



U.S. Department of Justice

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**FORMER DELAWARE BUSINESSMAN ARRESTED IN FLORIDA
TO FACE FEDERAL EMBEZZLEMENT CHARGES TODAY**

Colm F. Connolly, United States Attorney for the District of Delaware, David W. Thomas, United States Marshal for the District of Delaware, and Mabel Capolongo, Regional Director, United States Department of Labor (“DOL”), Employee Benefits Security Administration, Philadelphia Regional Office, announced today that Robert Arnold Boyer, Sr., was arrested in Florida after evading DOL investigators since 2001 and will face a federal magistrate in Wilmington, Delaware, today on charges of embezzling funds of the employee profit sharing plan of R.A. Boyer, Inc. Defendant Boyer was the plan’s trustee. The plan is subject to Title I of the Employment Retirement Income Security Act of 1974. Boyer was indicted¹ on April 1, 2003, by a federal grand jury for the District of Delaware on six counts of embezzlement of the plan funds. The indictment charges Boyer with having embezzled \$259,152 of plan funds between June 1998 and June 2001, in violation of Title 18, United States Code, Section 664. The indictment remained sealed while investigators of the U.S. Marshals Service in the District of Delaware searched for Boyer.

After DOL investigators served Boyer in 2001 with a subpoena to appear before DOL investigators for a civil deposition, Boyer fled and eventually went to Florida, where he has

¹ An indictment is only an accusation. A defendant is presumed innocent until proven guilty.

actively avoided detection by federal investigators. Among the steps that Boyer took to avoid detection were the following: Boyer continued to receive his mail at a post office box in Newark, Delaware, and had his son send it to him under another name. Boyer did not establish any utility or telephone accounts in Florida under his name. Further, Boyer did not apply for a Florida driver's license or register his vehicle in Florida. Boyer was finally located last month in the Fort Myers area of Florida and was arrested on July 29, 2004, by members of the United States Marshals Service. On August 2, 2004, a federal magistrate judge in Fort Myers, Florida, ordered Boyer detained as a flight risk and ordered his transfer back to the Judicial District of Delaware, where he will face the charges against him in federal district court in Wilmington. Boyer has been detained without bail since July 29, 2004.

Defendant Boyer faces a combined maximum prison term of 30 years and a maximum fine of \$1,500,000 on the six charges.

Connolly said that the charges demonstrate the United States Attorney's Office's commitment to prosecuting individuals who engage in financial fraud in violation of federal pension laws. Connolly said, "When trustees of employee profit sharing plans embezzle funds intended for plan participants, they abuse their trust and defraud the company's employees and the U.S. taxpayer. When unlawful embezzlement of ERISA plan funds comes to the attention of the U.S. Department of Labor, it will be investigated with vigor. The Government will pursue both civil and criminal charges where appropriate." U.S. Marshal David W. Thomas added that "this case demonstrates that the United States Marshals Service is committed to investigating and arresting individuals who flee across state lines to avoid federal investigators." Thomas added that investigators in the U.S. Marshals Service in Delaware attempted to locate Boyer for more than a year.

Persons employed by R.A. Boyer, Inc. (a now defunct construction company) between 1989 and 1996 that participated in the R.A. Boyer Employee Profit Sharing Retirement Plan who have not been contacted by the U.S. Attorney's Office should call Susan Baldwin, Victim-Witness Coordinator, at the U.S. Attorney's Office in Delaware, at (302) 573-6277 x 132.

This case was investigated by Philadelphia based agents in the U.S. Department of Labor's Employee Benefits Security Administration, as well as by investigators for the United States Marshals Service for the District of Delaware.

For further information, contact Assistant United States Attorney Adam Safwat at (302) 573-6277.