
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Steven C. Mannion
	:	
v.	:	Mag. No. 16-6083
	:	
LISA POPEWINY, ANGEL D. VIDAL,	:	COMPLAINT
ANGEL GABRIEL VIDAL,	:	
and MIGUEL VIDAL	:	

I, Thomas Mahoney, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about June 2012 to in or about April 2015, in the District of New Jersey and elsewhere, defendants LISA POPEWINY, ANGEL D. VIDAL, ANGEL GABRIEL VIDAL, and MIGUEL VIDAL did:

SEE ATTACHMENT A

I further state that I am an Investigator with the Office of the United States Attorney for the District of New Jersey, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Thomas Mahoney, Supervisory Criminal Investigator
Office of the United States Attorney

Sworn to before me and subscribed in my presence,
May 31, 2016 at Newark, New Jersey

HONORABLE STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

From in or about June 2012 to in or about April 2015, in the District of New Jersey and elsewhere, defendants

LISA POPEWINY, ANGEL D. VIDAL,
ANGEL GABRIEL VIDAL, and MIGUEL VIDAL,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds.

In violation of Title 18, United States Code, Section 1343 and Section 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in this Complaint are incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to defendants LISA POPEWINY, ANGEL D. VIDAL, ANGEL GABRIEL VIDAL, and MIGUEL VIDAL, that, upon conviction of the offense charged in this Complaint, the United States will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violation of Title 18, United States Code, Section 1343, as alleged in this Complaint.

3. If by any act or omission of defendants LISA POPEWINY, ANGEL D. VIDAL, ANGEL GABRIEL VIDAL, and MIGUEL VIDAL, any of the property subject to forfeiture described herein:

- 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,

the United States will be entitled to forfeiture of substitute property up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

ATTACHMENT B

I, Thomas Mahoney, a Supervisory Investigator with the Office of the United States Attorney for the District of New Jersey, have been personally involved in the investigation of this matter. The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of business records, bank records and other documents. Because this complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

BACKGROUND

1. At all times relevant to this Complaint:
 - a. Defendant LISA POPEWINY (“defendant POPEWINY”) was employed by Clifford B. Finkle, Jr. Inc. as a payroll clerk. Clifford B. Finkle, Jr. Inc. and its related entities (collectively, the “Company”) provided transportation and freight services to various public and private entities located in New Jersey, New York, and elsewhere, including the United States Postal Service (“Postal”). The Company was headquartered in Clifton, New Jersey. Defendant POPEWINY’s duties included processing payroll, maintaining employee files, processing truck driver applications, requesting motor vehicle checks on the drivers, and organizing random drug screenings for the Company’s drivers.
 - b. Defendants MIGUEL VIDAL (“defendant MIGUEL”), ANGEL D. VIDAL (“defendant ANGEL”), and ANGEL GABRIEL VIDAL (“defendant GABRIEL”) were residents of Passaic County. They were not employed by the Company during the time period that they were issued fraudulent paychecks as set forth in this complaint.
 - c. The Company used a third-party payroll service provider, (the “Payroll Company”), to generate payroll checks. Defendant POPEWINY was responsible for submitting the employees’ payroll information via the Payroll Company’s online payroll management system, and either picking up or accepting delivery of the payroll checks from the Payroll Company. Defendant POPEWINY also was responsible for distributing the paychecks at the Company.
 - d. The Company performed drug tests on its drivers as part of the driver application process, and randomly thereafter. A third party

test administrator (the “Administrator”) administered the drug tests on behalf of the Company. Defendant POPEWINY was responsible for submitting to the Administrator the list of drivers subject to random quarterly drug testing.

e. The Company also used a third party to perform motor vehicle checks on all of its drivers (the “MV Checker”). Defendant POPEWINY was responsible for requesting motor vehicle checks of drivers from the MV Checker.

f. Because of its Postal contracts, most Company drivers were required to obtain Postal security clearance and Postal identification. The clearances expired after three years.

2. As set forth in more detail below, there is probable cause to believe that defendants POPEWINY, MIGUEL, ANGEL, and GABRIEL engaged in a scheme to defraud the Company out of approximately \$920,379.72, facilitated by the use of interstate wire transmissions, in which defendant POPEWINY falsified payroll records in order to generate fraudulent paychecks payable to non-existent employees (the “Fraudulent Paychecks”). Defendants MIGUEL, ANGEL, and GABRIEL then converted the Fraudulent Paychecks, many of which were deposited into their bank accounts.

THE SCHEME TO DEFRAUD THE COMPANY

3. In order to generate the Fraudulent Paychecks, defendant POPEWINY accessed the Payroll Company’s system while at work in Clifton, New Jersey and input false hours for approximately twelve different individuals. Between in or about June 2012 and in or about April 2015, defendant POPEWINY caused the Company to issue Fraudulent Paychecks to the following payees:

Payee	Date Range of Fraudulent Paychecks (Approximately)	Total Fraudulent Paychecks Issued (Approximately)
L.A.	8/7/2014 – 4/16/2015	\$ 39,080.38
J.C.	4/4/2013 – 8/7/2014	\$ 78,940.04
W.G.	10/2/2014 – 4/16/2015	\$ 38,308.93
J.G.	6/26/2014 – 4/16/2015	\$ 54,016.60

Payee	Date Range of Fraudulent Paychecks (Approximately)	Total Fraudulent Paychecks Issued (Approximately)
H.N.	7/24/2014 – 4/2/2015	\$ 43,777.10
J.P.	6/27/2013 – 6/26/2014	\$ 57,413.04
M.R.	3/20/2014 – 4/2/2015	\$ 45,955.91
F.R.	8/8/2013 – 4/16/2015	\$ 118,788.73
Defendant GABRIEL	11/27/2013 – 4/16/2015	\$ 92,808.60
Defendant ANGEL	7/11/2013 – 4/16/2015	\$ 94,885.21
F.V.	3/6/2014 – 4/16/2015	\$ 71,616.80
Defendant MIGUEL	6/14/2012 – 4/16/2015	\$ 184,788.38

4. The investigation has revealed evidence that none of these payees were employees of the Company during the time period that the Company issued the Fraudulent Paychecks.

- a. During the time that they received Fraudulent Paychecks, none of the payees' names appeared on the quarterly driver rosters that defendant POPEWINY submitted to the Administrator for random drug tests.
- b. Postal required the Company's drivers to obtain a security clearance as a pre-requisite to getting the identification necessary to enter Postal facilities. According to Postal's records, the only payees who had received security clearance were F.R., in or about May 2008, and defendant MIGUEL, in or about July 2011. F.R.'s clearance expired in or about May 2011, approximately two years before his first Fraudulent Paycheck in August 2013. Defendant MIGUEL's clearance expired in or about July 2014, however he collected Fraudulent Paychecks until April 2015. None of the other payees received Postal security clearance.
- c. Each payee received Fraudulent Paychecks in 2014, yet none of the payees were listed on the Company's insurer's Department of Transportation driver lists for 2014.

- d. The supervisor for New Jersey during the relevant time period (“NJ Supervisor”) did not recognize photographs of W.G., J.G., M.R., defendant GABRIEL, defendant ANGEL, and F.V., as the Company’s drivers.¹ He recognized photographs of defendant MIGUEL, and J.P. as drivers who had left the Company prior to the time that the Fraudulent Paychecks were issued in their names. He also recognized F.R. as a driver who worked out of New Jersey in the past.²
- e. Neither the lead driver for the Company’s Westchester truck routes during the relevant time period, nor the supervisor for Brooklyn and Long Island truck routes during the relevant time period (“NY Supervisor”), recognized photographs of W.G., J.G., J.P., M.R., defendant GABRIEL, defendant ANGEL, F.V., or defendant MIGUEL, as the Company’s drivers. The lead driver for Westchester did not recognize any of the payees’ names as drivers. NY Supervisor recognized defendant MIGUEL, J.P., and F.R.’s names, but did not recognize the other payees’ names.

5. In fact, according to a review of New Jersey State Department of Labor records, several of the payees collected New Jersey State Unemployment benefits (“Unemployment”) during the time that they were supposedly working for the Company and were issued the Fraudulent Paychecks.

- a. J.P. collected Unemployment from in or about August 2013 through in or about March 2014. During that time, he also was the payee on Fraudulent Paychecks.
- b. Defendant MIGUEL collected Unemployment from in or about May 2012 through in or about September 2013. During all but the first month of that time period, he also was the payee on Fraudulent Paychecks. Defendant MIGUEL stated in his application for Unemployment that he worked for the Company from August 5, 2004 to April 15, 2012. As noted above, he began collected the Fraudulent Paychecks beginning in June

¹ Federal investigators were unable to locate photographs of L.A. and H.N. Neither individual has a driver’s license with the State of New Jersey.

² The Company previously employed three of the payees, F.R., J.P., and defendant MIGUEL, as drivers in New Jersey. However, the Company’s documents show that none of them worked at the Company during the times that the Fraudulent Paychecks were issued in their names. Records show that the Company employed Defendant MIGUEL from in or about August 6, 2004 to in or about April 15, 2012, F.R. from in or about September 14, 2007 to in or about October 5, 2010, and J.P. from December 20, 2004 to May 29, 2005.

2012, approximately two months *after* he stopped working at the Company.

- c. H.N. collected Unemployment from in or about February 2015 to in or about April 2015. During that time, he also was the payee on Fraudulent Paychecks.
- d. M.R. collected Unemployment from in or about August 2014 to in or about February 2015. During that time, he also was the payee on Fraudulent Paychecks.
- e. F.R. collected Unemployment from in or about June 2014 to in or about November 2014. During that time, he also was the payee on Fraudulent Paychecks.
- f. Defendant GABRIEL collected Unemployment during June 2014. During that time, he also was the payee on Fraudulent Paychecks.

6. After defendant POPEWINY left the Company at the end of April 2015, none of the individuals listed in the chart in Paragraph 3 above received any more paychecks.

The Company Discovers the Fraudulent Paychecks

7. In an effort to investigate suspected fraud or theft within the Company, on or about April 16, 2015, one of the owners of the Company distributed the payroll checks directly to NJ Supervisor and NY Supervisor—a task normally completed by defendant POPEWINY. After all of the paychecks had been distributed, approximately six paychecks remained (hereinafter, the “unclaimed paychecks”). The unclaimed paychecks were made payable to the following individuals: L.A, W.G., J.G., F.R., defendant ANGEL, and F.V.

8. While the owner was meeting with NY Supervisor and NJ Supervisor in the Company’s Clifton office to distribute the checks, defendant POPEWINY sent NY Supervisor multiple text messages. A consensual search of NY Supervisor’s cell phone revealed multiple text messages that defendant POPEWINY sent to NY Supervisor on or about April 16, 2015, the day that the unclaimed paychecks were discovered, stating: “Am I in trouble yet lol,” “What’s he doing with all of checks,” “Is he asking for me.”

9. According to NY Supervisor, after the unclaimed paychecks were discovered, defendant POPEWINY asked NY Supervisor to assist her in falsifying trip sheets, the forms that the Company used to keep track of drivers’ hours. On or about April 17, 2015, defendant POPEWINY sent NY Supervisor text messages, stating: “Can I tell you the hours and names and u create a trip

sheet? Sorry to get you involved,” “If you can’t help so be it I am quitting next week anyway! Sorry.”

10. NY Supervisor reported to federal investigators that after the unclaimed paychecks were discovered, defendant POPEWINY told him that she was giving hours to some men and needed trip sheets to show the owner that the men were working. According to NY Supervisor, defendant POPEWINY explained that she was doing something and that some men were helping her out.

Use of Interstate Wires in Furtherance of the Scheme

11. Defendant POPEWINY sent, or caused to be sent, numerous interstate wire transmissions in furtherance of the scheme. To generate each Fraudulent Paycheck, defendant POPEWINY logged into the Payroll Company’s payroll management system from a computer at the Company in Clifton, New Jersey and entered fictitious work hours for the payees, which were digitally transmitted to the Payroll Company via the Payroll Company’s servers in either South Dakota or Georgia. For example, on or about April 14, 2015, defendant POPEWINY transmitted—from a computer at the Company in Clifton, to the Payroll Company via a server outside of New Jersey— false work hours for L.A., W.G., J.G., F.R., defendant ANGEL, and F.V. The transmission of this fraudulent data caused the Payroll Company to generate the unclaimed paychecks.

Defendant POPEWINY’s Falsification of Employee Files

12. After the unclaimed paychecks were discovered on or about April 16, 2015, one of the owners of the Company requested the driver files and time sheets for the names on the unclaimed paychecks from defendant POPEWINY. In response, defendant POPEWINY gave the owners files corresponding to each of the unclaimed paychecks. The files contained falsified documents and documents that defendant POPEWINY generated *after* the Company’s owners requested the files. For example:

- a. L.A.’s file contained a drug test which appeared to have been altered—the section reporting negative results seemed to have been cut and pasted from another document. The Administrator had no records of performing a drug test on L.A. L.A.’s file was missing a motor vehicle check and a copy of his driver’s license. According to the MV Checkers’ records, the Company never requested a motor vehicle check of L.A.
- b. W.G.’s file contained a drug test, which also appeared to have been altered in the same manner described above. The Administrator had no records of performing a drug test on W.G.

W.G.'s file did contain a motor vehicle check, however, the MV Checker's records show that defendant POPEWINY requested that check on or about April 21, 2015, after the Company's owner requested W.G.'s file.

- c. J.G.'s file contained a drug test, which appeared to have been altered in the same manner as those above. The Administrator had no records of performing a drug test on J.G. There was no motor vehicle check in the file, nor was there a copy of J.G.'s driver's license. According to the MV Checker's records, the Company never requested a motor vehicle check of J.G.
- d. F.R.'s file contained a driver's license issued June 7, 2014, almost one year after his July 29, 2013 application. F.R.'s file did not contain a drug test related to his purported 2013 application for employment, and the Administrator had no record of conducting a drug test of F.R. in 2013.
- e. F.V.'s application contained a drug test, which also appeared to have been altered. The Administrator had no record of performing a drug test on F.V. The file also contained a motor vehicle check. However, the MV Checker's records show that defendant POPEWINY requested the motor vehicle check of F.V. on or about April 21, 2015, after the Company's owner requested the file.
- f. Defendant ANGEL's driver application, dated June 29, 2013 contained an incomplete drug test, and the Administrator had no record of performing a drug test on defendant ANGEL. The driver's license in the file was issued February 27, 2015, almost two years after the date of the application. Defendant ANGEL's file also contained a motor vehicle check. The MV Checker's records show that defendant POPEWINY requested the motor vehicle check of defendant ANGEL on or about April 21, 2015, after the Company's owner requested the file.

Proceeds of Fraudulent Paychecks

13. Approximately seventy Fraudulent Paychecks, totaling approximately \$180,719, were deposited into defendant ANGEL's JPMorgan Chase bank account in New Jersey between April 2013 and February 2015. Those included Fraudulent Paychecks payable to defendant ANGEL, as well as J.C., F.R., defendant GABRIEL, J.P., M.R., J.G., F.V., and L.A. During that time, approximately \$162,991 in cash was withdrawn from defendant ANGEL's account.

14. Approximately sixty-nine Fraudulent Paychecks, totaling approximately \$174,609, were deposited into defendant MIGUEL's Bank of America bank account in New Jersey between January 2013 and April 2015. Those included Fraudulent Paychecks payable to defendant MIGUEL, F.R., J.P., F.V., M.R., W.G., J.G., and H.N. During that time, approximately \$ 231,869 in cash was withdrawn from defendant MIGUEL's account. Approximately four Fraudulent Paychecks were deposited into defendant MIGUEL's JPMorgan Chase bank account in New Jersey in February and March 2015, totaling \$8,174.

15. Another seventeen Fraudulent Paychecks, totaling approximately \$41,374, were deposited into the JPMorgan Chase bank account in New Jersey for 3-J's Tracking LLC. Defendant MIGUEL was the principal of 3-J's Tracking and the sole signatory on the bank account.

16. Approximately twenty-four Fraudulent Paychecks, totaling approximately \$61,167, were deposited into defendant GABRIEL's JPMorgan Chase bank account in New Jersey between November 2013 and August 2014. These included Fraudulent Paychecks payable to defendant GABRIEL and J.P. During that time, approximately \$49,104 in cash was withdrawn from defendant GABRIEL's account.

17. Approximately three Fraudulent Paychecks, totaling approximately \$6,940.74, were deposited into J.C.'s JPMorgan Chase bank account in Texas between January 2015 and April 2015. These checks were payable to defendant ANGEL and F.V.

18. From in or about June 2012 through in or about April 2015, the time period that the Fraudulent Paychecks were issued, defendant POPEWINY deposited approximately \$129,600 in cash into her Valley National Bank account in New Jersey. It should be noted that defendant POPEWINY received her own salary from the Company via direct deposit into this account.