

"UNDER SEAL"
CHARLOTTE, NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

AUG 21 2019

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)

v.)

MICHAEL FILIPIDIS)

DOCKET NO. 3:19CR245-FDW

BILL OF INDICTMENT

UNDER SEAL

Violations: 18 U.S.C. § 1343
18 U.S.C. § 1028A

THE GRAND JURY CHARGES:

At the specified times and at all relevant times:

Introduction

1. From in or about December 2018 through in or about February 2019, the defendant, MICHAEL FILIPIDIS, engaged in a scheme to defraud an elderly individual who is known to the Grand Jury ("Victim"). FILIPIDIS falsely told Victim that FILIPIDIS was a financial advisor with Wells Fargo and that he could manage and invest Victim's monies. Based on this fraudulent statement, Victim provided FILIPIDIS with access to Victim's financial accounts and authorized FILIPIDIS to transfer funds to new brokerage accounts. FILIPIDIS then fraudulently diverted funds from Victim's new brokerage accounts, as well as from Victim's life insurance annuities and Victim's other bank accounts, to bank accounts under FILIPIDIS's control. FILIPIDIS then used and attempted to use Victim's funds for FILIPIDIS's personal benefit.

2. FILIPIDIS was a resident of Mint Hill, North Carolina, in the Western District of North Carolina. He was employed by Wells Fargo Advisors at a call center until March 2019.

The Scheme to Defraud

3. It was part of the scheme and artifice to defraud that:

a. On or about December 3, 2018, FILIPIDIS opened accounts in the name of Victim at Ally Investments ("new brokerage accounts") and used his own phone number and email address for the contact information. FILIPIDIS, without the knowledge and consent of Victim, named himself the beneficiary of one of the new brokerage accounts.

b. On or about December 7, 2018, FILIPIDIS transferred or caused to be transferred Victim's brokerage accounts at Prospera Financial Services, valued at more than \$240,000, to the new brokerage accounts at Ally Investments.

c. On or about December 24, 2018, FILIPIDIS cashed out all positions in one of the new brokerage accounts at Ally Investments.

d. On or about December 28, 2018, FILIPIDIS attempted to obtain a check for \$186,499 from one of the new brokerage accounts at Ally Investments.

e. In and around January 2019, FILIPIDIS fraudulently changed the mailing address, email address, and phone number associated with Victim's bank accounts at Wells Fargo to FILIPIDIS's personal information so Victim stopped receiving phone calls, correspondence, and statements for his bank accounts.

f. On or about January 2, 2019, FILIPIDIS emailed a Surrender Request to Jackson National Insurance Company requesting Victim's Annuity be cashed out. On or about January 3, 2019, FILIPIDIS caused the cashed out value of the Annuity account, \$287,639.72, to be mailed by check to FILIPIDIS. On or about January 17, 2019, FILIPIDIS deposited the \$287,639.72 check into Victim's Wells Fargo bank account.

g. On or about January 7, 2019, FILIPIDIS, without the permission of Victim, opened a joint savings account ("joint account") in his and Victim's name at Ally Investments. On or after this date, FILIPIDIS attempted to transfer \$186,499 from one of the new brokerage accounts into this joint account.

h. On or about January 7, 2019, FILIPIDIS emailed an Annuity Withdrawal Form to TransAmerica Life Insurance Company requesting Victim's Annuity be cashed out. On or after this date, \$314,380.02, representing the cash value of the annuity, was withdrawn from the account. On or about January 10, 2019, these funds, less fees, were wire transferred into Victim's Wells Fargo bank account.

i. On or about February 27, 2019, FILIPIDIS made another check request to Ally Investments from the new brokerage account in the amount of \$186,806.57.

j. During January and February 2019, FILIPIDIS fraudulently stole more than \$13,000 from Victim's Wells Fargo bank account and used the funds to make personal expenditures.

4. FILIPIDIS transmitted and caused to be transmitted by means of a wire communication in interstate commerce various writings, signals, and sounds, including emails, telephone calls, and interstate wire transfers associated with the fraudulently diverted payments.

5. Over the course of the scheme, from in or about December 2018 to in or about February 2019, FILIPIDIS diverted more than \$800,000 of Victim's funds, intended for FILIPIDIS's own benefit.

COUNT ONE
(Wire Fraud – 18 U.S.C. § 1343)

6. The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 5 of the Bill of Indictment, and further alleges that:

7. From in or about December 2018 through in or about February 2019, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

MICHAEL FILIPIDIS

with the intent to defraud, did knowingly and intentionally devise the above-described scheme and artifice to defraud and obtain money by materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, did cause to be transmitted by means of wire communication in interstate and foreign commerce any writing, sign, signal, picture, or sound, including among other things, emails, phone calls, and interstate wire transfers associated with the transfers of funds and diverted payments.

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

COUNT TWO
(Aggravated Identity Theft - 18 U.S.C. § 1028A(a)(1))

8. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 5 of the Bill of Indictment, and further alleges that:

9. On or about January 8, 2019, in the Western District of North Carolina, and elsewhere, the defendant,

MICHAEL FILIPIDIS

did knowingly use, without lawful authority, a means of identification of another person, to wit: the name of Victim, during and in relation to the commission of one or more felony violations, to wit, wire fraud (18 U.S.C. § 1343), knowing that the means of identification belonged to another actual person.

All in violation of 18 U.S.C. § 1028A(a)(1).

NOTICE OF FORFEITURE

Notice is hereby given of the provisions of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under § 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by § 981(a)(1)(C). The following property is subject to forfeiture in accordance with § 982 and/or § 2461(c):

- a. all property which constitutes or is derived from proceeds of the offense alleged in this bill of indictment; and
- b. in the event that any property described in (a) cannot be located or recovered or has been substantially diminished in value or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant, to the extent of the value of the property described (a).

A TRUE BILL:



R. ANDREW MURRAY
UNITED STATES ATTORNEY


CARYN FINLEY
ASSISTANT UNITED STATES ATTORNEY