

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNT 1: 18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud

COUNTS 2-8: 18 U.S.C. § 1343 - Wire Fraud

☐ Petty☐ Minor☐ Misdemeanor☒ Felony

PENALTY: COUNTS 1-8: 20 years imprisonment, \$250,000 fine, 3 years of supervised release, \$100 mandatory special assessment

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

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

DEFENDANT - U.S.

Kimberly Dominguez

DISTRICT COURT NUMBER

CR 19 0591

NOV -7 2019

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

DEFENDANT

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 Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

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)

SSA OIG

☐ 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:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ 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 DAVID ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SAUSA Christopher Vieira

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: no bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

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

Date/Time:

Before Judge:

Comments:

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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

NOV -7 2019

DEFENDANT - U.S.

Erick Dominguez

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

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CR 19 0591

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If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

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Month/Day/Year

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Name of Assistant U.S. Attorney (if assigned)

SAUSA Christopher Vieira

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Date/Time:

Before Judge:

Comments:

ADDITIONAL INFORMATION OR COMMENTS

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

~~UNDER SEAL~~

VENUE: OAKLAND

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 19 0591

HSG

KIMBERLY DOMINGUEZ AND ERICK DOMINGUEZ,

DEFENDANT(S).

INDICTMENT

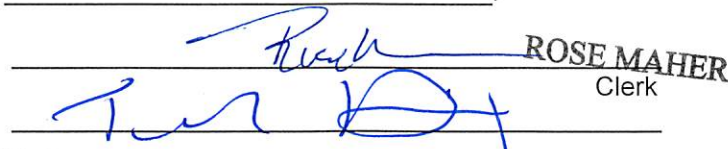
18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud;
18 U.S.C. § 1343 – Wire Fraud;
18 U.S.C. § 981 (a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.



Foreman

Filed in open court this 7 day of 11 2019



ROSE MAHER
Clerk

NO BAIL WARRANT

THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE

Bail, \$

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

3
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KIMBERLY DOMINGUEZ and
15 ERICK DOMINGUEZ,

16 Defendants.

CASE NO:

CR 19 0591

VIOLATIONS:

18 U.S.C. § 1349 – Conspiracy to Commit Wire

Fraud;

18 U.S.C. § 1343 – Wire Fraud;

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –

Forfeiture Allegation

OAKLAND VENUE

17 INDICTMENT

18 The Grand Jury charges:

19 Introductory Allegations

20 1. Kimberly Dominguez (“KIMBERLY”), is employed by the Social Security
21 Administration (“SSA”) at the agency’s Oakland Teleservice Center.

22 2. Erick Dominguez (“ERICK”) is KIMBERLY’s husband.

23 3. SSA payments originate in Baltimore, Maryland and are electronically-routed through the
24 Bureau of Fiscal Service’s Kansas City Financial Center in Kansas City, Missouri. After processing in
25 Kansas City, Missouri, payments are electronically-routed through the Federal Reserve Bank in East
26 Rutherford, New Jersey to a Social Security recipient’s bank account.

27 The Scheme and Artifice to Defraud

28 4. From a time unknown but no later than October 5, 2015 and continuing until at least

INDICTMENT

1 September 25, 2019, KIMBERLY and ERICK knowingly participated in, devised, and intended to
2 devise a scheme to defraud the SSA. Specifically, KIMBERLY used her employment at the SSA's
3 Oakland Teleservice Center to access SSA databases in order to divert Social Security recipients' direct
4 deposit payments to Comerica Direct Express accounts that she controlled. After the SSA deposited
5 diverted benefits into the Comerica Direct Express accounts that KIMBERLY controlled, KIMBERLY,
6 ERICK and/or their associates withdrew money from the accounts, primarily via ATM cash
7 withdrawals.

8 5. On or about October 5, 2015, KIMBERLY accessed an SSA database and diverted Social
9 Security recipient R.V.'s direct deposit payment from R.V.'s designated bank account to a Comerica
10 Direct Express account that KIMBERLY controlled. KIMBERLY also changed R.V.'s home address in
11 the SSA's database. After the SSA deposited R.V.'s benefits into the Comerica Direct Express account,
12 KIMBERLY and/or her associates withdrew money from the account via ATM cash withdrawals.

13 6. On or about November 12, 2015, KIMBERLY accessed an SSA database and diverted
14 Social Security recipient S.L.'s direct deposit payment from S.L.'s designated bank account to a
15 Comerica Direct Express account that KIMBERLY controlled. KIMBERLY also changed S.L.'s home
16 address in the SSA's database. After the SSA deposited S.L.'s benefits into the Comerica Direct
17 Express account, KIMBERLY and/or her associates withdrew money from the account via ATM cash
18 withdrawals.

19 7. On or about April 22, 2016, KIMBERLY accessed an SSA database and diverted Social
20 Security recipient A.H.'s direct deposit payment from A.H.'s designated bank account to a Comerica
21 Direct Express account that KIMBERLY controlled. KIMBERLY also changed A.H.'s home address in
22 the SSA's database. After the SSA deposited A.H.'s benefits into the Comerica Direct Express account,
23 KIMBERLY and/or her associates withdrew money from the account primarily via ATM cash
24 withdrawals.

