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Southern District of New York*

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OPERATOR OF LUXURY EYEWEAR WEBSITE PLEADS GUILTY
IN MANHATTAN FEDERAL COURT TO DEFRAUDING
AND THREATENING CUSTOMERS

PREET BHARARA, the United States Attorney for the Southern District of New York, announced that VITALY BORKER, the operator of "DecorMyEyes.com," a website through which he purported to sell luxury eyeglasses, pled guilty today to two counts of sending threatening communications, one count of mail fraud, and one count of wire fraud. BORKER perpetrated a scheme in which he sold counterfeit eyeglasses to online customers and then often placed excessive and unauthorized charges on their credit cards. When customers complained, he responded with verbal abuse and threats of violence, including rape. BORKER, 34, of Brooklyn, New York, pled guilty before U.S. District Judge RICHARD J. SULLIVAN.

Manhattan U.S. Attorney PREET BHARARA said: "Vitaly Borker was a cyberbully who subjected his victims to abusive, profanity-laced tirades, and threats of physical violence. He used fraud and intimidation as a business model, selling customers inferior goods and then repeatedly harassing them when they complained. Today's guilty plea means that he now faces significant jail time for these abusive practices. With the assistance of our partners at the United States Postal Inspection Service, we will continue to police the Internet to prevent scams like Borker's from succeeding."

According to the Complaint, the Superseding Information filed today in Manhattan federal court, and statements made during today's guilty plea:

Since at least January 2007, BORKER has owned and operated "DecorMyEyes.com," an online retailer of purported luxury eyewear, based in Brooklyn, New York. Based upon statements from numerous victims; emails and other documented communications involving BORKER; and hundreds of complaints filed with the Federal Trade Commission and other consumer protection agencies by victims across the United States and in countries

abroad, BORKER engaged in a pattern of misconduct in which he defrauded his customers. When they complained, BORKER responded with threatening and harassing conduct.

Specifically, customers of DecorMyEyes.com purchased luxury eyewear that was often defective, damaged, used, counterfeit, and/or did not come with a promised "certificate of authenticity." In addition, the merchandise did not come directly from manufacturers, as represented on the website, but rather had been purchased by BORKER on eBay and through intermediary vendors. On many occasions, BORKER also billed customers for unauthorized charges (such as a 20% "restocking fee" or unauthorized repair charges), failed to reimburse customers for returned or unfulfilled orders, or never sent merchandise for which customers had been charged. When customers tried to return or exchange merchandise, or when they informed BORKER that they would report him to their credit card companies or to consumer protection agencies, BORKER then subjected them to a campaign of aggressive, obscene, and intimidating conduct, typically using the aliases "Stanley Bolds" and "Tony Russo." BORKER threatened customers that, among other things, he had their personal information, that he knew where they lived, and that he would visit horrific violence upon them and their close family members.

For example, one Manhattan-based victim noticed that the eyeglasses that she received from DecorMyEyes.com in July 2010 were not only defective and apparently counterfeit, but that unauthorized payments had been billed to her credit card. When she complained, BORKER responded with abuse and threats of violence, specifically telling her that he knew her address, that he was only one bridge away, and that he would come to her residence and anally rape her. After the victim hung up the telephone, BORKER repeatedly called her, including well into the night. He also sent her an email that included a photograph of the outside of her residence and other personal information.

In another instance, another Manhattan-based victim complained that she had not received the sunglasses that she had purchased from DecorMyEyes.com in June 2010. When she spoke to BORKER, he called her a "stupid bitch" and a "cheap Jew," and stated that he knew where she lived and could make her life a living hell. He later stated that the sunglasses that she had ordered were out of stock and that she would have to pay a 20% "restocking fee." When she did receive a pair of sunglasses, however, they were counterfeit. BORKER subsequently began calling her repeatedly, often in the middle of the night, stating that he was watching her and threatening to "kick her ass" and anally rape her.

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BORKER faces a maximum term of 5 years in prison on each of the two threatening communications counts and 20 years on both the mail fraud and wire fraud counts, for a total of 50 years in prison. BORKER also faces fines on all counts of the greatest of \$250,000, or twice the gross pecuniary gain derived from the crime or twice the gross pecuniary loss to the victims. He is scheduled to be sentenced by Judge SULLIVAN on September 16, 2011, at 10:00 a.m.

Mr. BHARARA praised the work of the United States Postal inspection Service for its outstanding work in the investigation.

This case is being handled by the Office's Complex Frauds Unit. Assistant U.S. Attorneys E. DANYA PERRY and DANIEL W. LEVY are in charge of the prosecution.

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