

1 MELINDA HAAG (CABN 132612)  
United States Attorney

FILED  
JUL 24 2012  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 )  
16 JERRY WANG, )

17 Defendant. )

CR 12 581

VIOLATIONS: 18 U.S.C. § 371 – Conspiracy  
to Commit Visa Fraud; 18 U.S.C. § 1546(a) –  
Visa Fraud; 18 U.S.C. § 1030(a)(3) –  
Unauthorized Access to a Government  
Computer; 18 U.S.C. § 1001(a)(3) – Use of  
False Documents; 18 U.S.C. § 1028A –  
Aggravated Identity Theft; 18 U.S.C. § 2 –  
Aiding and Abetting; 18 U.S.C.  
§ 982(a)(6)(A)(ii) – Forfeiture

SAN JOSE VENUE

18  
19 INDICTMENT

20 The Grand Jury charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Indictment:

23 1. Defendant JERRY WANG was the Chief Executive Officer of Herguan  
24 University (“Herguan”) and of the University of East-West Medicine (“UEWM”), located on the  
25 same campus in Sunnyvale, California.

26 2. Y.W., WANG’s father, was the President of Herguan, and the founder and  
27 President of UEWM.

28 3. S.T., WANG’s mother, was Herguan’s Chief Financial Officer.

INDICTMENT

## STUDENT VISA PROGRAM

1  
2           4.     The Immigration and Nationality Act, Title 8, United States Code, Section 1101,  
3 identifies several categories of foreign nationals who may be admitted to the United States for  
4 nonimmigrant purposes. One such category, designated "F-1" based on the applicable statutory  
5 subsection, comprises bona fide students coming temporarily to study at an approved school.

6           5.     Students entering the United States on a F-1 visa are admitted for a temporary  
7 period called "duration of status," which federal regulations define as the time during which the  
8 student is pursuing a full course of study at an approved school. When a student stops pursuing a  
9 full course of study, the duration of status ends and the temporary period for which the individual  
10 was admitted expires.

11          6.     A school seeking approval to admit foreign students must submit a Petition for  
12 Approval of School for Attendance by Nonimmigrant Student, also called a Form I-17, to the  
13 United States Department of Homeland Security ("DHS"), Student and Exchange Visitor  
14 Program (SEVP) in Washington, D.C. The I-17 is first submitted electronically, through the  
15 Student and Exchange Visitor Information System ("SEVIS"). As part of the I-17 approval  
16 process, SEVP conducts a site inspection, during which the inspector collects an original, signed  
17 I-17 and supporting documents. For an unaccredited school, the supporting documents must  
18 include evidence establishing that its courses have been and are unconditionally accepted by at  
19 least three accredited institutions of higher learning.

20          7.     The petitioning school must also provide SEVP with a Record of Designated  
21 School Officials ("DSOs"), called a Form I-17A, which the DSOs must sign to certify their  
22 knowledge of and intent to comply with student immigration laws and regulations. Once a  
23 school is approved, its DSOs are issued login IDs and passwords enabling them to access SEVIS.  
24 SEVIS is a nonpublic computer system located in Rockville, Maryland, which is used by the  
25 United States government and operated through SEVP for the purpose of collecting  
26 nonimmigrant student information from approved schools and monitoring such aliens' status.

27          8.     To enter the United States on a student visa, a foreign national must present a  
28 Certificate of Eligibility for Nonimmigrant ("F-1") Student Status, also known as a Form I-20,

1 which is printed from SEVIS. An "initial I-20" certifies that the student has been accepted for  
2 enrollment in a full course of study, and is signed by a DSO. The school activates the student's  
3 SEVIS record and prints an "active I-20" after the student arrives and begins making normal  
4 progress toward a full course of study, which requires physical attendance. The school's DSOs  
5 are required to report in SEVIS within 21 days the failure of any student to maintain active status.  
6

7 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud)

8 9. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and  
9 incorporated by reference as if set forth in full herein.

10 10. Beginning at least in or about July 2007 and continuing through at least in or  
11 about February 2011, in the Northern District of California and elsewhere, the defendant,

12 JERRY WANG,

13 and others did knowingly and willfully conspire to commit visa fraud, by forging and falsely  
14 making documents prescribed by statute and regulation for entry into and as evidence of  
15 authorized stay in the United States, specifically, Forms I-20 authorizing foreign students to enter  
16 and stay in the United States, in violation of Title 18, United States Code, Section 1546(a).

17 MANNER AND MEANS OF THE CONSPIRACY

18 11. WANG and others caused Herguan University to submit to SEVP a Form I-17 to  
19 admit foreign students, a Form I-17A identifying the school's DSOs, and supplemental  
20 documentation. These submissions contained false representations regarding  
21 Herguan's students and false transfer letters, as well as false promises by WANG as Herguan's  
22 DSO to comply with all federal regulations regarding nonimmigrant students.

