

JD:MM
F#2012R01636

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

HAKEEM BAMGBALA,
AFOLABI AJELERO and
MICHAEL CAMPBELL,

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. The defendant HAKEEM BAMGBALA was a resident of Queens,
New York.
2. The defendant AFOLABI AJELERO was a resident of Brooklyn,
New York.
3. The defendant MICHAEL CAMPBELL was a resident of Brooklyn,
New York.
4. The Internal Revenue Service ("IRS") was an agency of the United States
Department of the Treasury, responsible for administering and enforcing the tax laws of the
United States.

INDICTMENT
CR 17

Cr. No.

(T. 18, U.S.C., §§ 981(a)(1)(C), 1343,
1028A(a)(1), 1028A(b), 1028A(c)(5),
371, 2 and 3551 et seq.; T. 21, U.S.C., §
853(p); T. 28, U.S.C., § 2461(c))

546

KUNTZ, J.

REYES, M.J.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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FILED
CLERK

5. An individual who was a citizen or resident of the United States and earned income during a calendar year in excess of a threshold amount was obligated to file a U.S. Individual Income Tax Return, Form 1040 or 1040A (“Form 1040 or 1040A”) with the IRS for that calendar year. A Form 1040 or 1040A was an annual income tax return filed with the IRS that reported income, exemptions, and deductions to determine the amount of tax owed or the amount to be refunded to the individual.

6. An individual taxpayer was required to report his or her Social Security number on a Form 1040 or 1040A. The Social Security number provided on the Form 1040 or 1040A was used by the IRS to track and record for each particular tax year whether an individual filed an income tax return and claimed and/or received a tax refund.

7. An Electronic Filing Identification Number (“EFIN”) was a unique, non-transferable identification number assigned by the IRS to an individual or company that had completed an IRS electronic filing application to become an authorized IRS electronic file provider, in order to provide electronic tax return filing services to clients.

8. The E-file program, created by the IRS, permitted individuals to electronically transmit tax returns over the internet to the IRS. An individual could file his or her annual Form 1040 or 1040A electronically using one of many commercial tax return preparation services or Electronic Return Originator (“ERO”) companies. After an individual’s federal income tax return was prepared by a tax return preparation service, the service typically electronically transmitted the tax return to the IRS through a secure electronic channel.

9. An individual who used an ERO to prepare and file a tax return was required to sign and date an IRS E-File Signature Authorization Form (“Form 8879”), attesting

to the truth and accuracy of the return under the penalties of perjury. The ERO relied on the Form 8879 as written authorization to electronically file an individual's tax return with the IRS. EROs were strictly prohibited from filing tax returns without authorization of the taxpayer.

10. Entity # 1 was a third-party vendor, the identity of which is known to the Grand Jury. For a fee, Entity # 1 provided tax product services to participating EROs. Among other things, Entity # 1 provided EROs with the ability to print specific refund transfer checks, drawing on an Ohio Valley Bank account for taxpayer clients at the ERO's office. Typically this service was used by the ERO for taxpayer clients without the ability to receive their federal tax refunds directly from the IRS by direct deposit ("refund transfer checks").

11. Personal Identifying Information ("PII") was information that either alone, or in combination with other information, could be used to uniquely identify, contact, or locate a person. PII included, but was not limited to, names, addresses, Social Security numbers, and dates of birth.

12. A "means of identification" was any name or number that might be used, alone or in conjunction with any other information, to identify a specific individual, including a name, Social Security number, or date of birth.

13. The Earned Income Tax Credit ("EITC") was a refundable federal income tax credit for low-to moderate-income working individuals. When the EITC exceeded the amount of taxes owed, it resulted in a tax refund to the individual who claimed and qualified for the credit. The amount of an individual's EITC varied depending on, among other things, the individual's earned income and whether the individual had a qualifying dependent or dependents.

14. In or about and between August 1998 and the date of this Indictment, both dates being approximate and inclusive, the defendant HAKEEM BAMGBALA was the sole owner of Kaybamz, Inc. ("Kaybamz"), a New York corporation operating as a tax preparation business on Flatbush Avenue in Brooklyn, New York. The defendants HAKEEM BAMGBALA and AFOLABI AJELERO operated Kaybamz as an ERO for its clients.

15. On or about and between March 13, 1996 and the date of this Indictment, both dates being approximate and inclusive, the defendant AFOLABI AJELERO was the sole owner of Mo-Betta Ventures, Inc. ("Mo-Betta"), a New York corporation that purported to operate for various different business purposes, to include as a tax preparation business, in Brooklyn, New York.

