

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

GUY MAXINEAU

CASE NUMBER: 12-2596-Dubé

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about March 12, 2012, in Miami-Dade County, in the Southern District of Florida, the defendant, GUY MAXINEAU, did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is twenty-two (22) Florida driver's licenses and twenty-two (22) social security cards, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1028(a)(3).

On or about March 14, 2012, in Miami-Dade County, in the Southern District of Florida, the defendant, GUY MAXINEAU, did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is thirteen (13) Florida driver's licenses and thirteen (13) social security cards, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1028(a)(3).

On or about March 14, 2012, in Miami-Dade County, in the Southern District of Florida, the defendant, GUY MAXINEAU, did knowingly receive, conceal, and retain, with the intent to convert to his own use and gain, a thing of value of the United States and of a department and agency thereof, the aggregate of which exceeded \$1,000, that is, United States Department of Treasury tax refund checks, knowing the checks to have been embezzled, stolen, purloined and converted in violation of Title 18, United States Code, Section 641.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Michael R. Meyer
MICHAEL R. MEYER, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence,

May 1, 2012

at

Miami, Florida
City and State

ROBERT L. DUBÉ
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Robert L. Dubé
Signature of Judicial Officer

AFFIDAVIT

I, Michael R. Meyer (hereinafter ("Affiant")), being duly sworn, hereby depose and state as follows:

1. I am a special agent with the Federal Bureau of Investigation ("FBI"), Miami Field Division, currently assigned to the public corruption unit. I have been employed as a special agent for approximately six years. I have personally conducted or assisted in criminal investigations and prosecutions of identity theft tax fraud schemes, including violations of Title 18, United States Code, Sections 510 (forgery of U.S. Treasury checks), 641 (theft of government money), 1028 (fraud with identification documents), 1029 (access device fraud), and 1343 (wire fraud). I am familiar with the manner and means with which identity thieves operate these schemes.

2. This affidavit is submitted in support of a criminal complaint charging Guy MAXINEAU with a violation of Title 18, United States Code, Sections 641 (theft of government property) and 1028(a)(3) (possession of five or more identification documents with unlawful intent).

3. This affidavit is based on information obtained from an FBI undercover operation. This affidavit sets forth only those facts that I believe are necessary to establish probable cause. As such, I have not included each and every fact known about this investigation.

Overview of FBI Undercover Operation

4. To combat the growing problem of identity theft tax refund fraud schemes in South Florida, from February 2012 to April 2012, the FBI has operated a financial services store (the "store") in North Miami as a front to accept fraudulently obtained tax refund checks from customers looking to cash those checks for a large fee.

5. The store was equipped with both audio and video surveillance. Undercover FBI agents worked behind the counter at the store. Customers would present tax refund checks in the form of refund anticipation checks issued by financial institutions (“RACs”) and/or U.S. Treasury tax refund checks (“T-Checks”). Customers would also present fraudulent identification documents (photocopied driver’s licenses or social security cards) or handwritten social security numbers in the name of the victims on the checks. Often, customers would forge the signature of the victim on the back of the check while inside the store. Many of the true taxpayers whose names appear on the checks have already filed identity theft affidavits with the Internal Revenue Service (“IRS”).

6. The undercover agent would charge a substantial fee for processing the check—ranging from thirty-five to forty-five percent of the value of the check—consistent with the fraudulent nature of the check.¹ The FBI paid these customers from official FBI funds. None of the tax refund checks were actually cashed.

7. During the three month undercover operation, eight different individuals negotiated with undercover agents at the store to cash approximately \$500,000 in fraudulently obtained tax refund checks. The conversations and transactions between the customers and undercover agents at the store were audio and video recorded by the FBI.

¹ Florida law provides that no check cashing store may charge a fee for cashing checks in excess of five percent. Fl. Stat. 560.309(4)

Overview of MAXINEAU's Conduct

8. In March 2012, MAXINEAU tried to cash 35 fraudulently obtained tax refund checks (totaling approximately \$100,000) for sixty five percent of face value using false identification documents.

Chronology of Events

9. On March 8, 2012 a confidential source ("CS") placed a recorded call to MAXINEAU. The CS indicated on the call that there was a financial services store located in North Miami (the "store") that would accept fraudulently obtained checks. The CS provided the location of the store to MAXINEAU.

10. On March 12, 2012, at around 2:30 p.m., MAXINEAU walked into the store. MAXINEAU approached the counter and spoke to an undercover FBI agent ("UC1"). MAXINEAU explained that he had checks to cash and asked for the "percentage." MAXINEAU ultimately agreed to receive 65% of the face value of the check with UC1 keeping 35% of the face value of the check. UC1 explained to MAXINEAU that UC1 would need to verify these checks before cashing them. UC1 informed MAXINEAU that the numbers (social security numbers) must match the name on the check for UC1's records. MAXINEAU assured UC1 that the numbers would match. MAXINEAU inquired whether UC1 also would need "faces" of the individuals. UC1 advised that this was necessary.

