

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**24 MAG 3662**

UNITED STATES OF AMERICA

v.

ARSEN LUSHER,

Defendant.

**SEALED COMPLAINT**

Violations of 18 U.S.C. §§ 1028A, 1343,  
and 2.

COUNTY OF OFFENSE:  
NEW YORK

SOUTHERN DISTRICT OF NEW YORK:

DENIELE T. DEBOER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

**COUNT ONE**  
**(Wire Fraud)**

1. From at least in or about 2017 through at least in or about February 2021, in the Southern District of New York and elsewhere, ARSEN LUSHER, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, LUSHER engaged in a scheme to make false statements to numerous individuals to obtain money for the purported purpose of investing that money in a trucking business, but which LUSHER in fact used primarily to enrich himself and to pay earlier investors.

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

**COUNT TWO**  
**(Aggravated Identity Theft)**

2. In or about December 2020, in the Southern District of New York and elsewhere, ARSEN LUSHER, the defendant, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, LUSHER used and transferred the name and tax preparer information of another person during and in relation to the wire fraud violation charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I have been a Special Agent with the FBI since approximately 2011. I am assigned to an FBI squad that primarily investigates Eurasian organized crime. During my tenure with the FBI, I have, among other things, participated in the investigation of numerous frauds, including securities fraud and other white-collar offenses. This affidavit is based upon my personal participation in this investigation, as well as on my conversations with other law enforcement officers and my examination of documents, reports, and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### **Overview of the Scheme**

4. From at least 2017 to at least in or about February 2021, ARSEN LUSHER, the defendant, with others known and unknown, engaged in a scheme to defraud approximately more than 20 victims (the “Victims”) of approximately more than \$5 million (the “Scheme”). In the Scheme, LUSHER and a small group of trusted lieutenants acting at LUSHER’s direction solicited investments from the Victims, usually by representing that LUSHER had a profitable trucking business that enjoyed delivery and installation contracts with multiple large retailers. LUSHER and his lieutenants typically represented that the Victims’ investments would fund the purchase of trucks, each truck costing around \$45,000. Through written and signed investment agreements, LUSHER and his lieutenants normally guaranteed the Victims that their investments would generate high rates of return over a fixed period—typically between 30 and 40 percent over one or two years. In that way, LUSHER succeeded in raising approximately more than \$40 million from the Victims during the Scheme.

5. In fact, though, LUSHER did not have a large trucking business. Instead, based on my review of records obtained from several large retailers, I have learned that LUSHER had a small trucking business that performed a small amount of work for one large retailer (“Retailer-1”)—less than \$300,000—between in or about 2019 and in or about 2021. Contrary to his representations, LUSHER does not appear to have performed any trucking work for other large retailers. Accordingly, the amount that LUSHER earned from his legitimate trucking business could not have compensated the Victims and produced the promised returns.

6. Indeed, LUSHER did not use the Victims’ funds to purchase trucks or to grow his trucking business. Instead, for years, LUSHER engaged in a Ponzi scheme: LUSHER paid earlier Victims with later Victims’ funds. In that way, LUSHER was able to sustain the Scheme for a number of years. But in early 2021, the Scheme came crashing down, leaving numerous Victims with losses exceeding approximately \$5 million.

7. To effectuate the Scheme, LUSHER used primarily three companies that he incorporated and controlled: (a) Xtreme HD, Inc., (b) Install Masters LLC, and (c) Master Installs LLC (the “LUSHER Companies”). As mentioned above, LUSHER had a small group of trusted lieutenants—including an individual (“Individual-1”) and another individual who acted as Individual-1’s assistant—whom LUSHER tasked with soliciting investors; creating companies (the “Middleman Companies”) to enter into investment contracts with those investors; opening bank accounts for the Middleman Companies; and funneling the money from those investors through the Middleman Companies to the LUSHER Companies. Based on my review of financial

records, I have learned that, once a Middleman Company forwarded an investor's money to one of the LUSHER Companies, LUSHER would typically, *inter alia*, (a) transfer that money to the other LUSHER Companies, (b) transfer that money to other Middleman Companies, and/or (c) enrich himself, such as by gambling or shopping for high-end goods.

