
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

BRADLEY F. AUBEL

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

Count One

Beginning in or around July 2011, and continuing in and around until September 2011, at Libertyville, in the Northern District of Illinois, Eastern Division, the defendant, BRADLEY F. AUBEL, devised and participated in a scheme to defraud and to obtain something of value from Honda and a finance company working with Honda, namely a 2011 Honda Fit and financing for the purchase of a 2011 Honda Fit, by means of materially false and fraudulent representations, including purported copies of income tax returns filed with the Internal Revenue Service for tax years 2009 and 2010 representing that AUBEL had income of \$75,585 and \$82,330, respectively, when AUBEL knew that these purported income tax returns were not copies of income tax returns filed with the Internal Revenue Service in that AUBEL had not then filed income tax returns for those years, and, on or about August 25, 2011, for the purpose of executing the scheme, AUBEL caused to be transmitted by means of wire communication in interstate commerce, a writing, sign, and signal, namely an Ally Application Status credit approval form by way of Dealertrack Inc.'s web-based service from Woodriver, Illinois, through Dealertrack's Piscataway, New Jersey servers to Honda City in Chicago, Illinois, in violation of Title 18, United States Code, Sections 1343.

Count Two

Beginning in or around July 2011, and continuing in and around until September 2011, at Libertyville, in the Northern District of Illinois, Eastern Division, the defendant, BRADLEY F. AUBEL, devised and participated in a scheme to defraud and to obtain something of value from the Department of Education, namely, the forbearance or reduction of student loan payments, by means of materially false and fraudulent representations, including purported copies of income tax returns filed with the Internal Revenue Service for tax years 2008 through 2010 representing that AUBEL had income of \$8663, \$7578, and \$7018, respectively, when AUBEL knew that these purported income tax returns were not copies of income tax returns filed with the Internal Revenue Service in that AUBEL had not then filed income tax returns for those years and, on or about September 2, 2011, for the purpose of executing the scheme and attempting to do so, AUBEL knowingly caused to be placed in a post office or authorized depository for mail matter an envelope addressed to the U.S. Department of Education containing a General Forbearance Request form; 2008, 2009, and 2010 tax returns; and three months of bank statements to be sent and delivered by the Postal Service according to the directions

thereon, in violation of Title 18, United States Code, Sections 1341.

Count Three

Beginning no later than in or around July 2010 and continuing to in or around August 2011, at Libertyville, in the Northern District of Illinois, Eastern Division, the defendant, BRADLEY F. AUBEL, willfully endeavored by means of bribery to obstruct, delay and prevent the communication of information relating to the violation of a criminal statute of the United States, namely Title 18, United States Code, Section 152, in that AUBEL paid money to and on behalf of witnesses in return for the witnesses not providing information concerning AUBEL's receipt and use of bankruptcy clients' credit cards with intent to defeat the provisions of Title 11, in violation of Title 18, United States Code, Sections 1510.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
JOSEPH MARK KARMIK
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

August 17, 2012 at Chicago, Illinois
Date City and State

Sheila Finnegan, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
)
NORTHERN DISTRICT OF ILLINOIS)

UNDER SEAL

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AFFIDAVIT

I, JOSEPH MARK KARMIK, being duly sworn, state as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation since 1986, and investigate white collar crime, including mail, wire, and bankruptcy fraud, and obstruction of justice.

2. This affidavit is submitted for the limited purpose of establishing probable cause that BRADLEY F. AUBEL has committed:

a. wire fraud, in violation of Title 18, United States Code, Section 1343, in that AUBEL devised and participated in a scheme to defraud and to obtain something of value from Honda and a finance company working with Honda, namely a 2011 Honda Fit and financing for the purchase of a 2011 Honda Fit, by means of materially false and fraudulent representations, including purported copies of income tax returns filed with the Internal Revenue Service for tax years 2009 and 2010 representing that AUBEL had income of \$75,585 and \$82,330, respectively, when AUBEL knew that these purported income tax returns were not copies of income tax returns filed with the Internal Revenue Service in that AUBEL had not then filed income tax returns for those years, and, on or about August 25, 2011, for the purpose of executing the scheme, AUBEL caused to be transmitted by means of wire communication in interstate commerce, a writing, sign, and signal, namely an Ally Application Status credit approval form by way of Dealertrack Inc.'s web-based service from Woodriver, Illinois, through Dealertrack's Piscataway, New Jersey servers to Honda City in Chicago, Illinois;