11. On March 12, 2012, at around 3:10 p.m., MAXINEAU returned to the store. MAXINEAU provided UC1 with 22 tax refund checks in the following names, types, and amounts:

MAXINEAU -- List of March 12 Checks			
NUMBER	TYPE	NAMES	AMOUNTS
1	RAC	R.B.	\$1,337.00
2	RAC	S.G.	\$662.26
3	RAC	C.C.	\$63.26
4	RAC	J.S.	\$626.22
5	RAC	A.M.	\$679.55
6	RAC	M.D.	\$287.00
7	RAC	A.T.	\$1,337.00
8	RAC	N.A.	\$1,337.00
9	RAC	S.N.	\$1,335.00
10	RAC	S.E.	\$1,337.00
11	RAC	D.H.	\$1,337.00
12	RAC	C.A.	\$1,337.00
13	RAC	T.S.	\$215.41
14	RAC	T.S.	\$1,337.00
15	RAC	R.H.	\$1,337.00
16	RAC	N.M.	\$1,337.00
17	RAC	J.L.	\$1,337.00
18	RAC	M.A.	\$1,337.00
19	RAC	A.G.	\$9,999.99
20	RAC	D.B.	\$8,900.00
21	RAC	T.E.	\$711.00
22	RAC	J.E.	\$1,337.00
Total			\$39,523.69

12. MAXINEAU also provided UC1 with photocopies of Florida driver's license and social security cards in the name of each of the 22 victims identified above. None of the 22 checks had been signed. In the store, MAXINEAU signed each of the 22 checks and then gave them to UC1.

13. On March 14, 2012, at around 2:05 p.m., MAXINEAU returned to the store. UC1 provided MAXINEAU with \$4,100 in pre-recorded U.S. currency as payment for checks 1 through 8 from the above list. UC1 advised MAXINEAU that the other checks (9 through 22) could not be verified with the bank. MAXINEAU stated that he would go "call the IRS or the bank" for each of these checks to determine the problem. MAXINEAU told UC1 that he was going back to his office to verify the checks and that he would return in 15 minutes.

14. On that same day, at around 3:05 p.m., MAXINEAU returned to the store. MAXINEAU explained that, with regard to the unverified checks, the “banks sometime have problems.” MAXINEAU then provided UC1 with 13 new tax refund checks as set forth in the list below. MAXINEAU promised that these checks were “perfect.”

MAXINEAU -- List of March 14 Checks			
NUMBER	TYPE	NAMES	AMOUNTS
1	RAC	C.O.	\$914.05
2	RAC	A.F.	\$1,877.10
3	RAC	R.C.	\$3,104.10
4	RAC	S.H.	\$4,406.06
5	T-Check	M.R.	\$9,640.00
6	T-Check	W.B.	\$9,271.82
7	RAC	S.W.	\$1,898.10
8	RAC	P.K.	\$3,099.10
9	RAC	C.O.	\$2,140.10
10	RAC	D.B.	\$4,424.06
11	T-Check	L.H.	\$9,495.00
12	RAC	P.D.	\$2,898.05
13	T-Check	C.R.	\$9,318.00
Total			\$62,485.54

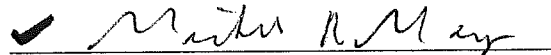
15. MAXINEAU also provided to UC1 photocopies of Florida driver’s license and social security cards in the name of each of the 13 victims identified above. Many of the driver’s licenses and social security numbers were obviously fraudulent—containing misspellings of the names on the checks.

16. On March 21, 2012, at around 2:10 p.m., MAXINEAU returned to the store. Another FBI undercover officer (“UC2”) provided MAXINEAU with \$6,200 in prerecorded U.S. currency for checks 1-4 in the above list. UC2 returned checks 11-13 and said that there was a problem with the checks. UC2 told MAXINEAU that the money for the remaining checks (5-10) would be ready at a later date. MAXINEAU took the \$6,200 and the returned checks and left the store.

17. Based on the foregoing facts and circumstances, and Your Affiant's training, knowledge and expertise, there is probable cause to believe that MAXINEAU:

- (1) Did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is, twenty-two (22) Florida driver's licenses and twenty-two (22) social security cards, in violation of Title 18, United States Code, Section 1028(a)(3), on March 12, 2012;
- (2) Did knowingly possess with intent to use and transfer unlawfully five or more identification documents, that is, thirteen (13) Florida driver's licenses and thirteen (13) social security cards, in violation of Title 18, United States Code, Section 1028(a)(3), on March 14, 2012; and
- (3) Did knowingly receive, conceal, and retain, with the intent to convert to his own use and gain, a thing of value of the United States and of a department and agency thereof, the aggregate of which exceeded \$1,000, that is, United States Department of Treasury tax refund checks, knowing the checks to have been embezzled, stolen, purloined and converted in violation of Title 18, United States Code, Section 641.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Michael R. Meyer, Special Agent
Federal Bureau of Investigation

Sworn to before me this
1st day of May 2012


ROBERT L. DUBÉ
UNITED STATES MAGISTRATE JUDGE