### **Examples of the Scheme**

8. Based on my review of documents provided by Victims, WhatsApp communications, financial records and other documents provided by financial institutions, documents provided by Internet service providers, wireless service providers, betting companies and casinos, and large retailers, publicly available court documents, documents obtained through law enforcement databases, and my conversations with Victims, witnesses, and law enforcement officers, I have learned the following, among other things:

#### *Victim-1*

a. Victim-1 resides primarily in or around Miami, Florida. Victim-1 met Individual-1 in approximately 2017 through a mutual friend. Individual-1 told Victim-1, in substance and in part, that Individual-1's partner ran a trucking business that enjoyed delivery contracts with large retailers. Victim-1 later learned from Individual-1 that Individual-1's partner was LUSHER. Individual-1 told Victim-1, in substance and in part, that LUSHER's trucking business's contracts with those large retailers were "guaranteed" by the large retailers for 24 months. Based in part on Individual-1's representations, Victim-1 decided to invest in LUSHER's alleged trucking business on several occasions between in or about December 2018 and in or about October 2020. In addition, over approximately the same period, Victim-1 persuaded several associates to invest with LUSHER in exchange for the promise of a referral payment. In total, Victim-1 invested approximately \$3 million with LUSHER, and received in return approximately \$1.3 million. Accordingly, Victim-1 was defrauded by LUSHER approximately \$1.7 million.

b. Based on my review of financial records, I know that some of the money that Victim-1 invested into LUSHER's alleged trucking business flowed through the Middleman Companies into a particular business bank account at Wells Fargo (the "Xtreme HD Wells Fargo Account").<sup>1</sup> During the course of Victim-1's investments into the Scheme, LUSHER appears to have used the Xtreme HD Wells Fargo Account, in part, to finance LUSHER's own gambling habits and high-end shopping. For example, between in or about May 2020 and in or about October 2020, the Xtreme HD Wells Fargo Account disbursed approximately \$459,025 to FanDuel, an online gambling company. Similarly, between in or about December 2018 and in or about August 2020, approximately \$17,056.89 in ATM withdrawals were made from the Xtreme HD Wells Fargo Account from an ATM located in the immediate vicinity of or inside the Borgata Hotel Casino & Spa, a casino in Atlantic City, New Jersey. Furthermore, on or about April 5,

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<sup>1</sup> Based on my involvement in this investigation and my review of records from Wells Fargo, I know that the Xtreme HD Wells Fargo Account was one of the accounts LUSHER used to perpetrate the Scheme. On or about September 19, 2014, LUSHER opened the Xtreme HD Wells Fargo Account for Xtreme HD, Inc., one of the LUSHER Companies, declaring that LUSHER was the owner with control of Xtreme HD, Inc., and providing the LUSHER Email Address-2 (defined below).

2019, an American Express card I believe to be used by LUSHER (the “LUSHER AmEx Card”) racked up thousands of dollars in high-end shopping expenses in Hong Kong, including approximately \$15,000 at luxury retailers.<sup>2</sup> In or about April and May 2019, two payments were made to pay down the balance on the LUSHER AmEx Card; both payments were made from the Xtreme HD Wells Fargo Account. More generally, between in or about December 2018 and April 2020, the Xtreme HD Wells Fargo Account was used to make more than 20 payments on the LUSHER AmEx Card, paying down balances totaling more than approximately \$175,000.

c. During the course of his investments in the Scheme, Victim-1 met LUSHER on several occasions. For example, on or about March 11, 2020, Victim-1 met LUSHER and Individual-1 for a tour of a Retailer-1 distribution and fulfillment facility located in or around Piscataway, New Jersey. There, a Retailer-1 employee gave LUSHER, Individual-1, and Victim-1 a tour, which left Victim-1 feeling confident that Victim-1’s investments were safe, because LUSHER’s trucking business appeared to be thriving. LUSHER told Victim-1, in substance and in part, that LUSHER’s trucking business was booming and encouraged Victim-1 to invest more. Following that tour, Victim-1 invested approximately \$2.25 million more into LUSHER’s trucking business. On or about December 8, 2020, Victim-1 met LUSHER, Individual-1, and others at the same Retailer-1 distribution and fulfillment facility in Piscataway, New Jersey, for a similar tour. Again, the tour left Victim-1 feeling as though his investments in LUSHER’s trucking business were safe.

d. On or about December 16, 2020, LUSHER created and caused to be sent to Victim-1 a falsified 2019 tax form for Xtreme HD, Inc., as follows:

i. On or about December 10, 2020, Victim-1 sent Individual-1 a text message on WhatsApp, asking, in substance and in part, for tax returns for the LUSHER Companies.

ii. On or about December 14, 2020, an email address I believe to be controlled by LUSHER (the “LUSHER Email Address-1”) sent an email to an email address I believe to be controlled by Individual-1 (the “Individual-1 Email Address”), attaching a purported “income statement” for Xtreme HD, Inc. for the year 2019 (the “2019 Xtreme HD Income Statement”).<sup>3</sup> On or about December 15, 2020, the Individual-1 Email Address forwarded the

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<sup>2</sup> Based on my review of records obtained from American Express, I know that on or about December 16, 2017, an individual named “Arsen Lusher” submitted an application to American Express, providing a date of birth that, based on my review of law enforcement and other records, I know to be LUSHER’s date of birth, and the LUSHER Home Address (defined below).

