

INTRODUCTION

We, the members of the 26th Investigating Grand Jury, having received and reviewed evidence regarding allegations of violations of the Pennsylvania Crimes Code and related laws occurring in Philadelphia County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 7, do hereby make the following findings of fact and recommendations of charges:

FINDINGS OF FACT

This investigation was commenced as the result of an anonymous tip made to the Public Corruption Task Force of the Philadelphia District Attorney's Office regarding a person who was trying to steal real and personal property from the estate of an elderly woman who had recently passed away without heirs. As a result of our Grand Jury investigation, we uncovered a scheme to defraud the estate – and, in turn, the Commonwealth of Pennsylvania – that included eight individuals. The principals were Romanoff T. Quarles and his attorney, Andrew Kaufman, who used his position as an attorney at law to devise and execute the scheme. Others involved in disparate facets of the scheme were Vincent Marciano, a real estate agent who organized a sham sale of the estate's real property; Antoine Turay and Marvin Kimble, who are involved in the funeral home industry and created a false funeral bill that Kaufman then used in a court filing; and Damian Rivers, who was involved with an authorized title agent of the Pennsylvania Department of Motor Vehicles and permitted a sham sale of the estate's automobile.¹

¹ While conducting this investigation, the Grand Jury also received evidence pertaining to other criminal acts committed by Rivers. We shall present those ancillary findings of fact and recommendations of charges herein.

Frank and Dorothy Kennedy

Francis (“Frank”) and Dorothy Kennedy were a married couple living at a home they owned at 2816 South Marshall Street in Philadelphia. Mr. Kennedy had a son, Francis A. Kennedy, Jr., from a previous relationship, but the couple did not have any children of their own. Mr. Kennedy passed away on March 29, 2008. Mrs. Kennedy continued to live alone at their South Marshall Street home until she died there on August 21, 2010. Following her death, Mrs. Kennedy’s body was transported to the Philadelphia Office of Medical Examiner, where it remained for 30 days. It appears that she had no living relatives, and she did not have a will.

At the time of her death, Mrs. Kennedy owned multiple financial accounts. She had three accounts with Franklin Mint Federal Credit Union (“FMFCU”): a savings account with a balance of \$52,090.40; a checking account with a balance of \$1,418.18²; and a certificate of deposit with a balance of \$36,355.21. She also had an Individual Retirement Account through FMFCU with a date of death balance of \$14,435.87. Mrs. Kennedy also had an account with Wachovia Bank (which later became Wells Fargo), that had a balance of \$67,796.67 at the time of her death.³ The total value of these financial accounts at the time of her death was \$172,096.33. In addition to these accounts and the home she owned on South Marshall Street, Mrs. Kennedy also owned a 2005 Buick Lesabre that still was titled in the name of her deceased husband and parked in a space directly behind her house. Because Mrs. Kennedy died without a will, surviving spouse or any surviving heirs, all of her estate should have escheated to the Commonwealth of Pennsylvania as required by law.

² FMFCU acquired this checking account from Sentry Federal Credit Union.

³ For ease of reference, this Presentment will refer to this bank as “Wells Fargo.”

Romanoff Quarles and Andrew Kaufman, Esquire Hatch a Plan

Romanoff Quarles lived at 622 Johnston Street, around the corner from Mrs. Kennedy. After hearing from neighbors that she had died, Quarles determined that he wanted to acquire at least her home on South Marshall Street. To that end, Quarles contacted an attorney, Andrew Kaufman, who previously had represented a friend of Quarles in a real estate matter. Kaufman also focused his practice on probate and estate matters, and, as a result, had substantial experience with the Philadelphia Orphans Court and the Register of Wills office.⁴ In fact, Kaufman testified before the Grand Jury that he estimates that he may have handled over 200 matters before the Register of Wills and was intimately familiar with their procedures and personnel, as well as Pennsylvania probate and estate law.⁵ Kaufman used his experience and knowledge to devise a scheme that would allow his client, Quarles, to unlawfully exploit the system and steal property that, under the law, should have escheated to the Commonwealth of Pennsylvania.

In their initial telephone conversation after Mrs. Kennedy's death, Quarles briefly explained the purpose of his call and sought to make an appointment to meet with Kaufman to discuss the matter further. In their initial face-to-face meeting on August 24, 2010 (three days

⁴ The Register of Wills is responsible for receiving and probating wills and granting letters of administration in cases where individuals die without a will (intestate). The Register of Wills also serves as an agent for the Commonwealth of Pennsylvania for filing and payment of inheritance taxes and tax forms. When a person dies intestate, the Register has full discretion in deciding who to appoint as the administrator of an estate; when there is a will, that document controls who will execute the provisions of the will. Similarly, state law dictates to whom estate property will be distributed when a person dies without a will.

