
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :

: Hon. Cathy L. Waldor

v. :

: Mag. No. 21-9417

UMER HASSAN MIR :

: COMPLAINT

:

:

I, James Harper, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Amtrak Office of Inspector General, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

James Harper 8/5/21

James Harper, Special Agent
Amtrak Office of Inspector General

Special Agent Harper attested to this Complaint by telephone pursuant to F.R.C.P. Section 4.1(b)(2)(A) and 41(d)(3) on the *4th* day of August, 2021.

HON. CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

5th 8/8
C/WALDOR 8/8 12:01PM

ATTACHMENT A

COUNT ONE

(Theft of Government Property)

Between on or about July 29, 2019 and on or about August 3, 2021, in Middlesex County, in the District of New Jersey and elsewhere, defendant

UMER HASSAN MIR

did knowingly and intentionally embezzle, steal, purloin, and convert to his use and the use of others, money and things of value of the United States and of any department and agency thereof, specifically Amtrak, the value of which exceeded \$1,000.

In violation of Title 18, United States Code, Section 641 and Section 2.

COUNT TWO

(Materially False Statements and Representations)

On or about August 4, 2021, in Middlesex County, in the District of New Jersey and elsewhere, defendant

UMER HASSAN MIR

did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States.

In violation of Title 18, United States Code, Section 1001(a)(2).

ATTACHMENT B

I, James Harper, a Special Agent with Amtrak OIG, 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 bank, business and telephone records, pole camera footage, and other evidence. 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. DELTA GAS is a gas station located at 99 Middlesex Avenue, Metuchen, New Jersey.

2. UMER HASSAN MIR (“defendant MIR”) is a resident of New Jersey and has been employed as a manager/gas attendant at sequential gas stations located at 99 Middlesex Avenue, Metuchen, New Jersey, including DELTA GAS, since at least as early as August 2010. Defendant MIR typically arrives at work between 5:15 a.m. and leaves several hours later between 9:00 a.m. and 10:00 a.m. Another gas station attendant takes over when MIR leaves for the day.

3. Wright Express Fleet Fuel Cards (“WEX cards”) are credit cards that allow a business to capture the driver identification, fuel grade, dollar amount, sales tax, gallon quantity, and location of every fuel purchase made with a WEX card. This system alleviates the need to collect fuel receipts from company employees and helps reduce unauthorized use of the business’s fuel card.

4. Amtrak is a private, for-profit corporation, which was created by the United States Congress in 1970, by the passage of the Rail Passenger Service Act. Notwithstanding its structure as a private corporation, the United States Supreme Court has recognized that Amtrak was “created by the [federal] Government, is controlled by the Government, and operates for the Government’s benefit.” *Dept. of Trans. v. Assoc. of Am. Railroads*, 575 U.S. 43, 53 (2015).

5. Amtrak’s ownership and corporate structure are heavily controlled by the federal government:

- a. All of Amtrak’s preferred stock and most of its common stock are owned by the federal government, specifically, the United States Department of Transportation.

- b. Amtrak's ten-member Board of Directors is composed of: 1) the Secretary of the United States Department of Transportation; 2) eight other board members appointed by the President of the United States and confirmed by the United States Senate; and 3) a Board President selected by the other members of the Board.
- c. Amtrak's Board members are subject to salary limits set by Congress, and the appointed Board members are removable by the President of the United States without cause.

6. The branches of the federal government exercise substantial supervision over Amtrak's operations:

- a. Amtrak is required to submit annual reports to Congress and the President of the United States detailing such information as route-specific ridership and on-time performance.
- b. Congress conducts frequent oversight hearings to delve into details of Amtrak's budget, routes and prices.
- c. The Freedom of Information Act applies to Amtrak.
- d. Amtrak is a "designated federal entity" under the Inspector General Act of 1978, and must maintain an inspector general.
- e. Amtrak is statutorily required to, in addition to advancing its economic interests, pursue numerous public objectives, such as providing reduced fares to the disabled and elderly, ensuring mobility in times of national disaster, and maintaining certain specific routes.