<sup>3</sup> I believe that LUSHER controls the LUSHER Email Address-1 for several reasons. For example, records from Google show that the subscriber for the LUSHER Email Address-1 provided a recovery email address and a recovery phone number. Records received from Yahoo indicate that the subscriber of the recovery email address is “art lushier.” Records obtained from Verizon indicate that the recovery phone number is subscribed to by “Arsen Lusher,” and with the business name “Xtreme HD Inc.” I believe that Individual-1 controls the Individual-1 Email Address for several reasons, including that records from Google indicate that Individual-1 is the subscriber of the Individual-1 Email Address.

2019 Xtreme HD Income Statement to an email address that I believe, based on my conversations with Victim-1, to be controlled by Victim-1 (the “Victim-1 Email Address”).

iii. On or about December 15, 2020, after receiving the 2019 Xtreme HD Income Statement, Victim-1 texted Individual-1 over WhatsApp stating, in substance and in part, that Victim-1 had asked for tax returns, not a financial statement. Individual-1 then texted LUSHER, also over WhatsApp, explaining, in substance and in part, that Victim-1 still wanted to see tax returns for the LUSHER Companies. LUSHER and Individual-1 then exchanged the following text messages over WhatsApp:

Date	Time	Sender	Recipient	Content
Dec. 15, 2020	8:27:03 a.m.	LUSHER	Individual-1	Ok I'll request the returns
Dec. 15, 2020	8:27:14 a.m.	Individual-1	LUSHER	[thumbs up emoji]
Dec. 15, 2020	8:29:02 a.m.	LUSHER	Individual-1	I hope this doesn't backfire
Dec. 15, 2020	8:31:08 a.m.	Individual-1	LUSHER	It won't
Dec. 15, 2020	8:31:42 a.m.	Individual-1	LUSHER	What can I do with them???
Dec. 15, 2020	8:32:23 a.m.	LUSHER	Individual-1	I'm not worried about you.

iv. On or about December 16, 2020, at approximately 1:21 p.m., an email address I believe to be controlled by LUSHER (the “LUSHER Email Address-2”) emailed the Individual-1 Email Address, attaching a five-page document titled “XTREME HD 2019,” which was a purported U.S. Income Tax Return for an S Corporation for the tax year 2019 for Xtreme HD, Inc. (the “Fraudulent Return”).<sup>4</sup> The bottom of page one of the Fraudulent Return displayed a section called “Paid Preparer Use Only,” which was purportedly completed and signed by a particular accountant authorized to prepare and file the Fraudulent Return (the “Defrauded Accountant”). On or about December 16, 2020, at approximately 10:42 p.m., the Individual-1 Email Address forwarded the Fraudulent Return to the Victim-1 Email Address.

v. On or about August 19, 2021, I participated in an interview with the Defrauded Accountant. In substance and in part, the Defrauded Accountant explained that, although the Fraudulent Return contained accurate information about the Defrauded Accountant (such as the Defrauded Accountant’s name, business address, and employer identification number), the Defrauded Accountant had not provided tax accounting services to LUSHER and had not prepared or signed the Fraudulent Return.

e. On or about February 16, 2021, LUSHER created and caused to be sent to Victim-1 a falsified email, in which LUSHER altered the account balances reported to him by an employee from Signature Bank, as follows:

i. On or about January 15, 2021, LUSHER submitted applications to open business checking accounts at Signature Bank for (1) Xtreme HD, Inc., and (2) Install Masters

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<sup>4</sup> I believe that LUSHER controls the LUSHER Email Address-2 for several reasons. For example, the email address—“artie.lusher@xtremeinstalls.net”—contains a shortened version of LUSHER’s name. In addition, records from GoDaddy indicate that the domain “xtremeinstalls.net” was registered in or about 2013 by an individual named “artie lusher.”