Issues or contests relating to the administration of an estate are filed before the Philadelphia County Orphans Court. The Orphans Court also has jurisdiction over appeals taken of decisions made by the Register of Wills.

⁵ The statutes relating to probate, estates and fiduciaries are set forth in Title 20 of the Pennsylvania Consolidated Statutes Annotated.

after Mrs. Kennedy's death), Quarles told Kaufman that a neighbor of his had passed away, that she did not have any heirs, and that he wanted a lawyer's help in acquiring the property at a low price that he wanted to pay. Kaufman advised Quarles that there was a process that they had to follow for Quarles to buy the property, but Kaufman did not explain what that process was in detail during this first meeting.

Shortly thereafter, Kaufman and Quarles had a second face-to-face meeting in which Kaufman provided much more specific instructions and advice for Quarles to acquire Mrs. Kennedy's property. Based on his experience and knowledge of estate law – and his knowledge about how things really work at the Register of Wills and Orphans Court – Kaufman advised Quarles that the best way to buy the property would be if Quarles became the administrator of the estate as a creditor. Kaufman believed that, once Quarles became the administrator of the Kennedy estate, it would be easy to get court approval for Quarles to sell the property to himself at the low price that he wanted to pay for it.

To become a creditor, Kaufman advised Quarles to “build up a case against the estate” by paying for expenses on behalf of the estate. One expense that Quarles could pay, Kaufman counseled him, was Mrs. Kennedy's funeral expenses. To do so, Quarles needed to claim the body from the Office of Medical Examiner (referred to herein as the “OME” or morgue) and then have a funeral home bury her body. Kaufman advised Quarles to obtain a receipt for the funeral expenses, which they could then use in a court filing as proof that Quarles had paid for estate expenses, supporting their plan to have Quarles named the administrator of the estate.

Kaufman also told Quarles that he could secure his position as a creditor of the estate if Quarles had performed services and/or paid expenses of Mrs. Kennedy prior to her death. He then encouraged Quarles to have documentation that would support – and exaggerate – the level

of such services. Taking his attorney's advice, Quarles obtained 2009 and 2010 calendars and doctored them to add dozens of false notations to make it seem as though he was regularly taking Mrs. Kennedy to the store or running errands for her.

At the second meeting, Quarles also paid \$2,000 cash to Kaufman as his retainer. On September 20, 2010, Kaufman sent a letter to Quarles confirming his representation and notifying Quarles that Kaufman would be charging him \$325 per hour. On the backside of this engagement letter, Quarles wrote "become administer of estate."

**The Scheme to Claim and Bury Mrs. Kennedy:
Marvin Kimble, Antoine Turay & A Bogus Bill**

To put their plan into action, Quarles first contacted the morgue in an effort to claim Mrs. Kennedy's body.⁶ The OME initially told Quarles that, because he was not a relative, he had to wait 30 days to see if a relative came forward to claim the body. Knowing that Mrs. Kennedy did not have any living relatives, Quarles next contacted Marvin Kimble, who had previously operated a funeral home at 53rd and Vine Streets in Philadelphia which Quarles' family had used. Quarles asked Kimble if he could help Quarles claim and then bury Mrs. Kennedy, and – most importantly – provide a receipt showing that Quarles had paid the funeral expenses.⁷ Although Kimble no longer had his own funeral home, he told Quarles that he could prepare a statement from another funeral home – the Turay Memorial Chapel owned and operated by Antoine Turay – and arrange for Turay to bury Mrs. Kennedy. For these "services," Kimble charged Quarles \$1,400, which Quarles paid in cash.

⁶ It was clear from Quarles' testimony that he was not claiming Mrs. Kennedy's body out of any affinity for the woman; rather, it was merely a means to an end: stealing her property.

⁷ In fact, Quarles admitted during his grand jury testimony that he did not care what happened to her body, just so long as she was buried.