b. mail fraud, in violation of Title 18, United States Code, Section 1341, in that AUBEL devised and participated in a scheme to defraud and to obtain something of value from the Department of Education, namely, the forbearance or reduction of student loan payments, by means of materially false and fraudulent representations, including purported copies of income tax returns filed with the Internal Revenue Service for tax years 2008 through 2010 representing that AUBEL had income of \$8663, \$7578, and \$7018, respectively, when AUBEL knew that these purported income tax returns were not copies of income tax returns filed with the Internal Revenue Service in that AUBEL had not then filed income tax returns for those years and, on or about September 2, 2011, for the purpose of executing the scheme and attempting to do so, AUBEL knowingly caused to be placed in a post office or authorized depository for mail matter an envelope addressed to the U.S. Department of Education containing a General Forbearance Request form; 2008, 2009, and 2010 tax returns; and three months of bank statements to be sent and delivered by the Postal Service according to the directions thereon; and

c. obstruction of criminal investigations, in violation of Title 18, United States Code, Section 1510, in that AUBEL willfully endeavored by means of bribery to obstruct, delay and prevent the communication of information relating to the violation of a criminal statute of the United States, namely Title 18, United States Code, Section 152, in that AUBEL paid money to and on behalf of witnesses in return for the witnesses not providing information concerning AUBEL's receipt and use of bankruptcy clients' credit cards with intent to defeat the provisions of Title 11.

1

¹ Because of this limited purpose, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offenses alleged in the

3. This affidavit is based on my personal knowledge and observations, information provided to me by a cooperating individual (CI) that was corroborated through consensual recordings, surveillance and additional investigation, interviews, cellular telephone records, information and documents received from individuals with knowledge regarding relevant facts and publicly available information.

Background

4. AUBEL is 47 years old and resides in Mundelein, Illinois. According to the Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois, AUBEL is an Illinois active and authorized attorney with an Admission date of May 8, 1997 and a registered address of 533 N. Milwaukee Avenue, Libertyville, IL 60048. AUBEL's previous registered address was 309 N. Lake Street, Suite 203, Mundelein, IL. AUBEL's law practice includes representation of debtors in bankruptcy cases.

5. In July 2010, an individual employed by AUBEL was arrested on a felony arrest warrant by information in Lake County, Illinois, and charged with two counts of Identity Theft (720 ILCS 5/16G-15(a)(1)) related to the use of one of AUBEL's bankruptcy client's credit cards. On June 27, 2011, AUBEL's employee began assisting the FBI as a cooperating individual. In May 2012, the state charges were dismissed. However, no promises have been made to the CI concerning any federal charges that could be brought against him/her or the ultimate disposition of those charges.² The CI has been employed by AUBEL for approximately ten years. According to the CI,

complaint. Where statements of others are set forth, they are in summary and in part and not verbatim.

² According to the CI, he/she is an undocumented alien. The CI has also admitted to purchasing illegal narcotics on two occasions. No promises have been made to the CI with

as set forth in detail below, AUBEL regularly asked the CI to perform illegal activities on behalf of AUBEL and did so, among other ways, using cellular telephone text messages. As part of the CI's cooperation, I instructed the CI to be receptive to AUBEL's instructions. The CI forwarded the text messages to an email account to which the CI granted me access, and I reviewed the texts by accessing the email account in addition to accessing the texts on the CI's telephone. I corroborated information provided by CI during this investigation through consensual recordings, surveillance, cellular telephone records, documents, information that I received from individuals with knowledge regarding relevant facts, and publicly available information.

6. Affiant obtained subscriber, incoming and outgoing call, and text message information from AT&T and Sprint for cellular telephone numbers 847-924-7206 and XXX-XXX-9897, respectively. AT&T records show that cellular telephone number 847-924-7206 has been subscribed to by BRADLEY F. AUBEL since April 7, 2009, user address 309 N. Lake Street, Suite 203, Mundelein, IL, phone contact number 847-566-7480 and e-mail contact of leopard41@netzero.net. Sprint records show cellular telephone number XXX-XXX-9897 is subscribed to by CI's spouse.

