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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA

v.

HAMAD SIYAM, ALI SIYAM,  
and RAWHI SIYAM.

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**CRIMINAL COMPLAINT**


Magistrate No. 11-4021 (CCC)

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

SEE ATTACHMENT A

I further state that I am a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

  
\_\_\_\_\_  
Trevor O'Reilly, Special Agent  
U.S. Department of Homeland Security,  
Homeland Security Investigations

Sworn to before me and subscribed in my presence,  
on this 12th day of January, 2011,  
in Essex County, New Jersey

HONORABLE CLAIRE C. CECCHI  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT I - CONSPIRACY TO RECEIVE AND SELL STOLEN GOODS**  
**(18 U.S.C. § 371)**

1. The principal object of the conspiracy was for Defendants HAMAD SIYAM, ALI SIYAM, and RAWHI SIYAM (collectively, the "Defendants") to receive, possess, store, sell, and dispose of goods and merchandise, namely baby formula, of the value of \$5,000 or more, those goods and merchandise having crossed a State boundary after being stolen and taken, and the Defendants having known the same to have been stolen and taken.

2. It was part of the conspiracy that the Defendants arranged for the receipt of stolen goods, including baby formula (hereinafter "stolen goods") valued in excess of \$5,000.

3. It was further part of the conspiracy that the Defendants would arrange for the sale of those stolen goods from Los Hermanos, a grocery store located in Union City, New Jersey owned by Defendant ALI SIYAM.

4. From in or about September 2010 until in or about December 2010, in the District of New Jersey and elsewhere, Defendants

**HAMAD SIYAM, ALI SIYAM, and RAWHI SIYAM**

did knowingly and intentionally conspire and agree with others to receive, possess, store, sell, and dispose of goods and merchandise of the value of \$5,000 or more, which have crossed a State boundary after being stolen and taken, knowing the same to have been stolen and taken, contrary to Title 18, United States Code, Section 2315, and in violation of Title 18, United States Code, Section 371.

**Overt Acts**

5. On or about September 27, 2010, in Union City, New Jersey, Defendant HAMAD SIYAM received stolen goods from a co-conspirator.

6. On or about November 16, 2010, in Union City, New Jersey, Defendant RAWHI SIYAM received stolen goods from a co-conspirator.

7. On or about December 22, 2010, in Union City, New Jersey, Defendant ALI SIYAM received stolen goods from a co-conspirator.

**COUNT II - CONSPIRACY TO LAUNDER MONEY**  
**(18 U.S.C. § 1956(h))**

8. From in or about August 2010 until in or about December 2010, in the District of New Jersey, and elsewhere, the Defendants

HAMAD SIYAM, ALI SIYAM, and RAWHI SIYAM:

knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole or in part to conceal and disguise the nature, source, ownership, and control of the proceeds of specified unlawful activity, did knowingly conspire and agree with each other and with others to conduct financial transactions which in fact involved the proceeds of specified unlawful activity, specifically the transfer, delivery, and other disposition of approximately \$135,000 in United States currency that was the proceeds of the distribution of stolen baby formula, contrary to Title 18, United States Code, Section 2315 and in violation of Title 18, United States Code, Section 1956(h).

**COUNT III - STRUCTURING**  
**(31 U.S.C. §§ 5324(a)(3) and (d)(1) and 18 U.S.C. § 2)**

9. At all relevant times, TD Bank was a domestic financial institution within the meaning of Title 31, United States Code, Sections 5312 and 5313(a) and Title 31, Code of Federal Regulations, Section 103.11.

10. At all relevant times, Title 31, United States Code, Section 5313(a), required that Currency Transaction Reports be filed for transactions in currency of more than \$10,000, including deposits, withdrawals, exchanges of currency, and other payments and transfers by, through, or to a bank.

11. Between on or about January 2010, and on or about October 2010, in Hudson County, in the District of New Jersey, and elsewhere, Defendant

ALI SIYAM

for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), with respect to such transactions, knowingly structured, assisted in structuring, and attempted to structure and assist in structuring, transactions with a domestic financial institution by causing United States currency, namely, cash totalling approximately \$208,744. to be deposited in amounts of less than \$10,000, in violation of Title 31, United States Code, Sections 5324(a)(3) and 5324(d)(1), and Title 18, United States Code, Section 2.

**COUNT IV - FORFEITURE**  
**(18 U.S.C. § 982(a)(1))**

12. The allegations contained in the foregoing pages of this Complaint are realleged and incorporated herein by reference.

13. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of the offense in violation of Title 18, United States Code, Section 1956(h), set forth in Count II of this Complaint, the defendants shall forfeit to the United States the following property: All right, title, and interest in real property involved in that offense and all facilitating property, including but not limited to the real property known as 2602-2606 Bergenline Avenue, Union City, New Jersey 07087; more particularly described as: Block 149, Lots 1&2 on the Tax Map of Union City, County of Hudson, State of New Jersey.

14. Defendants shall forfeit substitute assets including real property, up to the value of the property described in paragraph 2, if, by any act and omission of the defendants, the property described in paragraph 2, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty.