The Statement of Funeral Goods and Services Selected, however, claimed a much higher total charge. In fact, two different statements were created on Turay Memorial Chapel letterhead that were signed by both a representative of the funeral home and Quarles. The first, dated September 14, 2010, has a total charge of \$6,820, and lists various services that were allegedly provided to Quarles and/or Mrs. Kennedy. Included within these purported services were the following:

Services of funeral director/staff	\$1,200
Embalming	\$ 650
Dressing and encasketing	\$ 300
Use of facilities and services for memorial services	\$ 375
Use of equipment and services for viewing/visitation at other facility	\$ 275
Vehicle to transfer remains to funeral home	\$ 175
Hearse (casket coach)	\$ 300
Limousine	\$ 300
Casket	\$2,400
Opening grave	\$ 500
Certified copies of death certificate	\$ 45
Obituaries	\$ 300

Kimble testified before the Grand Jury that the signature at the bottom of the statement was Turay's. During his Grand Jury testimony, Turay claimed that this statement was signed by Kimble, and that it represented only an estimate. However, he also testified that an "estimate" would be effective if it was signed, which the first one, dated September 14, 2010, was.

But there also was a second signed statement that was dated three days later, September 17, 2010. The second statement, which was produced by Turay during his Grand Jury appearance, states a total charge of \$5,963:

Services of funeral director/staff	\$1,200
Embalming	\$ 950
Dressing and encasketing	\$ 285
Use of facilities and services for memorial services	\$ 375
Use of equipment and services for viewing/visitation at other facility	\$ 375
Vehicle to transfer remains to funeral home	\$ 175
Hearse (casket coach)	\$ 285
Limousine	\$ 285
Casket	\$1,800
Acknowledgement	\$ 45
Register book	\$ 35
Opening grave	\$ 700
Certified copies of death certificate	\$ 90
Obituaries	\$ 300

The itemized services actually add up to \$6,900, not the \$5,963 listed as the total. During his Grand Jury testimony, Turay admitted that the signature on this second statement, which appears to be the same as the one on the first, is his. The \$5,963 total charge is also set forth in a letter purportedly sent by Turay Memorial Chapel to Quarles; the letter has a line claiming that the bill had been “paid in full.”⁸

Quarles admitted to the Grand Jury that Kimble and Turay prepared the statements as part of a charade to artificially inflate the funeral expenses that Kaufman would then use in a court filing. Kimble and Turay knew and understood that the listed services would not actually be performed for Mrs. Kennedy, hence their receipt and acceptance of only \$1,400 rather than the

⁸ The letter was dated August 21, 2010, which was the date of Mrs. Kennedy’s death. Turay claimed that it was his funeral home’s standard operating procedure to date the letters with the deceased date of death.

overstated totals of \$6,820 or \$5,963 in the statements, and the direct burial of Mrs. Kennedy from the morgue to the cemetery.⁹ Indeed, Kaufman testified that their only job would be to prepare the bogus bill and arrange for her burial, which they did by paying Merion Memorial Park \$500 to bury her in a pauper's grave. None of the actors – Quarles, Kaufman, Kimble, or Turay – bothered to search for Mr. Kennedy's body to ensure that Mrs. Kennedy would be buried with him. Her coffin was stacked on two others in a shared plot.

Kaufman Uses A Court Filing With The Register Of Wills To Execute The Scheme

Quarles then passed the bogus funeral bill on to his lawyer. Kaufman cited and attached it to a Petition to Issue Citation to Permit Issuance of Letters of Administration to Romanoff T. Quarles (the "Citation Petition") that he filed with the Register of Wills on May 2, 2011. Significantly, someone had written "Paid in Full" on the copy of the bogus bill that was attached to the court filing, which was false and misleading. Neither Kaufman nor Quarles admitted to writing this notation on the document prior to its filing. The Grand Jury reviewed the original bogus bill that Quarles produced; the "Paid in Full" notation is not present on the original document.

On May 19, 2011, John Raimondi, the First Deputy Register at the Register of Wills Office, held a "hearing," which, based on Kaufman's testimony, sounded like an informal meeting in a conference room in the Register of Wills' offices. Raimondi declined to appoint Quarles as the administrator of the estate because he was listed as its creditor. Instead, he turned

⁹ Antoine Turay was the only party to this arrangement who maintained in his Grand Jury testimony that the services were actually performed for Mrs. Kennedy. Turay went so far as to claim that an "obituary" is not a news article reporting a person's death and funeral details, but rather a printed card given out to the people who attended the memorial held for Mrs. Kennedy. Not only did Quarles disavow any such memorial and the listed services, but the documentation from the OME and Merion Memorial Park make clear that Mrs. Kennedy's body went directly from the morgue to the cemetery.

to Kaufman, Quarles' attorney, and appointed him as the administrator, overlooking an obvious conflict of interest. Unsurprisingly, as Kaufman readily admitted in his Grand Jury testimony, he continued to view Quarles as his client and never represented and protected the estate to the extent that he should have given his appointment as its administrator. The Register of Wills formally granted the Letters of Administration to Kaufman on August 30, 2011. According to Pennsylvania law, before the Register of Wills grants letters of administration, Kaufman was required to "well and truly administer the estate according to law." He did not do so.