LLC. In the application for Xtreme HD, Inc., LUSHER represented that Xtreme HD, Inc., was a “logistics company” that did “delivery and installation for [Retailer-1] and other retailers.” LUSHER stated that he owned 100 percent of Xtreme HD, Inc., and provided the LUSHER Email Address-1 as his contact email. In the application for Install Masters LLC, LUSHER represented that Install Masters LLC was a “logistics company that delivers and installs for big box retailers [*sic*] and private customers.” LUSHER also stated that he was a “member” of Install Masters LLC, who owned 99% of the company. To open the account, LUSHER provided the LUSHER Email Address-2 as his contact email.

ii. On or about February 14, 2021, Victim-1 texted Individual-1 on WhatsApp, stating, in substance and in part, that Victim-1 and another investor wanted to see “actual account balances at the bank” to reassure them that their investments with LUSHER were safe.

iii. On or about February 16, 2021, at approximately 10:09 a.m., the LUSHER Email Address-2 emailed an employee of Signature Bank (“Signature Bank Employee-1”), asking Signature Bank Employee-1, in substance and in part, to “please confirm what the account balance is on Xtreme and Install Masters.” At approximately 10:26 a.m., *i.e.*, approximately 17 minutes after LUSHER sent the email to Signature Bank Employee-1, a different employee from Signature Bank (“Signature Bank Employee-2”) responded to the LUSHER Email Address-2 (the “February 16 Email”). The body of the February 16 Email is reproduced below in **Image 1**. The signature block in the February 16 Email contained, *inter alia*, Signature Bank Employee-2’s work address, which was in Manhattan.

Good morning,  
Hope you had a great weekend.  
Your current balance as of today are:  
XTREME HD INC \$8,767.26  
INSTALL MASTERS LLC \$320.76  
Many thanks,

**Image 1**

iv. Based on conversations I have had with a representative from Signature Bank, I have learned that both Signature Bank Employee-1 and Signature Bank Employee-2 were employed at a Manhattan office address, and that the February 16 Email passed through a server located in Manhattan.

v. On or about February 16, 2021, at approximately 1:03 p.m., *i.e.*, less than three hours after receiving the February 16 Email, LUSHER forwarded the February 16 Email from the LUSHER Email Address-2 to Individual-1 at the Individual-1 Email Address (the “Fraudulent Email”). The body of the Fraudulent Email said “[h]ere you go,” and included what purported to be a forwarded copy of the February 16 Email, which contained account balances for Xtreme HD, Inc., and Install Masters LLC. However, the account balances had been altered. More

specifically, as shown in **Image 2**, which is a portion of the Fraudulent Email, several digits had been added to the front of the account balances reported by Signature Bank Employee-2. Instead of “8,767.26,” the Fraudulent Email stated that Xtreme HD, Inc., had an account balance of ***\$1,228,767.26*** (italics and bold added). And instead of “320.76,” the Fraudulent Email stated that Install Masters LLC had an account balance of ***\$987,320.76*** (italics and bold added). In other words, the Fraudulent Email indicated that the account balances for Xtreme HD, Inc., and Install Masters LLC at Signature Bank were approximately 140 times (Xtreme HD, Inc.) and 3,078 times (Install Masters LLC) greater than they actually were.

Your current balance as of today are:

XTREME HD INC ***\$1,228,767.26***

INSTALL MASTERS LLC ***\$987,320.76***

Many thanks,

## **Image 2**

vi. On or about February 16, 2021, at approximately 3:06 p.m., *i.e.*, about two hours after receiving the Fraudulent Email from LUSHER, Individual-1 forwarded the Fraudulent Email to Victim-1 at the Victim-1 Email Address. The altered account balances in the February 16 Email had the effect of making Victim-1 feel that his investments with LUSHER’s trucking business remained safe.

## *Victim-2*

f. Victim-2 met LUSHER in or about 2019, when Victim-2 became LUSHER’s boxing coach at a gym in or around Hamilton, New Jersey. LUSHER eventually hired Victim-2 to provide boxing lessons to LUSHER and members of LUSHER’s family at LUSHER’s home in New Jersey. At some point, LUSHER told Victim-2 that Victim-2 could invest in LUSHER’s trucking business by paying LUSHER approximately \$40,000, which would cover expenses to get one delivery truck up and running.

g. On or about January 4, 2021, Victim-2 (through a company that, based on conversations with Victim-2, I believe that Victim-2 partially controlled) entered into a written investment agreement with Install Masters LLC, one of the LUSHER Companies. Under the terms of that agreement, Victim-2 agreed to pay \$45,000 to Install Masters LLC, and Install Masters LLC agreed to pay \$124,800 to Victim-2, in 104 weekly installments of \$1,200, with the payments to begin on or about February 10, 2021. In other words, LUSHER promised Victim-2 returns of nearly 200 percent over two years. The agreement was guaranteed by Install Masters LLC and was signed by Victim-2 on behalf of Victim-2’s company, and by LUSHER on behalf of Install Masters LLC.

