

NEWS

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Jan 13, 2009

International Bank Fraud Ring Busted for Attempt to Debit
100,000 Customer Accounts for Over \$20 Million

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TRENTON – A Colorado man was arrested in Las Vegas today for his role in a bank and identity fraud scheme that attempted to defraud financial institutions and their account holders throughout the United States of more than \$20 million through the unauthorized and fraudulent debit of customer bank accounts, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

Shaun Rosiere, 39, of Evergreen, Colo., was arrested this morning by Postal Inspectors with the U.S. Postal Inspection Service. Authorities had been attempting to locate Rosiere since Dec. 10, 2008, when six of his eight co-defendants were arrested in Florida.

Another co-defendant, Jan Ludvik, 25, a.k.a. “Thomas Palmer,” of Montreal, appeared today in court in Canada, following his surrender to Royal Canadian Mounted Police officials yesterday. A hearing on his extradition to the United States is scheduled for Feb. 20. Another Canadian, Siamak Saleki, 43, of Montreal, is also charged in the Indictment, but currently is a fugitive.

The 24-count Indictment describes a scheme in which nine defendants and unindicted co-conspirators pretended to operate a telemarketing business, but instead simply withdrew or attempted to withdraw funds from approximately 100,000 bank accounts throughout the United States without the authorization or knowledge of account holders. Thousands of these victims, many of whom are elderly and infirm, reside in New Jersey.

The Indictment, which was returned on Sept. 10, 2008, and unsealed with the arrests made on Dec. 10, charges conspiracy to commit mail and wire fraud, conspiracy to commit bank fraud, aggravated identify theft and counts of mail and wire fraud. In addition, the Indictment contains 11 forfeiture allegations which seek the forfeiture of cash, bank account assets and property in a sum equal to \$7 million, which represents the total amount of proceeds illegally gained through the defendants’ scheme.

Furthermore, eight co-conspirators from New Jersey, Florida and Michigan have already pleaded guilty for their participation in the conspiracy.

According to the Indictment, Postal Inspectors began conducting an investigation into an elaborate trans-border fraud scheme in which the co-conspirators allegedly obtained lists of individual’s names and bank account information. Then, under the pretense that these individuals had purchased items through a telemarketing business, drew money out of the these individual’s bank accounts, or attempted to do so. The Indictment alleges that, Saleki and Ludvik primarily were responsible for collecting and providing the names and personal banking account information of unsuspecting consumers to their co-conspirators in the United States. The defendants then charged the accounts of these unwitting victims using false and fraudulent facsimile checks (checks not actually written by the customers, but instead generated by the co-conspirators), or Account Clearinghouse (“ACH”) debits (electronic withdrawals). The majority of these fraudulent transactions subsequently were reversed through the banking system because they were drawn upon accounts that were nonexistent, closed, contained insufficient funds, or because customers alerted their bank in time to reverse

the transaction. A smaller yet still significant percentage of the debits and withdrawals were not returned to the bank because the victim did not alert the bank in time to reverse the transaction.

The six individuals who were arrested on Dec. 10 are Robert Sacks, 49, of Miami Beach, Fla.; Scott Salomon, 41, of Parkland Fla.; Diego Hernandez, 31, a Venezuelan citizen residing in Miami; John Hiley, 47, of Oviedo Fla.; Brigette Freyermuth, 25, of Naples, Fla.; and Joseph Fuerte, 27, of Hollywood, Fla. Each of the defendants made an initial appearance in federal courts in either the Southern or Middle Districts of Florida or the District of Colorado.

The defendants are each charged in Count One of the Indictment, which alleges a conspiracy to commit mail and wire fraud, and Count 15, which charges conspiracy to commit bank fraud. Additionally, Saleki and Sacks are each charged with eight counts of wire fraud; four counts of mail fraud; and eight counts of aggravated identity theft. Ludvik is charged in four wire fraud counts and five aggravated identity theft counts. Each of the remaining six co-defendants is charged with one count of wire fraud and one count of aggravated identity theft.

The count of conspiracy to commit mail and wire fraud carries a maximum statutory penalty of 20 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. The count of conspiracy to commit bank fraud carries a maximum statutory penalty of 30 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. Each count of mail and wire fraud carries a maximum statutory penalty of 20 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. Each count of aggravated identity theft carries a statutorily mandated penalty of 2 years in prison, plus a fine of \$250,000.

Despite indictment, each of the defendants is presumed innocent unless proven guilty beyond a reasonable doubt.

Marra credited Postal Inspectors with the Newark Division of the U.S. Postal Inspection Service, under the direction of Inspector in Charge David Collins, and Postal Inspectors with the Denver Division, under the direction of Postal Inspector in Charge Shawn Tiller; Secret Service Agents in Miami, Fla., under the direction of Special Agent in Charge Michael K. Fithen, with the investigation leading to the Indictment.

Marra gave special thanks to the Assistant U.S. Attorneys in the Southern District of Florida, under the direction of U.S. Attorney R. Alexander Acosta; the Middle District of Florida, under the direction of U.S. Attorney A. Brian Albritton; and the District of Colorado, under the direction of U.S. Attorney Troy A. Eid, for their fine work on the case.

The government is represented by Assistant U.S. Attorney John J. Hoffman of the Criminal Division in Trenton.

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