**Kaufman Files A False And Misleading Inventory With
The Register Of Wills Office To Hide Mrs. Kennedy's Financial Accounts**

After Quarles claimed Mrs. Kennedy's body and her personal belongings that were at the OME, which included her keys, Kaufman advised him to go through Mrs. Kennedy's home to see if he could find any important documents in the house – birth certificates, Social Security cards, or financial account information. He also told Quarles to go through Mrs. Kennedy's mail to see if there were any bank statements or other documents that they may need to prepare an inventory of the estate's assets. Quarles testified that he began bringing the mail and bank statements to Kaufman two or three months after Mrs. Kennedy's death, which would mean around October or November of 2010. For his part, Kaufman conceded that by May 2011 he knew that Mrs. Kennedy had at least an account with Wells Fargo.

Notwithstanding this knowledge, on September 8, 2011, Kaufman filed an Inventory with the Register of Wills, falsely claiming that the estate included only the real property located at 2816 South Marshall Street. In fact, less than two weeks after he filed the deficient Inventory, Kaufman sent letters to Sentry Federal Credit Union and Wells Fargo seeking date of death account balances and to close the accounts. These letters support the inference that he

intentionally omitted any of the bank accounts that, by the time he filed the Inventory, he knew that she possessed.

**Kaufman Then Uses A Court Filing With
The Orphans Court To Let Quarles Steal The Kennedy House**

Once Kaufman became administrator of the estate, he was obligated to take appropriate steps to safeguard the estate's assets and act in its best interests. His duties included the following: trying to find any heirs; locating and protecting the assets of the estate; paying debts, expenses and taxes of the estate from the assets of the estate; complying with the requirements of state and federal law; and distributing property to the heirs or, in the case of no heirs, escheating the property to the Commonwealth. The administrator owes a fiduciary duty to the estate itself.

As he admitted in his Grand Jury testimony, however, Kaufman continued to see Quarles as his client, not the estate, "and that was just improper." Indeed, his appointment as administrator did not change their overall plan. Just as they had discussed in their initial meetings, they would seek approval of the Orphans Court to sell the South Marshall Street house to Quarles at an extremely low price that Quarles set. The only difference now was that Kaufman would sign as the administrator and attorney of the estate, and not just as Quarles' attorney.

In early March, 2012, Kaufman contacted Vincent J. Marciano, a real estate broker based in South Philadelphia. Kaufman had known Marciano for years, dating back to Marciano's employment in the Register of Wills Office as a probate clerk. Over the past 7 or 8 years, Kaufman had used Marciano for multiple real estate transactions.

For the sale of Mrs. Kennedy's home, Kaufman already knew that he was going to sell the home to Quarles. Accordingly, as he admitted in his Grand Jury testimony, he never even thought of asking Marciano to market the property to attract other potential buyers in an effort to

increase the purchase price and maximize the value of the estate. Rather, he wanted Marciano to handle a contract exclusively for Quarles and to do “whatever needed to be done” to consummate the sale for \$26,000. He also needed Marciano to obtain two appraisals, as required by the Orphans Court rules, to support the sale.¹⁰

Marciano clearly understood what Kaufman needed to achieve his goal. For the two appraisals, he contacted John DiGennaro and Joseph Catroppa and told them to come up with reports that supported the \$26,000 value. To assist them, Marciano searched recent real estate transactions and cherry-picked ones that had similar closing prices, knowing that the amount Quarles wanted to pay was less than the fair market value of the property. He then provided this information to the appraisers so they would then have superficial support for coming back with the same number. On March 26, 2012, an “Appraisal Report” was ostensibly prepared by John DiGennaro, which listed the value of Mrs. Kennedy’s home at \$26,000. Three days later, a second appraisal report was prepared by Joseph Catroppa, and valued the home at \$26,500. Kaufman never dealt directly with DiGennaro or Catroppa; rather, Kaufman engaged Marciano, who then instructed DiGennaro and Catroppa in their work. Kaufman wrote two checks, made payable to the ostensible appraisers, for \$350 each, and gave those checks to Marciano. Marciano, in turn, was paid a flat-fee of \$4,500 to “look the other way” and let the sham sale go forward.

¹⁰ Rule 12.10 of the Orphans Court rules governs the private sale of real property. The rule sets forth the requirements for a petition seeking authorization to conduct such a sale. The plain language of the rule makes clear that a private sale is authorized only when the petition itself avers that the private sale can obtain a higher price for the property than a public sale can. Indeed, subsection (b), which details the requirement for two appraisals, requires that the persons setting forth that, in their opinion, “the proposed consideration is more than can be obtained at public sale.” Given these requirements, the Petition to Sale and supporting appraisal reports are facially defective because they never even aver that the private sale to Quarles could net the estate a higher price than a public sale could.

