

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,)	No. 3 : 13 cr 0091
)	
Plaintiff,)	<u>I N F O R M A T I O N</u>
)	
v.)	18 U.S.C. § 2
)	18 U.S.C. § 656
DIANE ELIZABETH NIEHAUS,)	18 U.S.C. § 1956(a)(1)(B)(i)
)	26 U.S.C. § 7206(1)
Defendant.)	
)	
)	
)	

TIMOTHY S. BLACK

The United States Attorney charges:

COUNT ONE

[18 U.S.C. § 656]

A. INTRODUCTION

At all times relevant to this Information:

1. Union Savings Bank ("USB") was a financial institution that provided banking services to customers in multiple states throughout the Midwest, including Indiana, Kentucky, and Ohio. Notably, the Federal Deposit Insurance Corporation insured the deposits of USB.

2. Defendant **DIANE ELIZABETH NIEHAUS** ("NIEHAUS") served as the manager of a USB branch located in Centerville, Ohio. In this capacity, defendant **NIEHAUS** had access to moneys, funds, and assets under the care, custody, and control of USB.

3. Beginning on an exact date unknown, but at least by July 2008, and continuing through in or around 2011, in the Southern District of Ohio, defendant **NIEHAUS**, an agent and employee of USB, embezzled, abstracted, purloined, and willfully misapplied in excess of \$1,000 in moneys, funds, assets, and securities intrusted to the custody and care of USB.

In violation of Title 18, United States Code, Section 656.

COUNT TWO

[18 U.S.C. § 1956(a)(1)(B)(i) and 2]

On or about December 2, 2009, in the Southern District of Ohio, defendant **NIEHAUS** knowingly conducted, and caused to be conducted, a financial transaction affecting interstate and foreign commerce -- namely, the deposit of an official check in the amount of \$12,000 into defendant **NIEHAUS's** Scottrade account -- knowing that the funds involved in this financial transaction represented the proceeds of some form of unlawful activity, and which transactions in fact involved the proceeds of a specified unlawful activity -- namely, embezzlement in violation of 18 U.S.C. § 656 -- knowing that this financial transaction was

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designed in whole and in part to conceal and to disguise the nature, source, and ownership of the proceeds of this specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT THREE

[26 U.S.C. § 7206(1)]

1. On or about April 15, 2011, in the Southern District of Ohio, defendant **NIEHAUS** willfully made and subscribed an United States Individual Tax Return Form 1040 for tax year 2010 ("the 2010 Return") -- which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service -- that she did not believe to be true and correct to every material matter set forth therein in that the return falsely stated defendant **NIEHAUS's** total income for tax year 2010.

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2. At the time defendant **NIEHAUS** willfully made and subscribed the 2010 Return, she then and there well knew and believed that the statements concerning her total income for tax year 2010 were false in that she had received income from her embezzlement of funds from USB, in addition to the income that she actually reported in the 2010 Return.

In violation of Title 26, United States Code, Section 7206(1).

CARTER M. STEWART
United States Attorney



BRENDA SHOEMAKER,
Chief, Financial Crimes Section