The Obstruction

7. The CI has advised me that AUBEL, along with the CI's sister, was an active participant in the scheme to make unauthorized cash advances and purchases on AUBEL's bankruptcy clients' credit cards for their personal use and to discharge the resulting debts in his clients' bankruptcies. The identity theft charges described in paragraph 5 were based upon the CI's participation with Aubel in the bankruptcy fraud scheme relating to AUBEL's clients' credit cards.

respect to his/her immigration status or his/her purchase of narcotics.

AUBEL was not charged with identity theft in the 2010 state case. Moreover, since the unauthorized use of AUBEL's clients' credit card, according to the CI, AUBEL had engaged in various actions to obstruct the federal investigation I was conducting into the unauthorized use of the credit cards. AUBEL suggested that CI plead guilty to the identity theft charge and serve a sentence, during which time AUBEL would continue to pay both CI's salary and mortgage so that the CI would not tell law enforcement that AUBEL was involved in the use of his clients' credit cards. I have reviewed checks which indicate that AUBEL used an account of his parents' to pay the CI's mortgage. Additionally, according to the CI, AUBEL paid CI's sister, \$6000 cash to leave the area and go to Mexico, so she would not be able to talk further to the FBI or testify at any proceeding. As discussed below, in paragraph 10, AUBEL admitted in a text to paying the sister.

8. On June 30, 2011, CI met with Affiant before and after CI met with AUBEL. CI's meeting with AUBEL was recorded and Affiant has listened to the recording. During CI's meeting with AUBEL, among other topics, they discussed their agreement that CI would plead guilty to the identity theft charges and serve either six months in jail or one year on work release, during which time AUBEL's parents would pay CI's mortgage and AUBEL would continue to pay CI's salary.

9. On July 1, 2011, CI and AUBEL engaged in the following text message exchange between 10:55 am and 11:26 am:

AUBEL: "R u ok you look abit tense"

CI: "No I'm ok, just nervous about the whole thing"

AUBEL: "Just making sure your ok and remember that everything is going to be ok"

CI: "O yea right the last time you said that I got arrested and now have felony charges, and you want me to be ok"

AUBEL: "Easy don't get offended things will work out just relax"

CI: "I can't relax, I'm in this shot because you asked me to lie to the FBI guys remember"

AUBEL: "No I don't recall that what are you talking about"

CI: "O that's right you sometimes have add, ok well let me remind you of some things to see if you remember, the first time the two FBI guys went to my house and you told me to lie about [a client's] credit cards, then you and [my sister] went on a shopping spree with the cards"

AUBEL: "Well ok but what else can I do for you I thought we had an agreement yesterday"

CI: "I don't know I'm having second thoughts about this, I should have never listened to you to lie I should have just told the FBI the truth"

AUBEL: "Ok I can't tell you what to do but my offer is still there I promise to pay your mortgage, full salary and 20% of what you bring. . . .in from lcj³ I want you t. . . .o think about it over the weekend and we will talk next week, have a happy 4th"

10. On July 12, 2011, CI and AUBEL engaged in the following text message exchange between 11:07 am and 12:33 pm:

AUBEL: "Are you ok?"

CI: "I guess"

AUBEL: "How was court? Are you going in today?"

³ Based upon information from the CI, Affiant understands "lcj" to be an abbreviation and this portion of the discussion to be a reference to the CI recruiting clients for AUBEL during his/her incarceration in Lake County Jail.

CI: "No, I have court again in August, but it's not going so good"

AUBEL: "Relax everything is going to be alright, I will take care of you"

CI: "I don't want you to take care of me, I think U just want to tell the truth now, cause you're only taking care of me so I don't open my mouth."

AUBEL: "I thought we talked about this, don't you understand that I could loose my license, along with many other consequences."

CI: "Yes, but this is not going the way you said it would go at all. Why the fuck did you ever have to tell me to lie to the FBI!"

AUBEL: "All you had to do was keep your mouth closed and nothing would have happened, and not to mention that I already paid your mortgage for July."

* * * *

CI: "Hey, [my sister] just called me to tell you she needs more money, or she's going to come back here."

AUBEL: "Where are you?"

AUBEL: "Tell [your sister] that I gave her more than enough money the last time, I can't afford to give her any right now, because I'm paying your mortgage."

11. On July 14, 2011, Affiant viewed and printed a copy of all the text messages between AUBEL, 847-924-7206, and CI, XXX-XXX-9897, from June 28, 2011 to July 13, 2011.