On April 4, 2012, armed with the bogus appraisals, Kaufman filed a Petition Authorizing Sale of Decedent's Real Property ("Petition to Sell") with the Philadelphia County Orphans Court.¹¹ The Petition to Sell cited the two appraisals that Kaufman and Marciano had arranged, and then advised the Orphans Court that an agreement of sale already had been executed between Kaufman and Quarles to sell the property for \$26,000. Kaufman concluded the Petition to Sell by submitting that "[t]he sale is desirable for the proper administration and distribution of the estate because there are no known heirs at this time . . . and there is the potential for vandalism, damage, waste, and/or loss of the property if it is not sold in a timely manner."

Just as Kaufman had predicted at the beginning of his relationship with Quarles, on April 10, 2012, the Orphans Court officially authorized the sale of the property to Quarles. The sale actually closed on May 2, 2012. The total net proceeds to the estate from the sale were \$16,527.22. Interestingly, on the same date, Kaufman executed a transfer tax certification in which he described the transaction as a "bona fide sale at arm's length," and lists a "fair market value" for the property of \$52,380.16, based on the county assessed value formula. Thus, based on his own filing, Kaufman knew that he was selling the property to Quarles for half of its "fair market value," thereby cheating the Commonwealth out of tens of thousands of dollars.

Kaufman Then Files A False And Misleading Inheritance Tax Return

On December 23, 2011, the Pennsylvania Department of Revenue issued a Notice of Overdue Inheritance Tax Return to Kaufman, stating that a return was supposed to have been

¹¹ In that court filing, Kaufman stated that "[t]he Inventory of the assets of the decedent's estate has *not* been filed, but the total estimated value of the estate is \$116,000.00, of which \$26,000.00 is the proposed gross sale proceeds of the decedent's real property" (emphasis added). By this statement, Kaufman confirmed that he was aware of at least \$90,000 of estate property outside of the South Marshall Street home. As made clear above, however, Kaufman already had filed an Inventory, meaning he made an intentional false statement in the Petition to Sell.

filed within 9 months of Mrs. Kennedy's death – that is, by May 20, 2011. Kaufman failed to file the required Inheritance Tax Return until May 1, 2012, one day before the closing on the real estate sale. In the return he filed on behalf of the estate, Kaufman once again falsely claimed, despite clear knowledge to the contrary, that the estate included only the South Marshall Street home, which he valued at \$26,000. After accounting for expenses and debts – including \$6,820 for purported funeral expenses and \$10,887.50 in attorney fees, and \$700 in appraisal fees – Kaufman claimed that the estate had a total value of \$2,451.99 and, therefore, did not owe any taxes. On August 20, 2012, two years to the day of Mrs. Kennedy's death, the Pennsylvania Department of Revenue issued a notice in which it accepted Kaufman's appraised values and deductions.

Kaufman plainly failed to include any of the financial accounts of which, by this time, he clearly was aware. In fact, he already had received three checks totaling \$168,299.42 from Mrs. Kennedy's financial institutions. The checks came from Franklin Mint Federal Credit Union (checks for \$91,608.79 and \$14,603.86, totaling \$106,212.65) and Wells Fargo (one check for \$62,086.77). Furthermore, his tax filing is contradicted by the Petition to Sell that he had filed only one month earlier, in which he acknowledged that he already knew that Mrs. Kennedy's estate contained at least \$90,000 of non-real property assets.

The Grand Jury also received evidence, produced by Kaufman in response to a subpoena, further demonstrating his culpability in this regard. Included within Kaufman's file was a draft of a Pennsylvania Inheritance Tax Return that he never filed. In that undated draft, Kaufman listed two bank accounts in the schedule for cash, bank deposits and miscellaneous personal property. He included the Wells Fargo account, valued at \$67,795.57, and one from Sentry Federal Credit Union, valued at \$1,418.18. The draft also includes a handwritten notation,

“91,608.79,” that corresponds with the Franklin Mint Federal Credit Union check that he received on March 13, 2012, and deposited into his bank account two days later.

Kaufman, as an experienced practitioner, obviously knew that Mrs. Kennedy’s estate should have escheated to the Commonwealth of Pennsylvania because she had no heirs at the time of her death. Still, he failed to distribute the assets of the estate to the Commonwealth as he was required to do. Instead, he kept the assets, which ultimately totaled \$180,729, in his own bank account. It was only after he was subpoenaed before the Grand Jury that he segregated that amount in a bank account he opened for the Estate of Dorothy Kennedy. However, he still has not distributed that money to the Commonwealth over a year later. The obvious question is what was Kaufman planning to do with the money until the Grand Jury began its investigation. What is clear is that Kaufman personally exercised dominion and control over the assets for more than one year before he properly accounted for the estate’s money.

Kaufman Uses Estate Funds To Reimburse Quarles \$2,000

On May 21, 2012, Kaufman wrote a check to Quarles in the amount of \$2,000, to reimburse his client for the initial retainer that Quarles had paid. By the time the Register of Wills ordered that letters of administration shall be issued to Kaufman on August 15, 2011, he had performed 5.0 hours of work. Pursuant to the engagement letter, Kaufman was charging Quarles \$325 per hour. Thus, Kaufman’s bill for services rendered to Quarles as his client amounted to \$1,625. By “reimbursing” Quarles his retainer, Kaufman charged the estate for work that he had performed for a completely different client, and therefore converted money from the estate. At least by the time that he testified before the Grand Jury, Kaufman admitted that it was “wrong” for him to have used estate money to reimburse Quarles, the man who was stealing so much already from the estate.

Quarles Forges Frank Kennedy's Signature In Order To Steal The Kennedy Car

When Mrs. Kennedy died in August 2010, Mr. Kennedy's 2005 Buick Lesabre, which was still titled in his name, was parked behind the house. Within two months of her death, Quarles had told Kaufman that she had this car and that he wanted it. Kaufman, according to Quarles, advised his client to hold on to the car and "see what happens." Quarles, however, decided to just drive off with it and secreted the car in a self-storage unit that he rented. Kaufman actually knew that Quarles had taken the car and was hiding it; he counseled Quarles to keep the storage bills so that they could charge them to the Estate. At that point in time, the car had approximately 13,300 miles on it.

A little more than two years later, Quarles decided to formally make the car his own. To do so, he asked Kaufman to apply, on behalf of the Estate, for a duplicate title. Kaufman did so on December 18, 2012, by filing a DMV Form MV-38: Application for Duplicate Certificate of Title by Owner. In filling out the form, Kaufman (or his assistant) kept Francis Kennedy as the owner. Even more importantly, Kaufman (or his assistant) listed the South Marshall Street address that Quarles now owned as the address to which the duplicate title should be mailed. Thus, by listing that address, Kaufman was giving free reign to Quarles with respect to the vehicle title and failed to safeguard yet another piece of estate property. Still worse, Kaufman charged the Estate \$22.50 for the application fee because it was "an expense incurred for the benefit of the estate."

What happened next was wholly unsurprising: Quarles stole the car. On March 5, 2013, Quarles visited West City Select Auto at 4539 Chestnut Street in Philadelphia to transfer the title from Francis A. Kennedy to himself. Quarles had chosen West City Select out of all of the auto tag dealers in Philadelphia because his friend knew a worker there by the name of Damian Rivers

who would “hook [Quarles] up.” Rivers was the son of West City Select’s owner, Alfred Mosby III. Rivers’ mother, Deana Rivers, previously worked at West City Select as well; she also is a notary public.

On March 5th, Quarles arrived at West City Select with his friend but handled the transaction himself. Using the duplicate title for which Kaufman had applied and had mailed to Quarles’ new house, Quarles signed the bottom of the front page applying for a new title in his name. This section requires a notary public’s seal and signature. Deana Rivers is a notary but was not present at West City Select for this transaction. In her stead, Damian Rivers used her notarial stamp and forged her signature. On the back side of the title, Quarles listed and signed his name as the purchaser. He then printed and forged Francis Kennedy’s signature, making it appear that Mr. Kennedy had appeared from the grave 5 years after his death to complete the transaction. And just as the front side of the form required a notary public’s seal and signature, so did the back; again, Damian Rivers used his mother’s notarial stamp and forged her signature.

Quarles then filled out the MV-3 “Motor Vehicle Verification of Fair Market Value by the Issuing Agent.” On this form, Quarles swore to the Department of Motor Vehicles that the car was being sold for only \$500 because “car needs engine and transmission – sold as is.” He then signed for both himself and the deceased Francis Kennedy. Damian Rivers, for his part, twice forged his mother’s signature on the MV-3. For the car, which had a Kelly Blue Book value of \$7,100 in good condition, Quarles paid a grand total of only \$100 – the taxes and fees charged by Damian Rivers at West City Select.¹²

¹² The MV-3 form also shows that, by the time of the transaction, the car had 27,061 miles, meaning that Quarles had put almost 14,000 miles on the car since he had taken it from Mrs. Kennedy’s property.

