

JMR/2010R00520

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

FRANK KUNI,
a/k/a "Jamie Shepard"

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Criminal No. 10-623 (NLH)

18 U.S.C. § 1001
42 U.S.C. § 408(a)(7)(A) and (B)
18 U.S.C. § 1028
18 U.S.C. § 2

RECEIVED
SEP 22 2010
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WILLIAM J. WALSH
CLERK

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Camden, charges:

COUNTS 1 to 6
(False Statement - 18 U.S.C. § 1001)

At all times relevant to this Indictment:

Background of the United States Census

1. The United States Census is a decennial census mandated by the United States Constitution. The population is enumerated every 10 years and the results are used to allocate Congressional seats (congressional apportionment), electoral votes, and government program funding.

2. The census is performed by the United States Census Bureau. The U.S. Census Bureau is a branch of the United States Department of Commerce, an agency of the executive branch of the Government. The first census after the American Revolution was taken in 1790, under then Secretary of State Thomas Jefferson; there have been 22 federal censuses since that time. The current national census is being held in 2010 and the next census is scheduled for 2020.

3. Title 13 of the United States Code governs how the Census is conducted and how

its data is handled. Included among the Title's important features are laws mandating confidentiality of information. U.S. Census figures are based on actual counts of persons dwelling in U.S. residential structures. They include citizens, non-citizen legal residents, non-citizen long-term visitors and illegal immigrants. The Census Bureau bases its decision about whom to count on the concept of usual residence. Usual residence, a principle established by the Census Act of 1790, is defined as the place a person lives and sleeps most of the time.

4. To accomplish its Constitutionally mandated duties, the U.S. Census Bureau employs temporary workers known as Enumerators to support its full time staff. The temporary works are responsible for individual surveys of households that have not returned their Census pamphlets.

5. To become an Enumerator, an applicant must submit an application which contains, among other things, the applicant's name, date of birth and social security number. The application consists of a U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D) and Department of Homeland Security Form I-9 - Employment Eligibility Verification. U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D) advises the applicant that "[a] false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001)." The applicant must certify that the application was filled out "to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith." Thereafter, the applicant must also pass a written test. If the applicant passes the test and record check of his name, date of birth and social security number then he or she is offered employment. Once hired, the applicant takes an oath, is fingerprinted and begins training. Once the training is completed, the applicant

receives materials and credentials.

Background of the Defendant

6. Defendant FRANK KUNI was a resident of Pennsauken, New Jersey. KUNI's date of birth was 6/12/1962 and a was assigned Social Security Number of XXX-XX-9485.

7. On or about February 20, 1991, defendant FRANK KUNI filed a petition in the Superior Court of New Jersey, Camden County, to change his name from KUNI to Jamie R. Shepard. On or about July 30, 1992, the petition was dismissed without prejudice and defendant KUNI's name change was never granted.

8. On or about February 22, 1991, defendant FRANK KUNI submitted a "Request For Change of Name on Student Records" to Rutgers University to change his name from KUNI to Jamie R. Shepard. To support his request, KUNI presented a copy of the petition which was marked filed or received. Rutgers granted KUNI's request, changed his name on its records and issued him a Rutgers identification card in the name of Jamie R. Shepard.

9. On or about October 1, 1991, defendant FRANK KUNI submitted an application to the Social Security Administration ("SSA") to change the name associated with his Social Security account number from KUNI to "Jamie Ryan Shepard." To verify the name change, KUNI submitted the fraudulently procured Rutgers University identification card. On or about October 1, 1991, SSA issued KUNI a Social Security card in the name of Jamie R. Shepard. On or about April 12, 2000, KUNI applied for a replacement Jamie R. Shepard Social Security card.

10. In or about September 2001, defendant FRANK KUNI, using the Jamie R. Shepard alias applied for admission to Burlington County Community College ("BCCC"). KUNI was subsequently admitted and issued a BCCC identification card in the name of Jamie Ryan Shepard with an expiration date of 2001. KUNI attended BCCC for the fall 2001 semester.