12. On August 25, 2011, CI provided Affiant copies of two Harris Bank checks drawn on the account of AUBEL's parents, both dated August 6, 2011, one payable to GMAC Bank and one to Ocwen, and payment coupons for both mortgage accounts, that AUBEL had given CI to mail for payment on CI's mortgage.

13. On September 9, 2011, CI contacted Affiant and advised that when CI saw AUBEL that afternoon, he looked shaken and was furious. AUBEL told CI that he had seen CI's sister, but did not provide any additional detail at that time. On September 12, 2011, CI advised Affiant that CI's sister was arrested for DUI and AUBEL had seen her in Bond Court at the Lake County Courthouse. She had spent the weekend and was still in the Lake County Jail (LCJ). CI had the following text conversation with AUBEL about CI's sister on September 10, 2011 between 2:56 pm and 3:40 pm:

AUBEL: "Did you talk to stupid at lcj."

CI: "Yes, and you're an ass you told [my sister] to blame me if anything happened with [client's] veritable⁴ cards, why?"

AUBEL: "Yes, and everything would have been fine if u both had kept ur mouths shut."

CI: "You know what, I just gonna tell the truth now and get this over with."

AUBEL: "How many times do I have to tell u that I will lose my license."

CI: "I do understand, but you should've not blamed me, plus you didn't think of you that when you were happily shopping with [client's] cards."

AUBEL: "I had to blame someone, please I will pay ur mortgage the whole year if I have to."

CI: "It's not about that, I want to go on with my life and put this behind, you do know the double ff's are not going to leave us alone right?"

⁴ The word "veritable" is the result of the CI mistyping "credit" as "verit" and the autocorrect function completing the word.

AUBEL: "Those fkers r not going to do anything to us trust me, tell [your sister] to shut her big mouth or I will."

CI: "Here you go with the threatening again, what U say anything to the double ff's?"

AUBEL: "I don't know, u might get deported or accidently fall in a ditch somewhere and never come out, that would be a shame.:-(("

CI: "Ok, nevermind then."

AUBEL: "That's what I thought."

14. On September 13, 2011, Affiant contacted Lake County Investigator Marc Hansen and confirmed that CI's sister was in fact arrested in September 2011 by the Round Lake Beach Police Department for DUI and was then being held in the Lake County Jail on \$50,000 bond.

The Fraud Scheme

15. Beginning no later than July 2011, and continuing until at least in or about September 2011, AUBEL devised and participated in a scheme to defraud and to obtain money from Honda and a finance company working with Honda, namely and 2011 Honda Fit and financing for the purchase of a 2011 Honda Fit, through the submission of a credit application purporting that AUBEL earned \$6,666 per month and thereafter supported by purported copies of tax returns filed with the Internal Revenue Service representing that AUBEL earned approximately \$75,585 in 2009 and \$82,330 in 2010. At approximately the same time, AUBEL devised and participated in a scheme to defraud and to obtain a General Forbearance from the U.S. Department of Education, William D. Ford Federal Direct Loan Program, related to more than \$100,000 he owed on student loans, through the submission to the DOE of false income information and purported copies of Income Tax Returns filed with the Internal Revenue Service representing that AUBEL earned \$8,663 in 2008, \$7,578

in 2009, and \$7,018 in 2010. In reality, AUBEL has not filed income tax returns with the Internal Revenue Service for any of these tax years.

16. On July 21, 2011, CI contacted Affiant and advised that AUBEL was trying to buy or lease a car as his current lease had expired. According to the CI, because AUBEL's credit was poor, AUBEL asked CI to help him create false tax returns and bank statements that he could provide to Honda City, a dealership in Chicago where he was getting the car, to qualify for a loan. When CI asked AUBEL why he could not simply provide his real tax returns, AUBEL replied that he had not filed taxes for the last several years. AUBEL asked CI to do this in person and through a text message he sent to CI. The CI declined.

17. On July 21, 2011, Affiant viewed and printed a copy of this text message. The text was sent on July 21, 2011 at 2:51 pm from cell phone number 847-924-7206 to CI's cell phone number XXX-XXX-9897. It reads: "Honda needs my tax return or paystubs, you need to create tax returns for me for the last 3 years for these assholes."

18. On July 22, 2011, CI contacted Affiant and advised that AUBEL asked him/her again to create false tax returns and bank statements to submit to Honda to qualify for a loan.