When he testified before the Grand Jury for the second time, Quarles admitted that he forged Mr. Kennedy's signatures at West City Select, that the car did not need an engine and transmission, and that he did not pay anything to the Kennedy Estate for the car. He further admitted that Damian Rivers saw him signing for both himself (the buyer) and Mr. Kennedy (the seller), and that he told Damian Rivers that Mr. Kennedy was dead. Finally, Quarles testified that Deana Rivers was not present for any of the transaction – only her son, Damian Rivers, was there.

Deana Rivers testified before the Grand Jury that she worked at West City Select for 21 years but currently works at the Salvation Army Kroc Center, where she serves as an assistant accountant and head notary public. She also specifically addressed a two-person transaction to transfer title to a vehicle and said that she would require both parties to present identification and that her practice is to make and retain a photocopy of the identification. When she viewed the title page transferring the vehicle from Mr. Kennedy to Quarles, she remarked that the signature inside of the notary stamp was “not even remotely close” to her signature and agreed that someone had forged her signature. Deana Rivers claimed that she did not recognize the signatures on the documents, and that she never gave anyone access to her notary stamp or permission to sign her name.

During his Grand Jury testimony, Damian Rivers denied that he signed for his mother and used her notary stamp. Instead, his story was that when Quarles presented the title to him, his mother's signature was already on the document. He could not explain why his mother's true signature, with which he said he was familiar, looked nothing like the purported signature of the Kennedy title, but the signature did look like his own. Damian Rivers also was unable to credibly explain his admission to Investigator Claude Thomas of the District Attorney's Office

that he would occasionally sign for his mother if she was not present at West City Select when they needed a notary public's signature. He claimed that Investigator Thomas must have misheard him, but Investigator Thomas credibly testified that he not only heard Damian Rivers' comment, but that there was no mistaking the import of his admission. Based upon the evidence presented before this Grand Jury, it concludes that the statements listed above of Damian Rivers were false.

This was not West City Select's first foray into criminal activity. While the Grand Jury was investigating conduct related to the Kennedy estate, it was presented with evidence demonstrating that Damian Rivers had similarly forged his mother's signature in other fraudulent title transfers, and that Mosby was involved in at least one questionable transaction himself.

Pennsylvania State Police Trooper David Shearn testified that he was investigating a complaint lodged in March 2013 against West City Select, Mosby and Damian Rivers. The complaint related to a 1997 Mercedes Benz sedan that was towed from an apartment complex in Yeadon, Pennsylvania in September of 2008 by Pro Gulf Towing, an entity also owned by Mosby. In the years after her vehicle was towed, the owner requested information about her vehicle from the Pennsylvania Department of Transportation. When she received the information, she discovered that, on November 20, 2008, an application was submitted to the Department of Motor Vehicles for a duplicate title to be mailed to the true owner – but at a new address. On the application, the owner's name was listed, but someone had forged her signature. The person changed the true owner's address from Darby, Pennsylvania, to 6230 Ellsworth Street in Philadelphia. At the time the application was filed, Trooper Shearn would discover, Mosby lived at that Ellsworth Street address. The application was notarized by Deana Rivers,

his wife. The handwriting on this document was very similar to that which appeared on the Kennedy-Quarles documents, which was handled by Damian Rivers.

Mosby then sought to transfer title of the vehicle to his car dealership, West City Select, on December 10, 2008. Using the duplicate title that was mailed to his Ellsworth Street home, he once again forged the signature of the true owner. Mosby signed his own name on behalf of West City Select. Damian Rivers handled the transaction as an authorized agent of the DMV and affixed his distinct signature thereto, along with his contact information.

The true owner also discovered that, on May 12, 2009, West City Select sold her Mercedes Benz to another individual for only \$500. To support that purchase price, West City Select prepared an MV-3 form that Damian Rivers signed. There, he acknowledges that the fair market value of the car was \$6,375, but that it was being sold for \$500 because of alleged “body work” the car needed. The form also includes the notary stamp of Deana Rivers, along with a signature purporting to be her’s. The writing on this form, including Deana Rivers’ signature, is again in Damian Rivers’ distinct hand. West City Select and Damian Rivers also completed the MV-4ST form transferring the title to the purchaser. The signature for Mosby, as well as for Deana Rivers as the notary, appear to be similar to Damian Rivers’s handwriting and signature.