7. Amtrak has been substantially supported by federal funds since its creation, well in excess of \$10,000 each calendar year. Further, in each year from 2015 through the current fiscal year, Amtrak has received over \$1 billion in grant funding, through the federal appropriations process. Finally, in fiscal year 2020, Amtrak received more than \$3 billion dollars in federal grant funds, and in the current fiscal year, Amtrak has received approximately \$4.7 billion dollars in federal grant funding.

8. In addition to providing a substantial portion of Amtrak's funding the federal government also provides oversight of how the funds are spent. The Federal Railroad Administration (FRA), as part of the United States Department of Transportation, administers the grants to Amtrak and provides oversight of Amtrak's grants.

Initial Discovery of Fraudulent Charges on Amtrak Wex Cards

9. Amtrak employees using General Service Administration (“GSA”) vehicles are instructed to purchase regular unleaded fuel and provide accurate odometer readings when they are fueling their assigned vehicles with their WEX cards, which cards contain, on their front, the instruction “Enter accurate odometer reading.”

10. In November 2019, a GSA Loss Prevention Technician discovered dozens of over-tank capacity or premium fuel transactions and non-sequential odometer entries with a WEX fuel card associated with a vehicle leased to GSA and assigned to the Amtrak Police Department based out of North Brunswick, New Jersey. The vehicle was identified as a 2013 white Chevrolet Tahoe and having a total fuel tank capacity of 26 gallons. [“Vehicle 1”]. An over-tank fuel charge occurs where the amount of fuel purchased exceeds the fuel capacity of the vehicle. All of these over-tank or premium fuel transactions involving Vehicle 1 allegedly occurred at DELTA GAS.

11. On December 6, 2019, a GSA-OIG Special Agent visited DELTA GAS to obtain a copy of surveillance footage capturing the suspect fuel transactions. The fuel attendant present at the time called defendant MIR, who was identified as the manager of the station. Defendant MIR claimed at the time that the surveillance system did not work, and the system stopped working approximately one year earlier. When asked if any government vehicles utilize the station, defendant MIR said that Amtrak vehicles frequently came to the gas station.

12. In December 2019, GSA completed a more comprehensive search of fuel card activity with Vehicle 1 and specifically fuel charges at DELTA GAS. This search revealed that from August 1, 2019 to December 6, 2019, there were forty over-tank or premium fuel transactions and one regular unleaded fuel charge, for a total of \$3,923.11. None of the odometer entries were in sequential order and all the charges were listed as “IP” or inside payment. An inside payment occurs when the charge is entered at a location other than at the outside pump.

13. Law enforcement thereafter interviewed the two Amtrak Police Officers that were assigned to Vehicle 1. Both officers were shown a photo of DELTA GAS. One of the officers stated that the officer had never been to this station for fuel. The other officer recognized the station and estimated purchasing fuel there a couple of times in 2019, but did not recall the exact dates. The officer was able to confirm, however, that the officer worked on January 16, 2019 from 9:00 a.m. to 7 p.m., a date on which there was a 6:32 p.m. purchase of regular unleaded fuel at DELTA GAS.

14. All forty of the fraudulent charges regarding Vehicle 1 were manually entered inside the office at DELTA GAS between the hours of 6:05 a.m. to 9:45 a.m., i.e, when defendant MIR typically works as the sole gas attendant.

15. On December 16, 2019, a GSA-OIG Special Agent conducted an inquiry of the WEX database for all activity on the billing account assigned to Amtrak Regional Fleet, New York, NY. This inquiry identified an additional Amtrak vehicle, a 2018 white Chevrolet Silverado ("Vehicle 2") assigned to the Amtrak Engineering Department. Vehicle 2 had allegedly incurred thirty-five premium fuel transactions at DELTA GAS, several of which included an over-tank charge, during the period July 29, 2019 to December 5, 2019, for a total of \$3,686.04.

16. In or about July 2020, Lytx Dash Cam trip reports were obtained for Vehicle 2, which unlike Vehicle 1, had a Lytx Dash cam system ("Lytx system"). The Lytx system consists of an inward and outward facing camera, as well as a real-time Global Positioning System. A review of the report revealed that Vehicle 2 was at 99 Middlesex Avenue, Metuchen, NJ from 8:48 a.m. to 9:01 a.m. on July 29, 2019, the date of the first premium fuel purchase totaling \$113.88. According to the Lytx system, Vehicle 2 was not present at DELTA GAS for any of the other fuel transactions.