The Defendant's 2000 Census Application

11. For the 2000 Census, defendant FRANK KUNI applied for a position as a telephone re-interviewer with the U.S. Census Bureau in Camden County, New Jersey. KUNI submitted a U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170) which was signed on April 6, 2000. KUNI applied using the name "Frank Jamie Kuni," with a date of birth of 6/12/1972 and Social Security Number XXX-XX-9485. According to his application, KUNI admitted that he had been arrested but he did not explain the circumstances surrounding his arrest. KUNI also falsely stated that he had a bachelor's degree and that his most recent employer was "JamieJeans Co., 14 Maple Avenue, Wildwood, New Jersey." KUNI identified his supervisor as "Jamie Shepard." KUNI stated that he was employed as the sales production manager for Jamie Jeans, Co. between April 1996 and December 1999 earning \$400 per week. According to his application, KUNI stated that his next most recent employer was "Mosh Pit Tickets" and his supervisor was K.W. KUNI stated that he was employed as a sales representative for Mosh Pit Tickets between March 1994 and January 1996 and he earned \$1,000 per month.

12. Defendant FRANK KUNI also submitted a U.S. Office of Personnel Management Declaration for Federal Employment (Optional Form 306), which was also signed subject to the penalties of perjury, in which he falsely listed his date of birth as 6/12/72. Ultimately, the U.S. Census Bureau hired KUNI and he worked as a telephone re-interviewer between April 19, 2000 and July 15, 2000.

The Defendant's 2010 Census Application

13. On or about March 2, 2009, defendant FRANK KUNI completed a U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D). On this

form, in Block Number 1, KUNI listed the Social Security Number of XXX-XX-7485. In Block Number 2, KUNI listed his name as SHEPARD, JAMIE R. In Block Number 9, KUNI listed his date of birth as 06-12-1972.

14. The Social Security Number XXX-XX-7485 was issued by the Commissioner of Social Security to R.R.G., born in Riverside, New Jersey and not defendant FRANK KUNI, a/k/a "Jamie Shepard."

15. In Section H of the U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D), Page 3, it states, "You must sign this application in dark ink. Read the following carefully before you sign. A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001). I understand that any information I give may be investigated as allowed by law or Presidential Order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies and other individuals and organizations, to investigators, personnel staffing specialists, and any other authorized employees of the Federal Government. I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith." Defendant FRANK KUNI, a/k/a "Jamie Shepard," executed this document by signing it in the name of Jamie R. Shepard on March 2, 2009.

16. On or about March 2, 2009, defendant FRANK KUNI appeared at Camden County Social Services, where U.S. Census Bureau representatives were conducting training for applicants seeking employment on behalf of U.S. Census Bureau, and submitted the U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D) and Department of Homeland Security Form I-9 - Employment Eligibility Verification. In support of

his application, KUNI presented a Burlington County College Identification card which had his photograph on it but was in the name of "Jamie Shepard."

17. Based on the application submitted by defendant FRANK KUNI, the U.S. Census Bureau offered "Jamie Shepard" a position as an Enumerator for the 2010 Census.

18. On or about April 27, 2010, defendant FRANK KUNI reported for training with the U.S. Census Bureau. Prior to training, KUNI signed various forms in the name of "Jamie Shepard" those forms including, the Declaration for Federal Employment, Appointment Affidavit, Application Data Sheet, Certificate of Completion US Census Bureau's No FEAR Act training, Overtime Policy Agreement for Recruiting Assistants and Enumerators 2010 Census and Direct Deposit Authorization 2010 Census, among others.

19. On or about April 28, 2010, defendant FRANK KUNI submitted a revised Department of Homeland Security Form I-9 - Employment Eligibility Verification to the U.S. Census Bureau. To verify his identity, defendant KUNI presented a Burlington County Community College Identification which contained the name Jamie Shepard with Social Security Number XXX-XX-9485, an expiration date of 9/20/2011 and defendant KUNI's photograph.

20. On or about the dates set forth below, in Camden County, in the District of New Jersey, and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant

FRANK J. KUNI,
a/k/a "Jamie Shepard"

did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, in connection with his employment with U.S. Census Bureau, which statements are described below:

