

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America )

v. )

Bernard Beliard )

Case No. 13-2314-Dubé

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/23/2012 through 1/04/2013 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section
18 USC 1029(a)(3); and

18 USC 1028A(a)(1)

Offense Description

knowingly, with intent to defraud, possess fifteen (15) or more unauthorized access device, that is, Social Security account numbers of other persons, said conduct affecting interstate and foreign commerce; and during and in relation to a felony, 18 USC 1029(a)(3), did knowingly transfer, possess and use, without lawful authority, the means of identification of another person.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Donald P. Morin, II
Complainant's signature

Donald P. Morin, II, Special Agent / FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 6 Mar 13

Robert L. Dube
Judge's signature

City and state: Miami, Florida

Robert L. Dube, U.S. Magistrate Judge
Printed name and title

## AFFIDAVIT

I, Donald P. Morin, II, being duly sworn, depose, and state as follows:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation (FBI) and have been so employed since 1999. I am currently assigned to the Miami Division of the FBI where my investigative responsibilities include public corruption and civil rights matters. In my work with the FBI, I have conducted numerous investigations concerning violations of federal laws by public officials.
2. The information contained in this affidavit is based on my personal knowledge from my work on this investigation, information provided to me by other law enforcement officers involved in this matter, and a Confidential Human Source (the "CHS").
3. As described below, the actions taken by the CHS were at the direction of the FBI. Because this affidavit is being submitted for the limited purpose of setting forth probable cause for the issuance of a criminal complaint, this affidavit does not contain all the information learned during this investigation.

### The Defendant

4. Defendant Bernard Beliard ("Beliard") has been employed as a State of Florida Correctional Officer in the Department of Corrections (DOC). Beliard is assigned to the South Florida Reception Center (SFRC), a prison facility located in Miami-Dade County.

### Introduction

5. In October, 2012, the FBI, working in conjunction with city of Miami Police Department (MPD) detectives assigned to the FBI's Public Corruption Task Force, initiated an investigation involving law enforcement and other personnel assigned to DOC's SFRC. The investigation was initiated based in part on information received from the CHS, who reported that Beliard may be participating in a fraud scheme with respect to the use and transfer of a person's personal identifying information.

### Distribution of Personal Identifiers (Social Security Numbers (SSNs)) By Beliard

6. On or about October 23, 2012, at the direction of the FBI, the CHS met with Beliard, at a location in Miami-Dade county. During this recorded meeting, the CHS inquired if he

(Beliard) would be interested in obtaining individuals' personal identifying information in exchange for cash. The CHS advised Beliard that his/her associate would pay \$1,000 in exchange for every 50 names and their corresponding identifiers, meaning Social Security account numbers. Beliard was advised by the CHS that the personal identifying information would be used to submit fraudulent tax returns. Beliard agreed to provide the personal identifying information.

7. On or about October 24, 2012, the CHS placed a recorded call to Beliard. During this call, Beliard told the CHS that he had obtained approximately "104;"<sup>1</sup> a reference to the number of names and other identifying personal information Beliard had obtained to provide to the CHS. The CHS advised Beliard that his/her purported associate was away and would not return until Monday. The CHS also advised Beliard that the associate intended to pay them a percentage of the money from the fraudulent tax returns upon receipt. Beliard acknowledged and indicated that he would hold onto the list of "104" until Monday.

8. On or about October 26, 2012, the CHS placed a recorded call to Beliard and arranged to meet. Shortly thereafter, Beliard met the CHS at a Walgreens Drugstore in Miami-Dade County. During this meeting, which was under law enforcement surveillance and recorded, Beliard provided the CHS with packets of State of Florida DOC Daily Intake Lists ("List-1"). These Lists reflected names, dates of birth, and Social Security numbers ("SSNs") of inmates at the SFRC. Beliard told the CHS that a number written in the List-1's margin noted the number of SSNs on each packet. The total number of SSNs during this transaction was approximately 102 SSNs. Beliard advised the CHS that he took out two SSNs. The CHS and Beliard also discussed future transactions. In anticipation of the meeting, the FBI provided the CHS with \$1,200 in U.S. currency, which represented the payment for the personal identifying information and SSNs Beliard intended to provide the CHS. During the meeting, Beliard took receipt of the \$1,200 and provided List-1 to the CHS. Subsequent to the meeting, the CHS met with and provided List-1 to the FBI.

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<sup>1</sup> In this affidavit, I have not included each and every word that was spoken during the recorded calls and meetings. In addition, quoted sections of the recordings are based on the FBI's preliminary analysis of the recordings and are not final transcripts.

9. On or about November 6, the CHS placed a recorded call to Beliard and advised the purported associate was ready to purchase 100 names and other identifying information. The CHS and Beliard arranged to meet the following day, November 7, 2012.

10. Later, on or about November 7, 2012, the CHS met with Beliard at the Walgreens Drugstore, they had met previously. The meeting was recorded and law enforcement conducted surveillance. During this meeting, Beliard provided the CHS with packets of State of Florida DOC Daily Intake Lists ("List-2"). List-2 also denoted a number of names, along with corresponding dates of birth and Social Security account numbers of inmates at the SFRC. During the meeting, Beliard and the CHS reviewed the number of SSNs in List-2. The total number of SSNs noted was approximately 102 SSNs. In anticipation of the meeting, the FBI met with and provided the CHS with \$1,200 in U.S. currency, which represented the payment for the personal identifying information and SSNs. During the meeting, Beliard took receipt of the \$1,200 payment, counted the money, and provided the CHS with List-2. Subsequent to the meeting, the CHS met with and provided List-2 to the FBI.