23 12. After Herguan received SEVP approval to admit F-1 students, WANG and others  
24 caused a Herguan employee to access WANG's SEVIS account without SEVP authorization to  
25 enter data and create I-20s for Herguan students. At WANG's instruction, the Herguan employee  
26 presented the printed I-20s to Y.W. and S.T. to forge WANG's signature when WANG was  
27 unavailable. At WANG's instruction, the forged I-20s were disseminated to Herguan students.

28 ///

1 13. WANG and others collected tuition and other payments from Herguan students in  
2 exchange for maintaining them in active F-1 status.

3 14. WANG made false representations and submitted false documents to DHS agents  
4 and SEVP officials, who contacted Herguan to ensure compliance with applicable regulations. In  
5 response to interviews and Requests for Evidence from SEVP, WANG made false  
6 representations regarding Herguan's classes and school policies and provided false documents,  
7 including a newly created Academic Warning Letter.

8 OVERT ACTS

9 15. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the  
10 Northern District of California and elsewhere, WANG and others committed the following overt  
11 acts, among others:

12 a. On or about July 6, 2007, on behalf of Herguan University, Y.W. caused  
13 the electronic submission of a Form I-17 to SEVP.

14 b. On or about July 30, 2007, WANG provided a SEVP Inspector with a hard  
15 copy of the Form I-17, signed by Y.W., and a supplemental Form I-17A, signed by Y.W. and  
16 WANG, naming WANG as a DSO.

17 c. On or about July 30, 2007, WANG provided the same SEVP Inspector  
18 with a false transfer letter, purporting to represent that a certain school unconditionally accepts  
19 and had accepted transfer credits from Herguan.

20 d. On or about August 16, 2007, WANG caused SEVP to receive three letters  
21 falsely representing that Herguan students were employed by the signatories.

22 e. On or about August 16, 2007, WANG caused SEVP to receive two false  
23 Herguan transcripts, containing UEWM students' true names, dates of birth, and social security  
24 numbers.

25 f. In or about May 2009, WANG instructed a Herguan employee to use  
26 WANG's identification code and password to access SEVIS.

27 ///

28 ///

1 g. On or about December 2, 2010, WANG emailed a member of Herguan's  
2 management, asking him to create an academic warning letter, for the purpose of providing it to  
3 SEVP in response to a Request for Evidence.

4 All in violation of Title 18, United States Code, Section 371.

5  
6 COUNTS TWO THROUGH FIVE: (18 U.S.C. §§ 1546(a) & 2 – Visa Fraud; Aiding and  
7 Abetting)

8 16. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and  
9 incorporated by reference as if set forth in full herein.

10 17. On or about the dates listed below, in the Northern District of California and  
11 elsewhere, the defendant,

12 JERRY WANG,

13 did knowingly cause another to forge and falsely make a document prescribed by statute and  
14 regulation for entry into and as evidence of an authorized stay in the United States, specifically a  
15 Form I-20 for each of the following individuals, and did knowingly cause another to use, attempt  
16 to use, possess, obtain, and receive such document, knowing it to be forged, falsely made, and  
17 procured by means of a false claim and statement, and to have been otherwise procured by fraud  
18 and unlawfully obtained:

19

<u>Count</u>	<u>Approx. Date</u>	<u>Name</u>
2	September 20, 2010	D.K.
3	September 21, 2010	S.J.
4	September 21, 2010	V.A.
5	September 23, 2010	T.K.

20  
21  
22  
23

24 All in violation of Title 18, United States Code, Sections 1546(a) and 2.

25 ///

26 ///

27 ///

28 ///

1 COUNT SIX: (18 U.S.C. §§ 1030(a)(3) and 2 – Unauthorized Access to a Government  
2 Computer; Aiding and Abetting)

3 18. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and  
4 incorporated by reference as if set forth in full herein.

5 19. Between in or about May 2009 and in or about August 2010, in the Northern  
6 District of California and elsewhere, the defendant,

7 JERRY WANG,

8 did knowingly and intentionally cause another to access, without authorization, a nonpublic  
9 computer of a department and agency of the United States, specifically DHS's SEVIS, which is  
10 used by and for the Government of the United States and such conduct affects that use by and for  
11 the Government of the United States, in violation of Title 18, United States Code, Sections  
12 1030(a)(3) and 2.

13  
14 COUNTS SEVEN THROUGH THIRTEEN: (18 U.S.C. § 1001(a)(3) – Use of False Document)

15 20. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and  
16 incorporated by reference as if set forth in full herein.

17 21. On or about the dates listed below, in the Northern District of California and  
18 elsewhere, the defendant,

19 JERRY WANG,

20 did knowingly make and use a false writing and document knowing it to contain a materially  
21 false, fictitious, and fraudulent statement, in a matter within the jurisdiction of the executive  
22 branch of the United States, specifically DHS, by providing SEVP personnel with the following:

23

<u>Count</u>	<u>Approx. Date</u>	<u>Document Description</u>
24 7	July 30, 2007	Transfer letter dated July 9, 2007, from the Academy of Chinese Culture & Health Services
25 8	August 16, 2007	Employment letter regarding C.Z. from UEWM
26 9	August 16, 2007	Employment letter regarding S.G. from Vital Core Biosystems
27 10	August 16, 2007	Employment letter regarding D.W. from International Institutes for Health and Healing

28

11	August 16, 2007	Herguan Transcript for C.Z.
12	August 16, 2007	Herguan Transcript for S.G.
13	December 16, 2010	Herguan Academic Warning Letter

All in violation of Title 18, United States Code, Sections 1001(a)(3).