19. On July 22, 2011, Affiant viewed and printed copies of several text messages between AUBEL and CI. One text CI sent AUBEL on July 22, 2011 at 3:06 pm reads in part: ". . . and how am I supposed to create the tax returns smart ass." AUBEL responded on July 22, 2011 at 3:10 pm, "Just take one of our client's return that I just filed bk on and see if you can create them. O and make sure it shows a nice amount on there." CI agreed to think about it over the weekend.

20. Also on July 22, 2011, Affiant noted that between 6:08 pm and 6:19 pm, CI and AUBEL engaged in the following text exchange:

CI: "O and you got another letter from your student loans."

AUBEL: "Settle it"

CI: "Ok, but how, they want your tax returns."

AUBEL: "Ouch"

CI: "Yea, now what, otherwise you are not going to like your payment!!"

AUBEL: "Well guess they need a return"

CI: "Yes they do. If you can give them a copy of the return next week, I can negotiate your payment down again, and get rid of some of the interest."

AUBEL: "They want it they got it."

21. Over the next two weeks, CI's son was hospitalized and contact with AUBEL was limited.

22. On August 3, 2011, at approximately 3:50 pm, AUBEL sent CI the following text: "Get started on my tax returns and bank statements" CI contacted Affiant, and thereafter, Affiant was with CI during the following text message exchange that occurred between 4:51 pm and 6:37 pm:

CI: "Client is gone, why two different ones, what's up?"

AUBEL: "Because Honda needs one and my student loan the other"

CI: "Ok, but you need to help me what should be on there"

AUBEL: "Make copies of [names of two clients] returns, white out the information and type in my info"

CI: "No kidding, but what number should I put on the tax returns and on the bank statements, why to different ones."

AUBEL: "Honda wants a return that shows lots of money and for the student loans I need to be poor"

CI: "Ok, but are you sure I'm not going to get in trouble because this is forgery."

AUBEL: "Relax whats the big deal, no one will know those assholes arent even going to check to see if they are real, they just want to see them in paper"

CI: "I don't know, cause the last time you and me and you did something and I covered you, and now I have to fkn go to jail."

AUBEL: "Relax you are going to be fine, so you spend a couple of months in county, get deported and I will send you money your back in 2 weeks otherwise I have no. . . . choice but to tie up loose ends from there"

CI: "Ok, so what do you mean by loose ends if I tell the truth you're going to call immigration, fck you, your an asshole after all the shit Im taking for you."

AUBEL: "No but all it takes is one call to your buddies at ins and you will be taking a permanent vacation to mexico"

CI: "Nice, I have no choice, then I guess I'll help you"

AUBEL: "See I knew you were smart, we will work on my returns and statements tomorrow"

23. On August 3, 2011, when CI met with Affiant, Affiant observed that CI was driving a white, Honda FIT, VIN JHMGE8H59BC016227, bearing Illinois temporary license 985M971. CI explained that it was the car AUBEL was buying from Honda City in Chicago. The dealership had let him take the car while the loan was in process. AUBEL had let CI use the car.

24. On August 4, 2011, Affiant determined through the Illinois Motor Vehicle Division computerized database that the temporary permit was assigned to the vehicle July 23, 2011, by Honda City and registered to BRADLEY AUBEL, XXX XXX, Vernon Hills, Illinois. Also on August 4, 2011, Affiant viewed and printed copies of the text exchange detailed between AUBEL and CI in paragraph 22.

25. On August 5, 2011, CI advised Affiant that AUBEL wanted to meet at their office at 533 N. Milwaukee Avenue, Libertyville, IL on Saturday, when no one was there, to begin preparing the false tax returns. On August 6, 2011, CI met with Affiant before and after CI met with AUBEL, and Affiant conducted surveillance of the meeting. CI's meeting with AUBEL was recorded and Affiant has listened to the recording. During CI's meeting with AUBEL, AUBEL directed the creation of two tax returns, but because he could not make the numbers look legitimate, AUBEL decided to look at some of his old returns and they agreed to continue at a later time.

26. During the surveillance referred to in paragraph 25, Affiant observed AUBEL driving a white, Honda FIT bearing Illinois temporary license 985M971.

27. On August 18, 2011, CI contacted Affiant and advised that AUBEL asked her again to create false tax returns and bank statements. On August 19, 2011, Affiant viewed and printed copies of the following text message exchange between AUBEL and CI on August 18, 2011, between 3:38 pm and 4:03pm:

AUBEL: "I need you to get cracking on my returns and statements please."