17. All but one of the thirty-five fraudulent fuel transactions, which was for \$103.87 on 11/6/19, were manually entered at DELTA GAS during the hours of 6:25 a.m. to 9:55 a.m., which are the hours that defendant MIR typically works at DELTA GAS before he departs for the day.

18. Since the GSA-OIG agent's visit to DELTA GAS on December 6, 2019, there have not been any additional fuel transactions at DELTA GAS with respect to the fuel cards assigned to Vehicle 1 and Vehicle 2. The total amount of the likely fraudulent charges for these two vehicles is \$7,609.15.

Identification of Additional Fraudulent Charges on Amtrak Vehicles

19. In January 2021, your affiant received information from GSA-OIG that GSA loss prevention was reviewing WEX fuel card over-tank transactions and noticed that a 2019 Dodge Ram ("Vehicle 3"), had five over-tank capacity fill-ups since December 3, 2020 at DELTA GAS. Vehicle 3 has a 26-gallon tank capacity and is assigned to an Amtrak Senior Engineer. These fuel charges are listed in the table below:

Date	Time	Amount of fuel	Type of fuel	Total cost
December 3, 2020	6:22 a.m.	28.5 G	Super unleaded	\$79.95
December 11, 2020	8:42 a.m.	26.4 G	Regular unleaded	\$71.37
December 21, 2020	9:13 a.m.	27.5 G	Regular unleaded	\$74.33
December 31, 2020	8:37 a.m.	28.5 G	Regular unleaded	\$79.87

January 8, 2021	8:41 a.m.	26.2 G	Regular unleaded	\$73.39
			Total	\$378.91

20. The Lytx system report corroborates that Vehicle 3 was present near DELTA GAS at the time of an initial purchase of 22.2 gallons of regular unleaded fuel on December 3, 2020, at 5:53 a.m. However, the system shows that Vehicle 3 was not at DELTA GAS at the time of the five subsequent over-tank fraudulent fuel transactions, including the alleged purchase of an additional 28.5 gallons of super unleaded fuel at 6:22 a.m. on December 3, 2020, approximately thirty minutes after the legitimate purchase of 22.2 gallons of regular unleaded fuel. Vehicle 3's actual location at the time of these fraudulent transactions is set forth in the table below.

Date	Time	Vehicle Location
December 3, 2020	6:22 a.m.	New Jersey Turnpike
December 11, 2020	8:42 a.m.	New York City
December 21, 2020	9:13 a.m.	Warminster, PA.
December 31, 2020	8:37 a.m.	100 Halsey St, Metuchen
January 8, 2021	8:41 a.m.	New York City

21. Live alert notifications were thereafter requested and received from WEX for fuel transactions involving Vehicle 3. The table below illustrates seven alerts received regarding this vehicle on the listed dates:

Date	Time	Amount of fuel	Type of Fuel	Total cost
January 22, 2021	7:50 a.m.	24.4 G	Regular unleaded	\$73.39
February 10, 2021	9:46 a.m.	26.6 G	Regular unleaded	\$79.33
February 19, 2021	9:11 a.m.	28.7 G	Regular unleaded	\$79.33
March 5, 2021	8:24 a.m.	28.8 G	Regular unleaded	\$85.33
April 16, 2021	8:55 a.m.	25.4 G	Regular unleaded	\$77.81
June 18, 2021	8:10 a.m.	25.8 G	Regular unleaded	\$80.03
July 13, 2021	8:53 a.m.	27.3 G	Regular unleaded	\$87.55
			Total	\$562.77

22. A review of the Lytx system reports revealed that Vehicle 3 was not present at DELTA GAS on these seven alert dates. This was further corroborated by a review of pole camera footage obtained from a pole camera installed on

February 23, 2021 across the street from DELTA GAS. This pole camera captures a view of the fuel pumps as well as the front door to DELTA GAS's office.

23. A review of the available pole camera footage for March 5, April 16, June 18, and July 13, 2021 revealed that Vehicle 3 was not present at DELTA GAS at the time of these alleged fuel transactions. The pole camera footage did demonstrate, however, that a vehicle registered to defendant MIR was on the property at the time of these fraudulent transactions and that defendant MIR was the sole fuel attendant on the property at the time these fraudulent transactions were manually entered in the office at DELTA GAS.

24. An interview of the Amtrak Senior Engineer assigned to Vehicle 3 confirmed that the Senior Engineer did not make any of the twelve fuel charges discussed above, which all occurred from 6:22 a.m. to 9:46 a.m., during defendant MIR's work hours, and that the Senior Engineer has only been to DELTA FUEL on one occasion at which time regular unleaded fuel was purchased. The total amount for the twelve fraudulent fuel transactions involving Vehicle 3 is \$941.68.

1/22/21 Undercover Fuel Purchase from Defendant MIR at DELTA GAS

25. On January 22, 2021, your affiant, in an undercover capacity, consensually recorded a fuel transaction at DELTA GAS. At approximately 5:37a.m., defendant MIR was observed arriving at DELTA GAS in a car registered in his name.

26. At approximately 6:30 a.m., your affiant drove up to DELTA GAS, fuel pump 3, in a 2020 Dodge Ram 1500 ("Vehicle 4"). Vehicle 4 was outfitted with two cameras.

27. Defendant MIR was the sole fuel attendant on the property and the person who completed the fuel transaction. Your affiant handed the fuel card to MIR and requested regular fuel. Defendant MIR asked what the mileage was for the vehicle and where the driver's number was located on the card.

28. After Defendant MIR inserted the fuel card into the fuel pump, defendant MIR removed it and ran behind the vehicle and into the DELTA GAS office with the fuel card.

29. Since this undercover purchase, there have been thirteen WEX live alert notifications for fuel transactions at DELTA GAS regarding Vehicle 4 during the period January 29, 2021 to August 3, 2021 for a total of \$1,104.10. A review of the Lytx trip reports revealed that Vehicle 4 was not present at DELTA GAS at the time of any of these alleged fuel transactions.

30. A review of the pole camera footage for fuel transactions on March 12, March 19, April 1, April 30, May 6, May 21, May 28, June 11, July 23, and

August 3, 2021 also corroborated that Vehicle 4 was not present when these alleged fuel transactions occurred.

31. The pole camera footage also demonstrated that defendant MIR was the sole gas attendant and was in the DELTA GAS office at the time the fraudulent transactions, described in paragraph 30 above, were manually entered.

2/26/21 and 8/4/21 Undercover Purchases of Fuel at DELTA GAS

32. On February 26 and August 4, 2021, your Affiant, in an undercover capacity, conducted two more consensually recorded fuel transactions at DELTA GAS. On both occasions, your Affiant identified defendant MIR as the only fuel attendant on the property and the person who completed the fuel transaction.

33. On both occasions, your Affiant handed the fuel card to defendant MIR and requested regular fuel. Defendant MIR then inserted the fuel card into the fuel pump for a brief moment, then removed it, and took it inside the DELTA GAS office as opposed to completing the transaction at the outside pump.

Additional Investigation on August 4, 2021

34. On August 4, 2021, defendant MIR was interviewed about a \$85.22 charge on the Wex card assigned to Vehicle 4, that was incurred the day earlier on August 3, 2021, which charge is referenced in paragraphs 29 and 30 above. Defendant MIR falsely stated that he was not present at DELTA GAS at the time of this charge although he was visible on pole camera footage. When confronted with the pole camera footage, defendant MIR falsely claimed that an actual fuel transaction had occurred and that he had left DELTA GAS thereafter despite the fact that pole camera footage shows no vehicles at the pump at or around the time the charge was entered.

35. A review of several receipts from the point-of-sale terminal at DELTA GAS, reveals that immediately following recent fraudulent WEX card fuel transactions which were manually entered at DELTA GAS on 7/23 and 8/3 (involving Vehicle 4) and 7/13 (involving Vehicle 3), cash in the same amount was removed from the cash drawer at DELTA GAS. As noted above, pole camera footage shows that defendant MIR was the sole gas station attendant working at DELTA GAS and was in the DELTA GAS office at the time these fraudulent transactions were entered and cash withdrawals were made.

36. The total amount of loss, determined to date, arising from MIR's fraudulent WEX card transactions to Amtrak is approximately \$9,654.93.