Count	Approximate Date	False Statement
1	3/2/09	Form BC-170D, "Census Employment Inquiry:" Falsely using Social Security Number XXX-XX-7485 (Block 1); Falsely using name Jamie R. Shepard (Block 2); Falsely using the date of birth of 6-12-1972 (Block 9a); and Falsely answering "no" when asked if during the last 10 years, have you been convicted, been imprisoned, been on probation, been on parole? (Block 28)
2	3/2/09	Form I-9, "Employment Eligibility Verification:" Falsely using the name of "Jamie Shepard;" Falsely using date of birth of 6-12-1972; and Falsely using a Burlington County College Identification Card in the name of Jamie Shepard
3	4/27/10	Form OF-306, "Declaration of Federal Employment:" Falsely using the name of "Jamie Ryan Shepard;" Falsely using the date of birth of 6-12-1972; Falsely using Social Security Number XXX-XX-7485; and Falsely answering "no" when asked if during the last 10 years, have you been convicted, been imprisoned, been on probation, been on parole?
4	4/27/10	Form BC-61, "Appointment Affidavits" in the name of Jamie R. Shepard
5	4/27/10	Form D-155, "Applicant Data Sheet:" Falsely using the name of "Jamie Ryan Shepard;" Falsely using the date of birth of 6-12-1972 and Falsely marked the box regarding prior federal service.
6	4/27/10	Form D-991, "Overtime Policy Agreement for Recruiting Assistants and Enumerators 2010 Census" in the name of Jamie Ryan Shepard.

All in violation of Title 18, United States Code, Section 1001; and Title 18, United States Code Section 2.

COUNT 7

(Fraudulent Use of a Social Security Number - 42 U.S.C. §§ 408(a)(7)(B))

1. Paragraphs 1 through 19 of Counts 1 to 6 are incorporated by reference and realleged as if fully set forth herein.

2. On or about March 2, 2009, in Camden County, in the District of New Jersey and elsewhere, defendant

FRANK J. KUNI,
a/k/a "Jamie Shepard"

did, with the intent to deceive, falsely represent a number to be the Social Security Number assigned by the Commissioner of Social Security to him, specifically, a number ending in 7485, when in fact such number is not the Social Security Number assigned by the Commissioner of Social Security to the defendant.

In violation of Title 42, United States Code, Section 408(a)(7)(B), and Title 18, United States Code, Section 2.

COUNTS 8 to 12**(Fraudulent Use of a Social Security Number - 42 U.S.C. §§ 408(a)(7)(B))**

1. Paragraphs 1 through 19 of Counts 1 to 6 are incorporated by reference and realleged as if fully set forth herein.

2. On or about the dates listed below, in the District of New Jersey and elsewhere, defendant

FRANK J. KUNI,
a/k/a "Jamie Shepard"

willfully, knowingly, and with the intent to deceive, used a Social Security Number, specifically a number ending in 9485, assigned by the Commissioner of Social Security on the basis of false information furnished to the Commissioner of Social Security by defendant KUNI, that is, a false and fraudulent Rutgers University student identification card, for the purpose of obtaining employment with the U.S. Census Bureau:

Count	Approximate Date	False Statement
8	3/2/09	Form I-9, "Employment Eligibility Verification"
9	4/27/10	Form OF-306, "Declaration of Federal Employment"
10	4/27/10	Form CD-415, "Record of Employee's Address and Emergency Information"
11	4/27/10	Form D-155, "Applicant Data Sheet:" Falsely using the name of "Jamie Ryan Shepard;" Falsely using the date of birth of 6-12-1972 and Falsely marked the box regarding prior federal service.
12	4/27/10	Form D-1199, "Direct Deposit Authorization 2010 Census"

In violation of Title 42, United States Code, Section 408(a)(7)(A), and Title 18, United States Code, Section 2.

COUNT 13

(Fraudulent of an Identification Document - 18 U.S.C. § 1028)

1. Paragraphs 1 through 19 of Counts 1 to 6 are incorporated by reference and realleged as if fully set forth herein.
2. On or about April 28, 2010, in Camden County, in the District of New Jersey, defendant

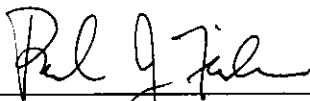
FRANK KUNI,
a/k/a "Jamie Shepard"

did knowingly possess an identification document not issued lawfully for the use of the defendant, authentication feature, and a false identification document, to wit, a Burlington County College Identification card in the name of Jamie Shepard with an expiration date of 9/20/2011, with the intent such document or feature be used to defraud the United States.

In violation of Title 18, United States Code, Section 1028(a)(4).

A TRUE BILL / /

FOREPERSON



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**FRANK J. KUNI,
a/k/a "Jamie Shepard"**

INDICTMENT FOR

18 U.S.C. § 1001
18 U.S.C. § 1028
18 U.S.C. § 2
42 U.S.C. § 402(a)(7)

A True Bill,

Foreperson

PAUL J. FISHMAN
*U.S. ATTORNEY
NEWARK, NEW JERSEY*

JASON M. RICHARDSON
*ASSISTANT U.S. ATTORNEY
856-757-5026*

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(Ed. 1/97)