Pursuant to Title 18, United States Code, Section 1956(h), as incorporated by Title 18, United States Code, Section 982(a)(1).

## ATTACHMENT B

I, Trevor O'Reilly, a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations (hereinafter "HSI"), having conducted an investigation and having spoken with other individuals and reviewed reports and documents, have knowledge of the facts provided below. Because this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known by the government concerning this investigation. Statements attributed to individuals are provided in substance and in part.

1. Based upon physical and electronic surveillance, members of law enforcement observed individuals stealing goods, including baby formula, from retail stores throughout the southeastern United States. These observations were corroborated by civilian witness reports and other law enforcement investigative techniques. Civilian witnesses also reported that the stolen goods, including baby formula, were transported to North Carolina, where they were packaged for transport. These reports were corroborated by the results of a local search warrant on the packaging facility in North Carolina, which recovered packaging materials consistent with the witness reports.

2. Based upon physical and electronic surveillance, members of law enforcement observed individuals drive stolen containers of baby formula, across several state lines from North Carolina to New Jersey in unmarked personally-owned vehicles. Between late September, 2010 and late December, 2010, members of law enforcement observed these individuals deliver the stolen goods on at least ten occasions, including baby formula, to the Defendants and their employees at Los Hermanos. These occasions included but were not limited to the following:

a. On September 27, 2010, U.S. Department of Agriculture Office of the Inspector General ("USDA-OIG") Special Agents observed an unidentified man park an unmarked gold Chevrolet Tahoe sport utility vehicle with North Carolina license plates in front of Los Hermanos. Defendant HAMAD SIYAM and others unloaded stolen containers of baby formula from the rear of this vehicle and carried them into the basement of Los Hermanos. Based upon a retail price of approximately \$30 per unit, the retail value of the baby formula delivered on this occasion was approximately \$15,000. The packaging of these goods was not that of the manufacturer and comported with the packaging from the North Carolina facility referenced above.

b. On November 16, 2010, HSI Special Agents observed two men park an unmarked blue Honda Odyssey van with North Carolina license plates in front of Los Hermanos. Defendant RAWHI SIYAM and others then unload stolen containers fo baby formula from the rear of this vehicle and carried them into the basement of Los Hermanos. The retail value of the stolen baby formula was approximately \$15,000. The packaging of these goods was not that of the manufacturer and comported with the packaging from the North Carolina facility referenced above.

c. On December 10, 2010, HSI Special Agents observed two men park the blue Honda Odyssey van referenced in the paragraph above with a North Carolina license plate in front of Los Hermanos. These two men and a Los Hermanos employee then unloaded stolen

containers of baby formula from the rear of this vehicle and carried them into the basement of Los Hermanos. Based upon a retail price of approximately \$30 per unit, the retail value of the stolen goods was approximately \$15,000. The packaging of these goods was not that of the manufacturer and comported with the packaging from the North Carolina facility referenced above. Defendant RAWHI SIYAM was working inside Los Hermanos during this delivery. After they unloaded the baby formula, the two men entered Los Hermanos and walked through a door labeled "OFFICE."

3. Based upon physical surveillance, as well as cooperators' statements and various other law enforcement investigative techniques, law enforcement officers observed the following:

a. December 18, 2010, an HSI Task Force Officer observed two men park an unmarked blue Jeep Liberty sport utility vehicle with New Jersey license plates in front of Los Hermanos. These two men unloaded stolen containers of baby formula from the rear of this vehicle into a shopping cart, and one of them then pushed the shopping cart through the front door of Los Hermanos. Based upon a retail price of approximately \$30 per unit, the retail value of the stolen goods delivered on this occasion was approximately \$600. The packaging of these goods was not that of the manufacturer and comported with the packaging from the North Carolina facility referenced above.

b. On December 22, 2010, HSI Special Agents observed Defendant ALI SIYAM park a silver BMW 750 sedan across the street from Los Hermanos. The Special Agents then observed Defendant ALI SIYAM enter Los Hermanos. Shortly thereafter, two other men entered Los Hermanos. In a subsequent interview, one of those men informed members of law enforcement that the other man sold approximately five cans of baby formula to Los Hermanos in exchange for cash. Based upon a retail price of approximately \$30 per unit, the retail value of the stolen goods was approximately \$150. The packaging of these goods was not that of the manufacturer and comported with the packaging from the North Carolina facility referenced above.

4. Law enforcement officers have spoken with two participants in this stolen goods conspiracy and one witness to certain actions of a conspirator. The witness was present when certain transactions with the Defendants occurred. The two participants and the witness have informed members of law enforcement that the baby formula was sold to Los Hermanos for United States currency.

5. Based upon my knowledge, training, and experience, and that of other law enforcement officers with whom I have spoken, these transactions are made in cash in order to assist in concealing and disguising the criminal activity. Specifically, cash transactions do not generate any paper trail which might identify any parties to the transactions. Furthermore, the purchase price for the stolen goods is, according to the three participants with whom law enforcement has spoken, below market rate. The cash nature of these transactions and the absence of documents memorializing the transactions conceals this discounted rate.

6. One of the participants informed members of law enforcement that the sales of stolen goods at Los Hermanos has been ongoing for several years.