h. On or about January 5, 2021, an individual whom I know based on conversations with Victim-2 to be Victim-2's business partner wired \$45,000 on behalf of Victim-2's company to a business bank account at Santander Bank used by LUSHER on behalf of Install Masters LLC (the "Santander Install Masters Account"). Before that \$45,000 transfer, the Santander Install Masters Account had approximately \$65 in it. Based on my review of records provided by Santander Bank, I know that LUSHER opened the Santander Install Masters Account on or about December 29, 2020, and provided, among other things, a business mailing address in New Jersey that I believe to be LUSHER's home address (the "LUSHER Home Address").<sup>5</sup>

i. Based on my review of records provided by Santander Bank, I know that, rather than using Victim-2's \$45,000 investment to buy a delivery truck (as promised), between on or about January 5, 2021, and on or about January 8, 2021, *i.e.*, in the three days after LUSHER received Victim-2's \$45,000 investment, LUSHER moved approximately \$44,905 of that \$45,000 out of the Santander Install Masters Account in a series of transactions.

j. In several of those transactions, LUSHER appeared to wire or transfer money from the Santander Install Masters Account to bank accounts of other entities that LUSHER controlled. For example, on or about January 5, 2021, approximately \$6,770 was wired (in two separate transactions) from the Santander Install Masters Account to beneficiaries named "MS PROF. INVESTMENT" and "MUCHKO M&A INC.," both with a beneficiary address of the LUSHER Home Address. On or about January 6, 2021, approximately \$22,950 was transferred (in two separate transfers) from the Santander Install Masters Account to a business bank account at Santander Bank that I believe LUSHER used on behalf of Xtreme HD, Inc. (the "Santander Xtreme HD Account"). Records from Santander Bank confirm that LUSHER opened the Santander Xtreme HD Account on or about December 29, 2020, providing the LUSHER Home Address as the account address.

k. In other transactions, LUSHER appeared to be paying down debts that he owed. For example, on or about January 6, 2021, LUSHER cut an approximately \$7,500 check from the Santander Install Masters Account to a check cashing business ("Business-1"), which LUSHER signed. Based on my participation in this investigation, my conversations with an employee of Business-1 and my review of records provided by Business-1, I know that Business-1 is a check cashing business located in or around Hamilton, New Jersey, which is less than approximately 20 miles from the LUSHER Home Address. Business-1 cashes checks for clients but charges approximately a 2.2 percent fee on all checks that it cashes. LUSHER authorized Business-1 to cash checks payable to (1) Xtreme HD, Inc., (2) Install Masters LLC, and (3) "Mobile Testing Consultants, Inc.," another company that I believe LUSHER controlled.<sup>6</sup>

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<sup>5</sup> I believe that the LUSHER Home Address is LUSHER's home address for several reasons. *First*, as described in the accompanying text, the LUSHER Home Address is the business address that LUSHER used to open business bank accounts for several companies that LUSHER controlled. *Second*, on or about January 21, 2018, LUSHER used the LUSHER Home Address to open an online betting account with FanDuel. And *third*, on or about September 13, 2024, a law enforcement officer drove by the LUSHER Home Address and saw an individual believed to be LUSHER getting into a car in the driveway.

<sup>6</sup> Based on records provided from Wells Fargo, I have learned that, on or about March 22, 2018, LUSHER opened a business checking account for Mobile Testing Consultants, Inc., at Wells



Between in or about 2015 and in or about 2020, LUSHER cashed more than approximately 200 checks at Business-1, totaling approximately more than \$2 million. That check cashing activity generated check fees to Business-1 of approximately more than \$45,000. Records from Business-1 show that, as of on or about December 10, 2020, *i.e.*, less than one month before LUSHER cut an approximately \$7,500 check to Business-1 from the Santander Install Masters Account, LUSHER appears to have owed money to Business-1.


1. While Victim-2 ultimately received back from LUSHER all or nearly all of Victim-2's principal investment of \$45,000, Victim-2 received none of the promised returns.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of ARSEN LUSHER, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

**/s Deniele T. DeBoer** (By Court with Authorization)

Deniele T. DeBoer  
Special Agent, FBI

Sworn to me through the transmission of  
this Complaint by reliable electronic means, pursuant to  
Federal Rule of Criminal Procedure 4.1,  
on this 18th day of October 2024.

  
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THE HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York

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Fargo, in which LUSHER identified himself as the owner with control of Mobile Testing Consultants, Inc., and provided the LUSHER Home Address as both the business's address and LUSHER's residential address.