Once the true owner presented all of this information and documentation to the State Police, Trooper Shearn began his investigation. He learned that PennDoT had conducted an audit of West City Select, but when the investigator arrived at the business’s location, it was abandoned. West City Select had not informed PennDoT that it was moving or ceasing operations. Moreover, 193 license plates registered to West City Select are currently missing and unaccounted for.

Another trooper, Trooper Michael Clarke, also was conducting his own investigation into Damian and Deana Rivers and West City Select relating to a transaction involving a dead person in 2011. There, a gentleman named Jackson Daniels died on May 23, 2011. Just over one month after his death, on June 27, 2011, his vehicle was sold for \$500 in a transaction handled by West City Select. Obviously, Mr. Daniels was not present for that transaction. Nonetheless, the notary stamp on the title was from Deana Rivers, along with a signature purporting to be from her. The notary is supposed to be confirming that the person signing the title was physically present in front of her, but, quite obviously, Mr. Daniels was not present for that transaction, just as Mr. Kennedy was not present to sell his car to Romanoff Quarles.

As with the other two transactions, this one was supported by an MV-3 certification of fair market value. Damian Rivers stated that the fair market value of the Ford F-150 pickup was \$7,525, but that the purchase price was only \$500 because of a “bad motor.” Damian Rivers signed this form with his agent identification number, and the form also is notarized with Deana Rivers’ stamp and a signature purporting to be her’s. Mr. Daniels’ signature also was forged on this document. The handwriting appears, once again, to be that of Damian Rivers.

As part of his investigation, Trooper Clarke interviewed Deana Rivers, who provided a statement to him. In her statement, Deana Rivers claimed that both parties to the transaction appeared before her and produced their identification, which she copied and made a part of the transaction file. She also claimed that her file had been confiscated by an auditor with the Department of Motor Vehicles but that she could not produce a receipt proving the purported confiscation. Trooper Clark subsequently learned that that particular auditor retired a year before Deana Rivers claimed he confiscated her file. Deana Rivers also claimed that the electronic copies of her file were unrecoverable because the West City Select computer hard drive was

damaged. Trooper Clark gave Deana Rivers until December 20, 2013, to produce documentation to support the transaction.

Trooper Clarke also interviewed the purchaser of the pickup truck, who confirmed that he was the only party to the transaction who was actually present, and that Damian Rivers was the only other person present. The purchaser further confirmed that Damian Rivers completed all the paperwork for the transaction. The purchaser also informed Trooper Clark that, after the trooper had interviewed Deana Rivers, Damian Rivers showed up at the purchaser's home on December 20th – the deadline for Deana to produce documents to Trooper Clark – and demanded a copy of the photo identification the purchaser had at the time of the transaction. Since that time, however, the purchaser's license expired, so he had one that had been issued by PennDoT after the transaction. Damian Rivers then threatened the purchaser, telling him that if his mother gets into any trouble, then they would throw the purchaser “under the bus.”

RECOMENDATION OF CHARGES

Based on the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the 26th Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against the below listed individuals and charge them with the listed offenses based upon activities described in the presentment:

ANDREW KAUFMAN

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Receiving stolen property, 18 Pa.C.S. § 3925
- Theft by failure to make required disposition of funds received, 18 Pa.C.S. § 3927
- False swearing, 18 Pa.C.S. § 4903
- Tampering with public records, 18 Pa.C.S. § 4911

ROMANOFF QUARLES

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Theft by deception, 18 Pa.C.S. § 3922
- Receiving stolen property, 18 Pa.C.S. § 3925
- Forgery, 18 Pa.C.S. § 4101

VINCENT MARCIANO

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Tampering with public records, 18 Pa.C.S. § 4911

MARVIN KIMBLE

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Deceptive or fraudulent business practices, 18 Pa.C.S. § 4107
- Tampering with public records, 18 Pa.C.S. § 4911

ANTOINE TURAY

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Deceptive or fraudulent business practices, 18 Pa.C.S. § 4107

- Perjury, 18 Pa.C.S. § 4902
- Tampering with public records, 18 Pa.C.S. § 4911

DAMIAN RIVERS

- Criminal Conspiracy, 18 Pa.C.S. § 903
- Theft by deception, 18 Pa.C.S. § 3922
- Receiving stolen property, 18 Pa.C.S. § 3925
- Forgery, 18 Pa.C.S. § 4101
- Deceptive or fraudulent business practices, 18 Pa.C.S. § 4107
- Perjury, 18 Pa.C.S. § 4902
- False swearing, 18 Pa.C.S. § 4903
- Tampering with public records, 18 Pa.C.S. § 4911
- Impersonating a notary public, 18 Pa.C.S. § 4913