CI: "I already told you that I don't know how. I tried helping you last time already, remember."

AUBEL: "I already figured out the logistics, just go on the website and fill out the amounts exactly as they appear on the real ones, but with my name instead an. . .d don't forget to also change the accountant info to my old one."

CI: "I don't know, I will think about it."

During this time period, I instructed the CI to agree to AUBEL's request to help him prepare two sets of tax returns, one set showing high income for Honda and one set showing low income for the Department of Education.

28. On August 23, 2011, at approximately 5:05 pm, CI called Affiant and advised that CI was at the office and AUBEL was at a bar across the street. AUBEL had sent CI a text asking if a client's tax returns had been sent to the Trustee. That prompted the CI and AUBEL to engage in the following text message exchange:

AUBEL: "Speaking of tax returns get cracking on mine please."

CI: "O yea, why don't you come help me so I don't fk them up."

AUBEL: "How can u fuck them up if all u r doing is inserting the same info, and replacing it with mine."

CI: "Why can't you just fkn come do them yourself if it's that easy then."

AUBEL: "I don't want [office employee] to see me creating false returns, and because she is fucking annoying. So get started on them."

CI: "Yea that's true she is annoying, I'm at the IRS webpage, now what?"

AUBEL: "Click on Individuals, forms and publications and 1040."

CI: "There are a lot of 1040 forms, which one?"

AUBEL: "1st one stupid, and fill my info in now. Let me know when u r done."

CI: "You're right I am stupid, cause you are asking me to make false tax returns for you, and my dumbass is doing it. You better not get me in trouble for this."

AUBEL: "Nothing is going to happen relax"

CI: "Right, you keep telling me that but this last time you ask me to cover for you and now I'm going to jail. But anyway the form asks for dependants & social security#."

AUBEL: "Use 1 of the kids listed on the original return and copy everything else. Thanks"

CI: "Ook"

CI: "It's asking for daytime #"

AUBEL: "Put office # and u can leave the accountant info on there assholes r not going to check anyway."

CI: "Alright"

CI: "It's done."

AUBEL: "Good job , print it and bring it to my house please."

CI: "Ok be right there."

CI: "Sorry I left so fast but I'm very late to pick up my kids. So, did you like the tax return?"

AUBEL: "Outstanding, now u can do the rest tomorrow"

29. On August 24, 2011, Affiant viewed and printed copies of the above text message exchange between AUBEL and CI that occurred on August 23, 2011, between 4:35 pm and 6:38pm. CI later provided Affiant with a copy of the tax return CI created at AUBEL's direction.

30. On August 25, 2011, CI contacted Affiant and advised that AUBEL wanted CI to come to AUBEL's residence in Vernon Hills, IL to create the tax returns for Honda. CI met with Affiant before and after CI met with AUBEL, and Affiant conducted surveillance of the meeting. CI's meeting with AUBEL was recorded and Affiant has listened to the recording. CI met AUBEL at his residence. During CI's meeting with AUBEL, AUBEL directed the creation of a 2009 tax return showing income of \$75,585 and a 2010 tax return showing income of \$82,330. Several times during the meeting, AUBEL referred to the fact that the returns were bogus. Once the returns were completed, AUBEL used the computer in the bedroom of his residence to send them via web based facsimile services to the Honda City dealership in Chicago, Illinois. After the meeting, CI provided Affiant copies of the tax returns.

31. In September 2011, Mark Warner, Global Security, Ally Financial, Inc., advised me that on September 1, 2011, Ally booked a loan for borrower BRADLEY AUBEL, for the purchase of a 2011 Honda FIT (VIN JHMGE8H59BC016227), contract date August 24, 2011, account number 154917241126.

32. I have reviewed records from Honda City, Ally Financial, and Capital One, and interviewed representatives from Honda City and Ally Financial familiar with the transactions, regarding the purchase of a 2011 Honda Fit by BRADLEY AUBEL. Affiant learned that AUBEL's credit application was submitted by Honda City to Capital One Auto Finance, where it expired because AUBEL failed to submit requested documents, and then to Ally Financial, where it was approved, through the on-line automobile sales subscription service Dealertrack, Inc. and its website dealertrack.com. That application, signed by BRADLEY AUBEL on August 24, 2011, indicated a monthly salary of \$6,666.

