TONY BERENYI**, has in this property is vested in, and hereby forfeited to, the United States pursuant to 18 U.S.C. § 981(a)(1), 18 U.S.C. § 982(a), and 28 U.S.C. § 2461(c).

If any of the property described above, 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 divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property in which the Defendant has an interest, up to the value of the property subject to forfeiture, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL



FOREPERSON


CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

COUNTS 1-15: Not more than 20 years imprisonment; fine of \$250,000 or twice the gross gain or loss, whichever is greater; and 3 years supervised release.

COUNTS 16-23: Not more than 20 years imprisonment; fine of \$500,000 or twice the value of the property involved in the transactions, whichever is greater; and 3 years supervised release.

COUNTS 24-31: Not more than 10 years imprisonment; fine of \$250,000 or twice the amount of the criminally derived property involved in the transactions, whichever is greater; and 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per Count.

PLUS: Forfeiture.

PLUS: Restitution.