COUNTS FOURTEEN AND FIFTEEN: (18 U.S.C. § 1028A – Aggravated Identity Theft)

22. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

23. On or about December 16, 2010, in the Northern District of California and elsewhere, the defendant,

JERRY WANG,

during and in relation to felony violations of 18 U.S.C. §§ 1001(a)(3), 1030(a)(3), and 1546(a), did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, specifically the name, social security number, and date of birth of the following individuals:

<u>Count</u>	<u>Name</u>
14	C.Z.
15	S.G.

All in violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(6)(A)(ii))

24. Paragraphs 1 through 8 of this Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

25. Upon a conviction for Counts 1 through 5 of this Indictment, a violation of 18 U.S.C. § 1546(a) or conspiracy to violate the same, the defendant,

JERRY WANG,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(6)(A)(ii), any property, real or personal (I) that constitutes or is derived from or is traceable to the proceeds obtained directly or

1 indirectly from the commission of the offense of conviction; or (II) that is used to facilitate, or is  
2 intended to be used to facilitate, the commission of the offense of conviction.

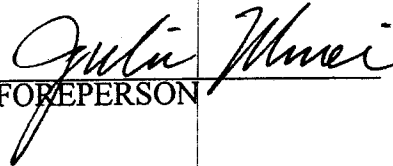
- 3 26. If, as a result of any act or omission of the defendants, any of said property  
4 a. cannot be located upon the exercise of due diligence;  
5 b. has been transferred or sold to or deposited with, a third person;  
6 c. has been placed beyond the jurisdiction of the Court;  
7 d. has been substantially diminished in value; or  
8 e. has been commingled with other property which cannot be divided without  
9 difficulty;

10 any and all interest defendants have in any other property up to the value of the proceeds  
11 traceable to said offense, shall be forfeited to the United States pursuant to 21 U.S.C.  
12 § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

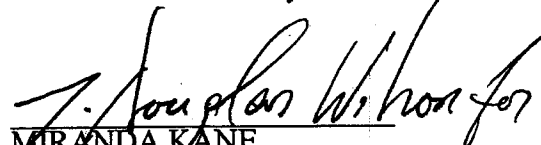
13 All in violation of Title 18, United States Code, Section 982(a)(6)(A)(ii) and (b)(1), and  
14 Rule 32.2 of the Federal Rules of Criminal Procedure.

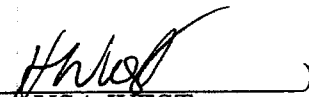
15  
16 DATED: July 24, 2012

A TRUE BILL.

17  
18   
19 FOREPERSON

20 MELINDA HAAG  
21 United States Attorney

22   
23 MIRANDA KANE  
24 Chief, Criminal Division

25 (Approved as to form: )  
26 AUSA WEST



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attached Penalty Sheet

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See Attached Penalty Sheet

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**FILED**  
JUL 24 2012  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JERRY WANG

DISTRICT COURT NUMBER

**CR 12 581**

DEFENDANT

**EJD**

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior summons was served on above charges

2)  Is a Fugitive

3)  Is on Bail or Release from (show District)

Northern District of California

**IS IN CUSTODY**

4)  On this charge

5)  On another conviction }  Federal  State

6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes } If "Yes" give date filed  
 No

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

ICE/HSI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

U.S. ATTORNEY  DEFENSE

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Hartley M. K. West, AUSA

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Hartley M. K. West

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

**Penalty Sheet Attachment**

**COUNT 1 (Felony)**

**OFFENSE CHARGED:** 18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud

**MAXIMUM PENALTIES:** 5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

**COUNTS 2-5 (Felony)**

**OFFENSE CHARGED:** 18 U.S.C. §§ 1546(a) and 2 – Visa Fraud; Aiding and Abetting

**MAXIMUM PENALTIES:** 10 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

**COUNT 6 (Misdemeanor)**

**OFFENSE CHARGED:** 18 U.S.C. §§ 1030(a)(3) and 2 – Unauthorized Access to a Government Computer; Aiding and Abetting

**MAXIMUM PENALTIES:** 1 year imprisonment  
\$100,000 fine  
1 year supervised release  
\$125 special assessment

**COUNTS 7-13 (Felony)**

**OFFENSE CHARGED:** 18 U.S.C. § 1001(a)(3) – Use of False Document

**MAXIMUM PENALTIES:** 5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

**COUNT 14 & 15 (Felony)**

**OFFENSE CHARGED:** 18 U.S.C. § 1028A – Aggravated Identity Theft

**MINIMUM AND  
MAXIMUM PENALTIES:** 2 years imprisonment, consecutive  
\$250,000 fine  
3 years supervised release  
\$100 special assessment