33. Affiant interviewed Patty Smith, Senior Director of Information Security and Risk Management for Dealertrack, Inc., who advised that Dealertrack offers a service to car dealerships and banks that allows dealers to present customers' application information for a car loan to various lenders. Once a dealer logs onto the site and enters the applicant's information on a credit application, a credit report can be pulled. Then, the credit package can be sent to selected lenders. All submissions through Dealertrack.com are wire communications sent from the dealer, through Piscataway, New Jersey, where Dealertrack's production environment servers are located, to the lender. Lenders also subscribe to Dealertrack's service and employ a "back end system" that automatically receives and thereafter approves or declines such credit applications based on an established criteria. That credit decision is returned to the dealer through Dealertrack's servers in Piscataway, New Jersey.

34. On September 2, 2011, CI contacted Affiant and advised that AUBEL told CI that he completed the tax returns needed to obtain a reduction to his student loan payment. AUBEL was to meet CI at the office later when no one else was there to complete the form needed to request a lower student loan payment. However, there were others at the office all afternoon, so CI met with Affiant at a gas station AUBEL selected. Affiant met with CI before and after CI met with AUBEL, and Affiant conducted surveillance of the meeting. CI's telephone call setting up the meeting and the meeting with AUBEL were recorded and Affiant has listened to the recordings. CI met AUBEL at a gas station AUBEL suggested because, according to AUBEL, he did not want anyone at his office to see what he was doing. During CI's meeting with AUBEL, AUBEL directed CI to complete a General Forbearance Request form and provided CI with tax returns showing he earned \$8,663 in 2008, \$7,578 in 2009 and \$7,018 in 2010, and three months of bank statements showing

balances less than \$100. AUBEL directed CI to send the documents to the U.S. Department of Education, Direct Loan Servicing Center via U.S. Postal Service Certified Mail.

35. Affiant accompanied CI to the Mundelein Post Office where CI mailed the General Forbearance Request form, the tax returns and the bank statements Certified Mail as directed by AUBEL. Affiant obtained copies of all the documents, the envelope and the Certified Mail receipt.

36. In August 2011, Gail Esgandarian, Senior Loan Analyst, United States Department of Education, advised the FBI that beginning in 1994 and continuing through 1996, BRADLEY AUBEL obtained seven student loans that were used at the John Marshall Law School. AUBEL later consolidated the seven loans into two. The consolidated loans were obtained through the DOE's William D. Ford Direct Loan Program. The loans are both Federal Direct Student Loans that went into default on November 17, 2008. The total amount of principal plus interest owed on the two loans is \$106,073.50.

37. On September 9, 2011, Affiant contacted Lola Hom, Litigation Support, U.S. Department of Education, who advised that DOE received the documents described in paragraphs 34 and 35 above, and provided Affiant with copies.

The Execution Wire

38. For the purposes of executing the scheme to defraud and to obtain something of value from Honda and a finance company working with Honda, namely a 2011 Honda Fit and financing for the purchase of a 2011 Honda Fit, on or about August 25, 2011, AUBEL caused to be transmitted by means of wire communication in interstate commerce, a writing, sign, and signal, namely an Ally Application Status credit approval form that was sent by way of Dealertrack, Inc.'s web-based

service from Woodriver, Illinois, through Dealertrack's Piscataway, New Jersey servers to Honda City in Chicago , Illinois.

The Execution Mailing

39. For the purposes of executing the scheme to defraud the Department of Education, namely, the forbearance or reduction of student loan payments, by means , on or about September 2, 2011, AUBEL knowingly caused to be placed in a post office or authorized depository for mail matter an envelope containing a General Forbearance Request form, 2008, 2009, and 2010 tax returns, and three months of bank statements, which was addressed to: U.S. Department of Education, Direct Loan Servicing Center, P.O. Box 5609, Greenville, Texas 75403-5609, to be sent and delivered via U.S. Postal Service Certified Mail, article #70110110000042112595 by the Postal Service according to the directions thereon.

Conclusion

40. Based on the foregoing, there is probable cause to believe that AUBEL violated Title 18, United States Code, Section 1343 (wire fraud), Title 18, United States Code, Section 1341 (mail fraud), and Title 18, United States Code, Section 1510 (obstruction).

FURTHER AFFIANT SAYETH NOT.

JOSEPH MARK KARMIK
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on August 17, 2012.

SHEILA FINNEGAN
United States Magistrate Judge