16. On or about and between January 9, 2009 and April 2015, both dates being approximate and inclusive, the defendants HAKEEM BAMGBALA and AFOLABI AJELERO, together with others, obtained the PII of individuals, including Individuals # 1 through # 15, whose identities are known to the Grand Jury, and used this PII to cause false Forms 1040 or 1040A to be prepared and filed with the IRS.

17. On or about between January 23, 2014 and March 31, 2015, both dates being approximate and inclusive, the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, used the PII of individuals, including Individuals # 3, # 5, # 15 and # 16, whose identities are known to the Grand Jury, to print and negotiate refund transfer checks.

COUNTS ONE THROUGH EIGHTEEN**(Wire Fraud)**

18. The allegations in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

19. On or about between January 9, 2009 and April 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants HAKEEM BAMGBALA and AFOLABI AJELERO, together with others, did knowingly and intentionally devise a scheme and artifice to defraud the IRS, and to obtain money and property from the IRS by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, transmit and cause to be transmitted writings, signs, signals and sounds by means of wire communication in interstate and foreign commerce, as described in the chart below:

COUNT	INDIVIDUAL	APPROXIMATE TRANSMISSION DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
ONE	Individual # 1	March 18, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWO	Individual # 1	January 28, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THREE	Individual # 2	February 4, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
FOUR	Individual # 3	February 3, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
FIVE	Individual # 4	February 4, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts

COUNT	INDIVIDUAL	APPROXIMATE TRANSMISSION DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
SIX	Individual # 5	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
SEVEN	Individual # 6	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
EIGHT	Individual # 7	February 15, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
NINE	Individual # 7	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TEN	Individual # 8	February 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
ELEVEN	Individual # 9	February 13, 2013	E-file transmission of 2012 Form 1040A from Kaybamz in New York to IRS in Massachusetts
TWELVE	Individual # 9	February 3, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THIRTEEN	Individual # 10	February 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
FOURTEEN	Individual # 11	February 14, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
FIFTEEN	Individual # 12	February 2, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
SIXTEEN	Individual # 13	January 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts

COUNT	INDIVIDUAL	APPROXIMATE TRANSMISSION DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
SEVENTEEN	Individual # 14	January 30, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts
EIGHTEEN	Individual # 15	February 6, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

COUNTS NINETEEN THROUGH THIRTY-SIX
(Aggravated Identity Theft)

20. The allegations in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

21. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendants HAKEEM BAMGBALA and AFOLABI AJELERO, together with others, during and in relation to the crimes charged in the Counts set forth below, did knowingly and intentionally transfer, possess, and use without lawful authority, one or more means of identification of other persons, to wit: the individuals set forth below, knowing the means of identification belonged to another person:

COUNT	INDIVIDUAL	RELATED COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
NINETEEN	Individual # 1	ONE	March 18, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY	Individual # 1	TWO	January 28, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts

COUNT	INDIVIDUAL	RELATED COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
TWENTY-ONE	Individual # 2	THREE	February 4, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-TWO	Individual # 3	FOUR	February 3, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-THREE	Individual # 4	FIVE	February 4, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-FOUR	Individual # 5	SIX	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-FIVE	Individual # 6	SEVEN	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-SIX	Individual # 7	EIGHT	February 15, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-SEVEN	Individual # 7	NINE	February 1, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-EIGHT	Individual # 8	TEN	February 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
TWENTY-NINE	Individual # 9	ELEVEN	February 13, 2013	E-file transmission of 2012 Form 1040A from Kaybamz in New York to IRS in Massachusetts
THIRTY	Individual # 9	TWELVE	February 3, 2014	E-file transmission of 2013 Form 1040 from Kaybamz in New York to IRS in Massachusetts

COUNT	INDIVIDUAL	RELATED COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE TRANSMISSION TO IRS
THIRTY-ONE	Individual # 10	THIRTEEN	February 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THIRTY-TWO	Individual # 11	FOURTEEN	February 14, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THIRTY-THREE	Individual # 12	FIFTEEN	February 2, 2014	E-file transmission of 2013 Form 1040A from Kaybamz in New York to IRS in Massachusetts
THIRTY-FOUR	Individual # 13	SIXTEEN	January 12, 2013	E-file transmission of 2012 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THIRTY-FIVE	Individual # 14	SEVENTEEN	January 30, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts
THIRTY-SIX	Individual # 15	EIGHTEEN	February 6, 2015	E-file transmission of 2014 Form 1040 from Kaybamz in New York to IRS in Massachusetts

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(5), 2

and 3551 et seq.)