11. During the period of on or about November 7, 2012 through on or about November 26, 2012, the CHS and Beliard exchanged text communications. In one instance during the exchange of texts, Beliard stated, "I don't like feeling like a bug .. You think dawg got enough of them already?" The CHS responded, "Idk but If you gotta shake something with them then just do it cuz I ain't hearing nothing from kid if I hear something ill holla." Beliard responded, "I was looking forward to at least a stack for my jit bday party this saturday." Your affiant is aware that "Idk" is text short hand for "I don't know" and a "stack" is a term referring to \$1,000.

12. On or about November 28, 2012, the CHS placed a recorded call to Beliard. During this call, CHS told Beliard that he/she was ready to take the "200." Arrangements were made to meet on November 30, 2012, to exchange List 3 for a cash payment. Belliard responded, "if we do, my daughter would have a wonderful birthday."

13. On November 30, 2012, CHS placed a recorded call to Beliard. During this call, the CHS and Beliard arranged to meet at the Walgreens Drugstore they had met previously. Later that day, the CHS met with Beliard. The meeting was recorded and law enforcement

conducted surveillance. During this meeting, Beliard provided the CHS with packets of State of Florida DOC Daily Intake Lists ("List-3"). List-3 also denoted a number of names, along with corresponding dates of birth and Social Security account numbers of inmates at the SFRC. During the meeting, Beliard and the CHS reviewed the number of SSNs in List-3. The total number of SSNs noted was approximately 201 personal identifiers, including SSNs. In anticipation of the meeting, FBI met with and provided the CHS with \$2,400 in U.S. currency, which represented the payment for the personal identifiers, including SSNs. During the meeting, Beliard took receipt of the \$2,400 payment and provided CHS with List-3. Subsequent to the meeting, the CHS met with and provided the List-3 to the FBI.

14. During the period of on or about December 9, 2012, through on or about January 4, 2013, the CHS and Beliard exchanged text communications. During which, Beliard on numerous occasions inquired about the status. In one instance, Beliard sent a text which stated, "U ain't hear nothing from dude yet... The stuff I be getting." CHS responded, "Lol naw nothing yet kid." On another day, Beliard sent a text which stated "Nothing!?" CHS responds, "Nothing." On a subsequent day, Beliard sent a text which stated "500+." CHS responds, "Nothing yet kid." After several more texts sent by Beliard inquiring as to status, CHS sent a text which stated, "Yo buddy he [a reference to the purported associate] gonna link up with [m]e tomorrow for the 400." Beliard responds, "OK.. that's good but I really need a stack today smh." Your affiant is aware that "smh" is text short hand for shaking my head.

15. On January 4, 2012, the CHS placed a recorded call to Beliard. During this call, the CHS advised Beliard that he/she was leaving. Beliard asked, "what it is?" In response, the CHS stated that his/her purported associate "can't make it ... for the 6. ... can only make it for the 4," a reference to the number of personal identifiers for purchase in the hundreds, meaning 400. The CHS and Beliard arranged to meet at the Walgreens Drugstore they had met previously.

16. Later, on or about January 4, 2013, the CHS met with Beliard at the Walgreens Drugstore to obtain the personal identifying information and pay Beliard for approximately 400 SSNs. During this meeting, which was recorded and under law enforcement surveillance,

Beliard provided the CHS with packets of State of Florida DOC Daily Intake Lists ("List-4"). List-4 also denoted a number of names, along with corresponding dates of birth and Social Security account numbers of inmates at the SFRC. During the meeting, Beliard and the CHS reviewed the number of SSNs in List-4. The total number of SSNs noted was approximately 400 personal identifiers, including SSNs. In anticipation of the meeting, FBI met with and provided the CHS with \$4,800 in U.S. currency, which represented the payment for the personal identifiers, including SSNs. During the meeting, Beliard took receipt of the \$4,800 payment and provided the CHS with List-4.

#### **Interview of Beliard**

17. After the transaction, FBI approached Beliard. During the encounter, Beliard consented to an interview and returned \$4,800 in U.S. currency that was in his pants pocket. The FBI also took custody of List-4 from the CHS and subsequently interviewed Beliard.

18. During the interview, Beliard admitted to providing the CHS with the personal identifying information and accompanying SSNs contained in List-1, List-2, List-3 and List-4 (collectively, the "Lists") in exchange for cash payments. He also admitted that he knew that the information was to be used to commit tax return fraud.

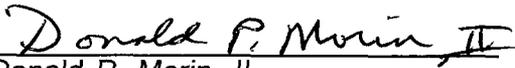
#### **Conclusion**

19. During this investigation, the defendant took receipt of approximately \$9,600 in U.S. currency in exchange for providing personal identifying information (the Lists) from the Florida DOC to be used in a fraudulent scheme.

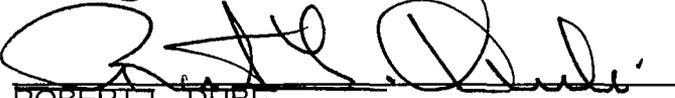
20. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that the defendant Vital Frederick did knowingly, and with intent to defraud, possess fifteen (15) or more unauthorized access devices, that is, Social Security numbers of other persons, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(3); and during and in relation to a felony violation of Title 18, United States Code, Section 1029(a)(3), that is, knowingly, and with intent to defraud, possessing fifteen (15) or more unauthorized access devices, that is, Social Security numbers of other persons, said conduct affecting interstate and foreign commerce, did knowingly transfer,

possess, and use, without lawful authority, the means of identification of another person, in violation of Title 18, United States Code, Section 1028A(a)(1).

FURTHER AFFIANT SAYETH NAUGHT

  
Donald P. Morin, II  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
this 6 day of March, 2013.

  
ROBERT L. DUBE  
UNITED STATES MAGISTRATE JUDGE