7. An individual who purchased stolen goods from one of the Defendants stated that he purchased the stolen goods with cash. Based upon my knowledge, training, and experience, and that of other law enforcement officers with whom I have spoken, it is necessary for the Defendants to sell the stolen goods for cash in order to generate proceeds to purchase additional stolen goods.

8. Title 31, United States Code, Section 5313 and 31 C.F.R. Part 103 of the Bank Secrecy Act ("BSA") require any financial institution that engages with a customer in a currency transaction (*i.e.* a deposit or withdrawal) in excess of \$10,000 to report the transaction to the Internal Revenue Service on Form 104, Currency Transaction report ("CTR"). These regulations also require that multiple transactions be treated as single transaction if the financial institution has knowledge that they are conducted by, or on behalf of, the same person, and they result in either currency received or disbursed by the financial institution totaling more than \$10,000 during any one business day.

9. CTRs are often used by law enforcement to uncover a wide variety of illegal activities, including narcotics trafficking, income tax evasion and money laundering. Many individuals involved in these illegal activities are aware of such reporting requirements and take active steps to cause financial institutions to fail to file CTRs. These active steps are often referred to as "smurfing" or "structuring" and involve making multiple cash deposits in amounts of \$10,000 or less to multiple banks and/or branches of the same bank on the same day, on consecutive days, or within a few days of each other. Title 31, United States Code, Section 5324 criminalizes structuring.

10. In order to establish a violation of Title 31, United States Code, Section 5324(a), the government must prove that a person structured or assisted in structuring, or attempted to structure or assist in structuring, any transaction with one or more domestic financial institutions for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) or any regulation prescribed under any such section.

11. Defendant ALI SIYAM is the sole signatory on TD Bank personal checking account number 3981529788. Defendant ALI SIYAM is the Power of Attorney for Zaied and Rouqiyyah Siyam on personal checking account number 3982419376. Defendant ALI SIYAM and Abdeljabbar Siyam are listed as signatories on personal checking account number 308095052. Bank information indicates that the Siyam family owns and operates Bisan Food Corporation d/b/a New Way Supermarket and Bergenline Food Corporation d/b/a Fine Fare Supermarket. Defendant ALI SIYAM has been listed as the Vice President of Bisan Food Corporation and President of Bergenline Food Corporation.

12. TD Bank information indicates that the Siyam family may own some rental properties throughout New Jersey, due to checks received and reconciled through the aforementioned account(s). Abdeljabbar Siyam is listed as the parent of Ali and Zaied Siyam. According to TD Bank, the extended Siyam family has been suspected of structuring, excessive levels of suspicious cash activity, excessive suspicious movement of funds between family members' accounts, and excessive moving of funds to countries such as Palestine, Israel, Jordan, and Antigua. For example, TD Bank reports that, from January 2002 and March 2003, the extended Siyam family has moved \$1,343,245 through 9 of the 28 accounts they maintained at Hudson United Bank (now known as "TD Bank"). On or about September 9, 2010, Defendant

ALI SIYAM cashed two (2) checks in amounts of \$32,432.05 and \$32,432.06, from both personal checking accounts (number 3981529788 and number 3982419376), and payable to Defendant ALI SIYAM. The funds were used to purchase two (2) bank checks for the same amount and were made payable to A.M. Title Agency (Inc.) located in Monroe, New Jersey.

13. Information supplied to me by other law enforcement officers, as well as my investigation of this case reveal:

a. TD Bank number 3981529788 for the period beginning on or about October 3, 2009 through on or about October 26, 2010 received approximately twenty-four deposits totaling \$106,869 in U.S. currency and one money order deposit were made into the aforementioned account. The money order deposit was made payable to Defendant HAMMAD SIYAM, Defendant ALI SIYAM's relative, who is not an authorized signatory in the account. The spreadsheet attached as "Schedule A" to this affidavit displays the currency deposits into the aforementioned TD Bank account.

b. TD Bank number 3982419376 for the period beginning on or about October 3, 2009 through on or about October 26, 2010 received approximately thirteen United States currency deposits totaling \$80,075 in U.S. currency were made into the aforementioned account. The spreadsheet attached as "Schedule A" to this affidavit displays the currency deposits into the aforementioned TD Bank account.

c. TD Bank number 308095052 for the period beginning on or about October 3, 2009 through on or about October 26, 2010 received approximately nine deposits in U.S. currency, twelve United States Postal Money Orders, totaling \$21,800 were made into the aforementioned account. The spreadsheet attached as "Schedule A" to this affidavit displays the currency deposits into the aforementioned TD Bank account.

14. Based on my training and experience, I am aware that individuals wish to avoid the CTR requirement will generally make multiple currency deposits just under the reporting limit. Based on my training and experience, I also know that multiple cash deposits of \$10,000 or less over a short period of time often indicates division of a large amount of money into smaller deposits to avoid triggering the filing of a CTR (mandatory for amounts in excess of \$10,000).

15. The pattern of deposits to Ali, Zaid, Rouqiyyah, and Abdeljabbar Siyams' TD Bank accounts is indicative of structuring.