COUNT THIRTY-SEVEN

(Conspiracy to Commit Aggravated Identity Theft)

22. The allegations in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

23. On or about between January 23, 2014 and March 31, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, did knowingly and willfully conspire to possess and use without lawful authority one or more means of identification of another person during and in relation to wire fraud, knowing the means of identification would belong to another person, contrary to Title 18, United States Code, Sections 1028A(a)(1) and 1028A(c)(5).

24. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, did commit and cause the commission of the following:

OVERT ACTS

(a) On or about January 23, 2014, the defendants HAKEEM BAMGBALA and AFOLABI AJELERO, together with others, entered an agreement with Entity # 1, permitting the defendants HAKEEM BAMGBALA and AFOLABI AJELERO to print refund transfer checks at the Kaybamz offices.

(b) On or about May 5, 2014, the defendants HAKEEM BAMGBALA and AFOLABI AJELERO, together with others, provided Entity # 1 with fraudulent Forms 8879 bearing the forged signatures of Individual # 2, Individual # 4 and others, along with fraudulent New York state identification documents bearing the names of Individual # 2, Individual # 4 and others.

(c) On or about the dates shown on the chart below, the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, caused the check number shown on the chart below, made payable to the individual

shown on the chart below, for the amount shown in the chart below, to be deposited into Chase Bank account in the name of Individual # 16 ("Chase Bank account"):

APPROXIMATE DATE OF DEPOSIT	CHECK NUMBER	PAYEE	AMOUNT
February 20, 2014	7045146	Individual # 4	\$5,336
February 26, 2014	7045145	Individual # 2	\$4,420
February 18, 2015	8558839	Individual # 14	\$5,335
February 27, 2015	8558849	Individual # 15	\$2,079

(d) In or about and between February 2014 and March 2014, both dates being approximate and inclusive, the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, caused funds equal to the value of deposited refund transfer check numbers 7045145 and 7045146 to be withdrawn from the Chase Bank account and delivered to the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL.

(e) In or about and between February 2014 and March 2015, both dates being approximate and inclusive, the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL, together with others, caused funds equal to the value of the deposited refund transfer check numbers 8558839 and 8558849 to be withdrawn from the Chase Bank account and delivered to the defendants HAKEEM BAMGBALA, AFOLABI AJELERO and MICHAEL CAMPBELL.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNTS THIRTY-EIGHT THROUGH FORTY-ONE
(Aggravated Identity Theft)

25. The allegations in paragraphs one through 17 are realleged and incorporated as if fully set forth in this paragraph.

26. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendants HAKEEM BAMGBALA, AFOLABI AJELRO and MICHAEL CAMPBELL, together with others, did knowingly and intentionally transfer, possess, and use without lawful authority, one or more means of identification of other persons, to wit: the individuals identified in the chart below, knowing the means of identification belonged to another person:

COUNT	PAYEE	CHECK NUMBER	APPROXIMATE DATE CHECK DEPOSITED	DESCRIPTION OF WIRE TRANSMISSION
THIRTY-EIGHT	Individual # 4	7045146	February 20, 2014	ATM Bank Deposit by CAMPBELL in New York caused electronic transmission of copy of check to Ohio Valley Bank in Ohio
THIRTY-NINE	Individual # 2	7045145	February 26, 2014	ATM Bank Deposit by CAMPBELL in New York caused electronic transmission of copy of check to Ohio Valley Bank in Ohio
FORTY	Individual # 14	8558839	February 18, 2015	ATM Bank Deposit by CAMPBELL in New York caused electronic transmission of copy of check to Ohio Valley Bank in Ohio

COUNT	PAYEE	CHECK NUMBER	APPROXIMATE DATE CHECK DEPOSITED	DESCRIPTION OF WIRE TRANSMISSION
FORTY-ONE	Individual # 15	8558849	February 27, 2015	ATM Bank Deposit by CAMPBELL in New York caused electronic transmission of copy of check to Ohio Valley Bank in Ohio

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(5), 2 and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH EIGHTEEN**

27. The United States hereby gives notice to the defendants charged in Counts One through Eighteen that, upon their conviction of any such offenses, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offenses.

28. If any of the above-described forfeitable property, as a result of any act or omission of such defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON


BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

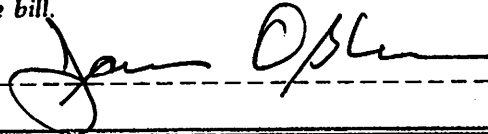
HAKEM BANGBALA, AFOLABI AJELE RO, and MICHAEL CAMPBELL

Defendant.

INDICTMENT

CR. NO. _____
(T. 18, U.S.C. §§ 1343, 1028A(a)(1), 1028A(b),
1028A(c)(5), 371, 2 and 3551 et. seq.)

A true bill.




Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____

MARK McDONALD 

(P) 202-305-2672