25 8. The SSA suspended P.P.'s benefits in mid-2014 because it had not been able to contact
26 him. On or about December 4, 2017, KIMBERLY accessed an SSA database, reinstated P.P.'s
27 suspended benefits, and diverted P.P.'s benefit payments to a Comerica Direct Express account that
28 KIMBERLY controlled. KIMBERLY also changed P.P.'s home address in the SSA's database. After

1 the SSA deposited P.P.'s benefits into the Comerica Direct Express account, KIMBERLY and/or her
2 associates withdrew money from the account via ATM cash withdrawals.

3 9. On or about July 11, 2018, KIMBERLY accessed an SSA database and diverted Social
4 Security recipient M.A.'s direct deposit payment from M.A.'s designated bank account to a Comerica
5 Direct Express account that KIMBERLY controlled. KIMBERLY also changed M.A.'s home address
6 in the SSA's database. After the SSA deposited M.A.'s benefits into the Comerica Direct Express
7 account, KIMBERLY and/or her associates withdrew money from the account primarily via ATM cash
8 withdrawals.

9 10. On or about July 30, 2018, KIMBERLY accessed an SSA database and diverted Social
10 Security recipient R.G.'s direct deposit payment from R.G.'s designated bank account to a Comerica
11 Direct Express account that KIMBERLY controlled. KIMBERLY also changed R.G.'s home address in
12 the SSA's database. After the SSA deposited R.G.'s benefits into the Comerica Direct Express account,
13 KIMBERLY and/or her associates withdrew money from the account via ATM cash withdrawals.

14 11. The SSA suspended D.W.'s benefits in early 2018 because it learned that D.W. might be
15 deceased. On or about September 27, 2018, KIMBERLY accessed an SSA database, reinstated D.W.'s
16 suspended benefits, and diverted D.W.'s benefit payments to a Comerica Direct Express account that
17 KIMBERLY controlled. KIMBERLY also changed D.W.'s home address in the SSA's database. After
18 the SSA deposited D.W.'s benefits into the Comerica Direct Express account, KIMBERLY, ERICK,
19 and/or their associates withdrew money from the account via ATM cash withdrawals.

20 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud)

21 12. Paragraphs 1 and 11 are re-alleged and incorporated as if fully set forth herein.

22 13. From a time unknown but no later than October 5, 2015 and continuing until at least
23 September 25, 2019, in the Northern District of California and elsewhere, the defendants,

24 KIMBERLY DOMINGUEZ and ERICK DOMINGUEZ,
25 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire and agree
26 together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section
27 1343, by devising a scheme and artifice to defraud and a scheme to obtain money by means of false and
28 fraudulent representations, specifically by diverting Social Security recipients' direct deposit payments

to Comerica Direct Express accounts and withdrawing the money from the accounts.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH EIGHT: (18 U.S.C. § 1343 – Wire Fraud)

14. Paragraphs 1 through 13 of this Indictment are re-alleged and incorporated as if fully set forth here.

15. From October 28, 2015 and continuing through at least September 25, 2019, in the Northern District of California and elsewhere, the defendant,

KIMBERLY DOMINGUEZ,

for the purpose of executing the material scheme and artifice to defraud investors, and for obtaining money and property from investors by means of materially false and fraudulent pretenses, representations, promises, and material omissions with a duty to disclose, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, signals, and pictures, that is, electronic funds transfers from the Social Security Administration to fraudulent Comerica Direct Express accounts, as further set forth below:

COUNT	DATE	ITEM WIRED	WIRED FROM	WIRED TO
2	10/28/2015	\$2,367.00	Social Security Administration	R.V.'s fraudulent Comerica Direct Express account ending in 7538
3	1/20/2016	\$1,117.30	Social Security Administration	S.L.'s fraudulent Comerica Direct Express account ending in 4330
4	6/15/2016	\$2,536.00	Social Security Administration	A.H.'s fraudulent Comerica Direct Express account ending in 3950
5	12/14/2017	\$31,631.00	Social Security Administration	P.P.'s fraudulent Comerica Direct Express account ending in 0629
6	8/15/2018	\$3,508.00	Social Security Administration	R.G.'s fraudulent Comerica Direct Express account ending in 0768
7	12/12/2018	\$1,059.00	Social Security Administration	M.A.'s fraudulent Comerica Direct Express account ending in 0263
8	9/25/2019	\$1,660.00	Social Security Administration	D.W.'s fraudulent Comerica Direct Express account ending in 3159

Each in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

16. The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

17. Upon conviction for any of the offenses set forth in this Indictment, the defendants,

1 KIMBERLY DOMINGUEZ and ERICK DOMINGUEZ,
2 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
3 Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived
4 from proceeds the defendant obtained directly and indirectly, as the result of those violations, including
5 but not limited to the following:

6 a. a sum of money equal to the amount of proceeds obtained as a result of the offenses.

7 If any of the property described above, as a result of any act or omission of the defendant:

8 a. cannot be located upon exercise of due diligence;

9 b. has been transferred or sold to, or deposited with, a third party;

10 c. has been placed beyond the jurisdiction of the court;

11 d. has been substantially diminished in value; or

12 e. has been commingled with other property which cannot be divided without
13 difficulty,

14 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
15 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

16 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
17 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

18
19 DATED: 7 NOV 2019

A TRUE BILL.

20
21 

22 FOREPERSON

23 DAVID L. ANDERSON
24 United States Attorney

25 

26 CHRISTOPHER VIEIRA
27 Special Assistant United States Attorney
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

CASE NUMBER:

USA v. KIMBERLY DOMINGUEZ, et al.

CR 19 0591

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 2-7 ☒ 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF OAK ☒ SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): CHRISTOPHER VIEIRA

Date Submitted: 11/06/19

Comments: