

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. _____
v.)	
)	Violations: Title 18, United
ROBERT J. YONKEE, JR.,)	States Code, Sections 152(1),
a/k/a Robert Yonkee)	152(2), and 152(3)

COUNT ONE

The MARCH 2013 GRAND JURY charges:

1. At times material to this Indictment

a. Defendant Robert J. Yonkee, Jr., also known as Robert Yonkee, was a resident of Machesney Park, Illinois.

b. To begin a bankruptcy case, a bankruptcy petition had to be filed in the United States Bankruptcy Court. Persons or businesses that filed a bankruptcy petition were referred to as “debtors” under federal bankruptcy law.

c. One type of bankruptcy case was a Chapter 7 bankruptcy. Chapter 7 of the Bankruptcy Code (Title 11 of the United States Code), provided that debtors could obtain a fresh financial start through the discharge of some types of debt. A debtor that received a discharge had no further legal obligation to pay any debt that was discharged.

d. A debtor that filed a Chapter 7 bankruptcy petition was required by law to fully disclose any and all interests he might have in any type of assets, including all real property and personal property, whether or not the assets were held in the debtor's name, held in the name of another person for the benefit of the debtor, or held as collateral. The debtor was also required to disclose all liabilities and debts owed to creditors. The assets and liabilities of the debtor comprised what was called the debtor's "bankruptcy estate."

e. A debtor's assets, liabilities, and other information were required to be listed in various "schedules" and a "statement of financial affairs." The debtor was required to sign declarations of the accuracy of the schedules and statement of financial affairs under penalty of perjury. The schedules and statement of financial affairs were required to be filed with the Bankruptcy Court.

f. The United States Trustee supervised the administration of bankruptcy cases. Upon the filing of a Chapter 7 bankruptcy petition, the United States Trustee appointed a person to act as the trustee for debtor's bankruptcy estate. The United States Trustee also supervised these trustees. The appointed trustee was responsible for the administration of the debtor's bankruptcy estate, including the liquidation of the debtor's property, if any,

and the distribution of a pro rata share of the proceeds from the property to the debtor's creditors.

g. After a Chapter 7 bankruptcy petition was filed, the debtor was required to appear at a meeting known as a "341 hearing." At the 341 hearing, the debtor was required to testify under oath in response to relevant questions by the trustee and creditors.

2. On September 15, 2008, defendant Robert J. Yonkee, Jr., caused a bankruptcy petition, schedules, and a statement of financial affairs to be filed with the Bankruptcy Court for the Western Division of the Northern District of Illinois in Rockford, Illinois. The case was titled *In re: Robert J. Yonkee, Jr.* and was assigned case number 08-72959.

3. From on or about September 15, 2008, through at least May 8, 2009, at Winnebago County, in the Northern District of Illinois, Western Division,

ROBERT J. YONKEE, JR.,
also known as Robert Yonkee,

defendant herein, knowingly and fraudulently concealed property belonging to the estate of the defendant from the bankruptcy trustee, creditors, and the United States Trustee in connection with a case under Title 11, United States Code, namely, *In re Robert J. Yonkee, Jr.*, No. 08-72959, in the United States Bankruptcy Court, Northern District of Illinois, Western Division.

Specifically, the defendant knowingly and fraudulently concealed property he claimed to own as described in the Verified Complaint for Replevin, Injunctive and Other Relief he filed in Circuit Court for Winnebago County, Illinois case number 09L191, including:

- a. an ownership interest in a business that sold auto parts, automobiles, and motorcycles,
- b. an ownership interest in United States Super Truck Racing Series,
- c. an ownership interest in Bobby Yonkee Racing,
- d. inventory,
- e. merchandise,
- f. capital,
- g. vehicles, and
- h. motorcycles;

In violation of Title 18, United States Code, Section 152(1).

COUNT TWO

The MARCH 2013 GRAND JURY further charges:

1. Paragraphs 1 and 2 of Count One of this Indictment are re-alleged and incorporated as if fully repeated here.

2. On or about September 15, 2008, at Winnebago County, in the Northern District of Illinois, Western Division, and elsewhere,

ROBERT J. YONKEE, JR.,
also known as Robert Yonkee,

defendant herein, knowingly and fraudulently made a material false declaration, verification, and statement under penalty of perjury, as permitted under section 1746 of Title 28, in and in relation to a case under Title 11, specifically *In re: Robert J. Yonkee, Jr.*, case number 08 B 72959 in that defendant Robert J. Yonkee, Jr. fraudulently stated that the Schedules he filed in the bankruptcy case were true and correct to the best of his knowledge, information, and belief, when in fact, as the defendant then well knew, Schedule B was not true and correct due to defendant Robert J. Yonkee, Jr.'s fraudulent omission of the following:

- a. an ownership in a business that sold auto parts, automobiles, and motorcycles,
- b. an ownership interest in United States Super Truck Racing Series,

- c. an ownership interest in Bobby Yonkee Racing,
- d. inventory,
- e. merchandise,
- f. capital,
- g. vehicles, and
- h. motorcycles;

and Schedule I was not true and correct, as the defendant also well knew, because unemployment benefits were not the defendant's only source of income;

In violation of Title 18, United States Code, Section 152(3).

COUNT THREE

The MARCH 2013 GRAND JURY further charges:

1. Paragraphs 1 and 2 of Count One of this Indictment are re-alleged and incorporated as if fully repeated here.

2. On or about September 15, 2008, at Winnebago County, in the Northern District of Illinois, Western Division, and elsewhere,

ROBERT J. YONKEE, JR.,
also known as Robert Yonkee,

defendant herein, knowingly and fraudulently made a material false declaration, verification, and statement under penalty of perjury, as permitted under section 1746 of Title 28, in and in relation to a case under Title 11, specifically In re: Robert J. Yonkee, Jr., case number 08 B 72959, in that defendant Robert J. Yonkee, Jr. fraudulently stated that the Statement of Financial Affairs he filed in the bankruptcy case was true and correct, when in truth and in fact, as the defendant then well knew, the answers to Questions 1 and 18 of the Statement of Financial Affairs were not true and correct due to defendant Robert J. Yonkee, Jr.'s fraudulent omissions of the following:

Question 1:

- a. income he received from businesses;

Question 18:

- b. an ownership in a business that sold auto parts, automobiles, and motorcycles,
- c. an ownership interest in United States Super Truck Racing Series, and
- d. an ownership interest in Bobby Yonkee Racing;

In violation of Title 18, United States Code, Section 152(3).

COUNT FOUR

The MARCH 2013 GRAND JURY further charges:

1. Paragraphs 1 and 2 of Count One of this Indictment are re-alleged and incorporated as if fully repeated here.

2. On or about October 16, 2008, at Rockford, in the Northern District of Illinois, Western Division, and elsewhere,

ROBERT J. YONKEE, JR.,
also known as Robert Yonkee,

defendant herein, knowingly and fraudulently made material false statements under oath in and in relation to a case under Title 11, specifically *In re: Robert J. Yonkee, Jr.*, No. 08 B 72959, by testifying under oath in a proceeding before the case trustee at a meeting of creditors that he had listed all of his debts and assets, when in fact as the defendant well knew, the schedules and statement of financial affairs were not true and correct because he had not listed all of his assets, namely:

- a. an ownership in a business that sold auto parts, automobiles, and motorcycles,
- b. an ownership interest in United States Super Truck Racing Series,
- c. an ownership interest in Bobby Yonkee Racing,
- d. inventory,

- e. merchandise,
- f. capital,
- g. vehicles, and
- h. motorcycles;

In violation of Title 18, United States Code, Section 152(2).

TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY