

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FILED  
2011 DEC 19 AM 10:39

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:11-cv-2003-ORL-31 GJK

ALL FUNDS DEPOSITED OR CREDITED  
TO JPMORGAN CHASE BANK N.A.,  
NEW YORK, ACCOUNT NO. 544-7-27611  
OR ANY OTHER CORRESPONDENT  
ACCOUNT MAINTAINED BY SHINSEI  
BANK LIMITED, TOKYO, AT JPMORGAN  
CHASE BANK N.A., NEW YORK,  
NOT TO EXCEED \$285,833.34

Defendant.

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

Plaintiff United States of America, by and through the undersigned Assistant United States Attorney, brings this complaint and alleges upon information and belief, in accordance with Supplemental Rule G(2), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as follows:

**NATURE OF THE ACTION**

1. This is a civil action *in rem*, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 981(k)(1)(A), to forfeit to the United States, all funds deposited or credited to JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611, or any other correspondent account maintained by Shinsei Bank Limited, Tokyo, at JPMorgan Chase Bank N.A., not to exceed \$285,833.34, as proceeds traceable to "specified unlawful activity," as that term is defined in 18 U.S.C. § 1956(c)(7), specifically wire fraud offenses. The wire fraud offenses that give rise to this action resulted from a scheme perpetrated by "David

Benson,"<sup>1</sup> in which Kaufman, Englett, and Lynd, PLLC were defrauded out of \$285,833.34.

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over an action commenced by the United States by virtue of 28 U.S.C. § 1345, and over an action for forfeiture by virtue of 28 U.S.C. § 1355.

3. This Court has *in rem* jurisdiction over the defendant currency pursuant to:

a. 28 U.S.C. § 1355(b)(1)(A), because pertinent acts or omissions giving rise to the forfeiture occurred in the Middle District of Florida; and

b. 28 U.S.C. § 1355(b)(1)(B), because venue properly lies in the Middle District of Florida pursuant to 28 U.S.C. § 1395.

4. Venue is proper in the District Court for the Middle District of Florida, pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

### **THE DEFENDANT *IN REM***

5. The defendant property consists of all funds deposited or credited to JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611, or any other correspondent account maintained by Shinsei Bank Limited, Tokyo, at JPMorgan Chase Bank N.A., New York, not to exceed \$285,833.34 (Defendant Funds).

6. As set forth in Supplemental Rule G(3)(b)(ii), the Court, upon a finding of probable cause, must issue a warrant to arrest the Defendant Funds if they are not in

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<sup>1</sup> Agents believe that this is a fictitious name.

the government's possession, custody or control.

7. The Defendant Funds are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), because they constitute proceeds traceable to "specified unlawful activity," as that term is defined in 18 U.S.C. § 1956(c)(7). A "specified unlawful activity," as defined in 18 U.S.C. § 1956(c)(7), includes offenses listed in 18 U.S.C. § 1961(1). Specifically, 18 U.S.C. § 1961(1) includes wire fraud offenses.

### **FACTS**

8. Specific details of the facts and circumstances supporting the forfeiture of the Defendant Funds are contained in the Affidavit of United States Secret Service Special Agent Leigh Kissane, which is attached hereto as Exhibit A and fully incorporated herein by reference.

9. As required by Rule G(2)(f), the facts set forth in the attached affidavit support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, for the reasons set forth in the attached affidavit, there is probable cause to believe that the Defendant Funds constitute or are derived from proceeds traceable to violations of 18 U.S.C. § 1343, and therefore, are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 981(k)(1)(A).

10. The Defendant Funds were deposited into an account located in a bank in Tokyo which has correspondent accounts in the United States, and pursuant 18 U.S.C. § 981(k)(1)(A), if funds subject to forfeiture are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in 31 U.S.C. § 5318(j)(1)), the funds subject to

forfeiture shall be deemed to have been deposited into that foreign bank's interbank account in the United States. Moreover, any restraining order, seizure warrant, or arrest warrant *in rem* regarding the funds may be served on the covered financial institution and funds in the interbank account, up to the value of the funds held in the account at the foreign bank, may be restrained, seized, or arrested.

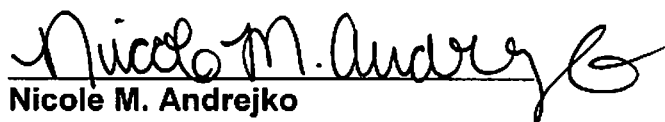
11. Further, if a forfeiture action is brought against funds pursuant to 18 U.S.C. § 981(k)(1)(A), it is not necessary for the United States to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor is it necessary for the United States to rely on the application of 18 U.S.C. § 984.

WHEREFORE, the United States requests that process, in accordance with the provisions of Supplemental Rule G, be issued against the Defendant Funds to enforce the forfeiture and that any person or persons having an interest therein be cited and directed to appear and show cause why it should not be decreed; and that the Defendant Funds be forfeited to the United States for disposition according to law; and that the United States have such other and further relief as this case may require.

Respectfully submitted,

ROBERT E. O'NEILL  
United States Attorney

By:



**Nicole M. Andrejko**  
Assistant United States Attorney  
Florida Bar No. 0820601  
501 West Church St., Suite 300  
Orlando, FL 32805  
Telephone: (407) 648-7500  
Facsimile: (407) 648-7643  
E-mail: [Nicole.Andrejko@usdoj.gov](mailto:Nicole.Andrejko@usdoj.gov)

**VERIFICATION**

I, Leigh Kissane, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746 that I am a Special Agent with the United States Secret Service, that I have read the foregoing Verified Complaint for Forfeiture *in Rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true and correct to my own knowledge, except those matters herein stated to be alleged on information and belief and, as to those matters, I believe them to be true and correct.

The sources of my knowledge and information, and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case and other cases.

Executed this 13<sup>th</sup> day of December, 2011.

  
Leigh Kissane, Special Agent  
United States Secret Service

### CIVIL COVER SHEET

This JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b>  <p style="text-align: center;"><b>UNITED STATES OF AMERICA</b></p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<b>DEFENDANTS</b>  <p><b>All Funds Deposited or Credited to JPMorgan Chase Bank N.A., New York, etc.</b></p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>New York</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p>
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p>Nicole M. Andrejko United States Attorney's Office 501 West Church Street, Suite 300 Orlando, FL 32805 (407) 648-7500</p>	<p>ATTORNEYS (IF KNOWN)</p>

<b>II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)</b>  <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for plaintiff and one box for defendant)</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;"><b>PTF DEF</b></td> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;"><b>PTF DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen of Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>		<b>PTF DEF</b>		<b>PTF DEF</b>	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen of Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupation Safety/Health <input checked="" type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DJWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Annuity <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

This is a civil action in rem, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 981(k)(1)(A), to forfeit to the United States, all funds deposited or credited to JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611, or any other correspondent account maintained by Shinsei Bank Limited, Tokyo, at JPMorgan Chase Bank N.A., not to exceed \$285,833.34

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** \_\_\_\_\_ **CHECK YES only if demanded in complaint:**  
**JURY DEMAND**  YES  NO

**VIII. RELATED CASE(S)** (See Instructions). IF ANY

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 12/19/11 SIGNATURE OF ATTORNEY OF RECORD Nicole M. Andrejko

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

**AFFIDAVIT**

I, Special Agent Leigh Kissane, U.S. Secret Service, being duly sworn, do hereby depose and state:

1. I am a Special Agent (SA) of the U.S. Secret Service and have been so employed since March 2000. As an U.S. Secret SA, I have investigated violations of laws relating to the counterfeiting of obligations and securities of the United States; financial crimes that include, but are not limited to, access device fraud, financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation's financial, banking, and telecommunications infrastructure. Prior to joining the U.S. Secret Service, I was a United States Border Patrol Agent in Texas for two years. I also hold a Bachelors of Arts degree in Political Science.

**I. Introduction**

2. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from law enforcement officers, reviews of documents and computer records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein (including participants) and information gained through my training and experience and the training and experience of others. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of the application for the civil forfeiture complaint described herein, it does not set forth each and every fact that I or others have learned during the course of the investigation.

**II. Legal Authority for Forfeiture**

3. This affidavit is being submitted for the limited purpose of supporting the civil forfeiture complaint against the following:

**All funds deposited or credited to the JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611 or any other correspondent account maintained by Shinsei Bank Limited at JPMorgan Chase Bank N.A., Tokyo, not to exceed \$285,833.34 (Defendant Funds).**

4. My investigation has revealed that Shinsei Bank Limited, Tokyo, Account No.530-0367101 held in the name of David Benson (Benson's Shinsei Bank Account) was funded with \$285,833.34 in proceeds from wire fraud violations. Pursuant to 18 U.S.C. § 981(k), because the Defendant Funds were deposited in a foreign bank account, those funds shall be deemed to have been deposited into the U.S. interbank account of the foreign bank. Accordingly, the funds deposited or credited to JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611, or any other correspondent bank maintained by Shinsei Bank Limited, Tokyo, at JPMorgan Chase Bank N.A., New York, are subject to seizure and forfeiture, up to \$285,833.34, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 981(k).

**III. The Scheme**

5. On or about July 25, 2011, a person who identified himself as David Benson e-mailed<sup>1</sup> the law firm of Kaufman, Englett, and Lynd, PLLC (KEL) in order to retain its services in a wrongful termination action against his former employer, Fred Sanders. Benson initially contacted KEL by using the e-mail

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<sup>1</sup> The e-mail address used by Benson was [datasuppliesystem60@gmail.com](mailto:datasuppliesystem60@gmail.com).



address listed on its website. Thereafter, Benson was referred to an intake attorney at KEL, who communicated with him via e-mail regarding the specifics of his inquiry. Specifically, Benson claimed Sanders owed him \$98,000 for consulting work he had performed for Sanders and sought KEL's legal advice on how to recoup his lost/promised wages.

6. On August 10, 2011, KEL's Orlando, FL office received a retainer check from Benson via U.S. mail in the form of a RBC bank draft. The envelope containing the check bore Canadian postage as well as a Canadian postmark. There was no return address listed on the envelope. The check was written for \$500.00, dated August 10, 2011 and made payable to KEL. The check had two signature lines, neither of which was signed.

7. Thereafter, on August 12, 2011, KEL received an envelope via U.S. mail from Fred Sanders containing a letter and a BB&T official check for \$285,833.34, which, according to the letter, was to be used as payment for the work that was left on Benson's contract with Sanders. The letter indicated that Benson was terminated on April 15, 2011 due to "restructuring/downsizing" and, if any additional monies were owed, Sanders would work to fully compensate him. There was no return address on the letter. The letter bore Canadian postage as well as a Canadian postage mark. Fred Sanders was listed on the check as the account holder and the check was allegedly issued by the Lake Norman/Northcross BB&T Branch and endorsed by a "Susan Jacobs."

8. On August 25, 2011, an attorney from KEL e-mailed Benson to let him know that KEL had received a check from Sanders and to ask how he

wanted the check to be processed. Benson e-mailed the attorney back the same day and told him that he was on business in Japan for two weeks and would like the funds to be wired to him. Benson told the attorney to negotiate the check for him and requested the wire be sent to The Tokyo Tomin Bank, LTD, Tokyo Japan, Account No. 4048632. Benson further provided the attorney with an eight digit SWIFT code.<sup>2</sup>

9. KEL felt that it had an obligation to forward the funds to Benson, so it attempted to do so. KEL deposited Sander's check in its business account. KEL did not have sufficient funds in its business account to wire to Benson, and it did not want to wait for the check to clear before forwarding the funds to Benson, so KEL utilized the funds from an account of its corporate affiliate, Titan Title and Escrow LLC, to send to Benson.

10. However, the wire would not go through because the SWIFT Code Benson provided came back as invalid.<sup>3</sup> Accordingly, on September 1, 2011, the attorney at KEL e-mailed Benson to advise him of the problem. Benson e-mailed back stating that account was his business account, but to send the funds to his personal account instead. Benson provided the following account information: David Benson, Shinsei Bank, Tokyo, Account No. 530-0367101. Benson also provided the (correct) eleven digit SWIFT code for Shinsei Bank.

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<sup>2</sup> SWIFT is the Society for Worldwide Interbank Financial Telecommunication, which is based in Belgium. It is a global provider of secure financial messaging services. A SWIFT code is a standard format of Bank Identifier Codes. Each SWIFT code is a unique identification code for a particular bank. These codes are used when transferring money and messages between banks, especially for international wire transfers.

<sup>3</sup> The Tokyo Tomin Bank requires an eleven digit SWIFT code, not an eight digit SWIFT code.

11. On September 9, 2011, KEL transferred \$285,833.34 to Benson's Shinsei Bank Account. On September 10, 2011, KEL discovered the \$285,833.34 check from Sanders was counterfeit and tried to reverse the wire transfer, but was unable to do so. KEL also discovered the \$500.00 retainer check was counterfeit.

**IV. Follow-up Investigation**

12. Benson provided KEL with certain background information. Specifically, Benson told KEL his address was 136 Yonge Street, Ontario Canada. Agents have since learned that this address is the address of a retail department store. Moreover, Benson provided a telephone number in Washington State, which agents determined belongs to First Interstate Bank in Kent, Washington. First Interstate Bank does not have any knowledge of a person named David Benson as an employee or a customer.

13. Sanders indicated in his settlement letter that his business, "Consultant," is located at 14502 North Dale Mabry Highway, Tampa, Florida. A records check of this address returned to a multi-unit retail complex. None of the businesses at the retail complex match a business by that name.

14. Lastly, BB&T bank investigators have confirmed that the check provided by Sanders was never issued by BB&T, the account number listed on the check is invalid and no one by the name of Susan Jacob is employed at BB&T.

15. As of November 14, 2011, the website for Bankers Almanac, a leading provider of reference data on the banking industry, indicates that Shinsei

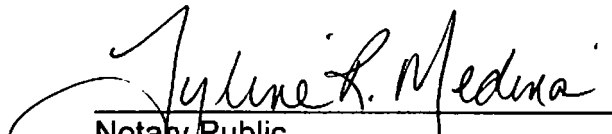
Bank Limited's U.S. correspondent is JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611.<sup>4</sup>

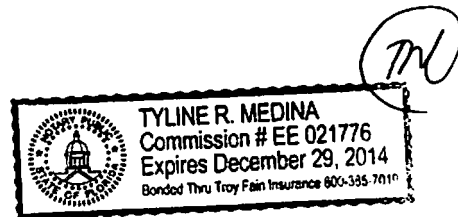
16. Accordingly, all funds deposited or credited to JPMorgan Chase Bank N.A., New York, Account No. 544-7-27611 or any other correspondent account maintained by Shinsei Bank Limited at JPMorgan Chase Bank N.A., New York, not to exceed \$285,833.34, are subject to seizure and forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and 18 U.S.C. § 981(k)(1)(A).

  
Leigh Kissane  
Special Agent  
United States Secret Service

State of Florida  
County of Orange

Before me, the undersigned authority personally appeared, Special Agent Leigh Kissane, who having produced his United States Secret Service credentials as identification and having being duly sworn, deposes and says that the foregoing Affidavit is true to the best of his knowledge, information and belief. Witness my hand and official seal in the State of Florida, County of Orange this 13<sup>th</sup> day of December, 2011.

  
Notary Public  
Commission Expires: 12/29/14



<sup>4</sup> *The Worldwide Correspondent & Resource Guide*, published by Thomson, also provides a list of correspondent banks and routing number information, as does the websites for the United States Department of Treasury's Financial Crimes Enforcement Network (FinCEN), [www.FinCEN.gov](http://www.FinCEN.gov), and the Clearing House Interbank Payments System, [www.CHIPS.org](http://www.CHIPS.org).