

## Statement of Facts

Between approximately February 2009 and December 2016, defendant John H. Rogicki stole over nine million dollars from The Kurr Foundation (“the Foundation”). The Foundation is a New Jersey based non-profit charitable organization which supports various education services, health organizations, and children and youth services and was funded by the Estate of Sara Zock (“the Estate”). During the time in question, Rogicki was a trustee of the Foundation, the executor of the Estate, as well as a Managing Director at Train Babcock Advisors LLC, an SEC-registered investment advisor firm based in New York County. In approximately 2003, Rogicki used his influence as a trustee of the Foundation to refer the Foundation to Train Babcock, where he controlled the Foundation’s money. Starting in approximately February 2009, Rogicki began stealing money from the Foundation for his personal use. Rogicki would transfer money from the Foundation’s account at Train Babcock into the Estate’s separate checking account, which he also managed in his capacity as the executor. Then, Rogicki would transfer money from the Estate’s checking account into his personal bank accounts. Rogicki used this method to transfer the money to himself in an effort to give the transactions an appearance of legitimacy and thereby avoid detection of his scheme. Rogicki used the money for a variety of personal expenses, including properties in Manhattan, New Jersey, and Florida, luxury cars, including a Rolls-Royce, a Land Rover, a Lexus, and a Porsche, and vacations.