

THE UNITED STATES ATTORNEY'S OFFICE
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Department of Justice

U.S. Attorney's Office

District of Rhode Island

FOR IMMEDIATE RELEASE

Thursday, July 26, 2018

R.I. Attorney Indicted on Fraud, ID Theft, Pension Plan Theft Charges

PROVIDENCE, RI – A federal grand jury in Providence today returned a 12-count indictment charging a Rhode Island attorney with wire fraud, aggravated identity theft and theft from an employee pension plan, alleging that the attorney continued to collect a client's pensions for nearly 12 years after the client passed away.

It is alleged in the indictment that Oleg Nikolyszyn, 63, of North Smithfield, used the identity of a former City of Providence employee and member of the Laborers' International Union of North America (LIUNA) after he died and collected more than \$234,000 in monthly pension payments in that person's name.

The indictment charges Nikolyszyn with eight counts of mail fraud, three counts of aggravated identity theft and one count of theft from an employee benefit or pension fund.

According to the indictment, it is alleged that in May 2000, a former City of Providence employee and LIUNA member hired Nikolyszyn as his attorney, and executed a power of attorney that authorized Nikolyszyn to take certain acts on his behalf. Those actions included receiving monies owed to him and signing and depositing checks payable to him.

According to the indictment, in August 2000, the former Providence employee and LIUNA member moved to Poland. Nikolyszyn later instructed both the City of Providence and LIUNA to send the monthly pension payments to his office. The employee died on November 12, 2003.

It is alleged in the indictment that Nikolyszyn continued to receive monthly pension payments in his client's name, which he deposited into a bank account in the name of both himself and his former client. It is alleged that Nikolyszyn converted the funds to his personal use by transferring the funds into his own personal bank accounts. It is alleged in the indictment that Nikolyszyn

collected \$173,597.68 in payments from the City of Providence Employee's Retirement System and \$60,989 from the LIUNA Pension Fund in the name of his former client.

An indictment is merely an allegation and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

The indictment of Oleg Nikolyszyn is announced by United States Attorney Stephen G. Dambruch, Michael C. Mikulka, Special Agent in Charge of the New York Region of the Department of Labor - Office of Labor Racketeering and Fraud Investigations, Carol S. Hamilton, Acting Regional Manager, U.S. Department of Labor Employee Benefits Security Administration, Rhode Island Attorney General Peter F. Kilmartin, Rhode Island State Police Superintendent Colonel Ann C. Assumpico, and Homeland Security Investigations Special Agent in Charge Peter C. Fitzhugh.

The case is being prosecuted by Assistant U.S. Attorney Denise M. Barton.

The matter was investigated by the United States Attorney's Office, U.S. Department of Labor - Office of Labor Racketeering and Fraud Investigations, U.S. Department of Labor Employee Benefits Security Administration, Rhode Island Department of the Attorney General, Rhode Island State Police, and Homeland Security Investigations.

United States Attorney Stephen G. Dambruch acknowledges and thanks the Rhode Island Supreme Court Office of Disciplinary Counsel for their assistance in the investigation of this matter.

Oleg Nikolyszyn was suspended from the practice of law in Rhode Island by the Rhode Island Supreme Court on December 1, 2016, after an investigation by its Office of Disciplinary Counsel.

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Topic(s):

Financial Fraud
Identity Theft

Component(s):

USAO - Rhode Island

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