

Approved:   
Jane Y. Chong  
Assistant United States Attorney

Before: THE HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

**22 MAG 8465**

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UNITED STATES OF AMERICA

- v. -

PHILIP DALLMANN,

Defendant.

: **SEALED COMPLAINT**  
:  
:  
: Violations of  
: 18 U.S.C. §§ 1343,  
: 1029(a)(5), 1028A, and 2  
:  
: COUNTY OF OFFENSE:  
: NEW YORK  
:

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SOUTHERN DISTRICT OF NEW YORK, ss.:

TODD HYMAN, being duly sworn, deposes and says that he is a Special Agent with Homeland Security Investigations, and charges as follows:

**COUNT ONE**  
(Wire Fraud)

1. From at least in or about May 2018 up to and including at least in or about June 2021, in the Southern District of New York and elsewhere, PHILIP DALLMANN, 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, did transmit and cause 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, DALLMANN converted for his own personal use donations received by a Manhattan-based nonprofit organization dedicated to providing inclusive arts programming to autistic and developmentally delayed children (the "Children's Nonprofit"), and employed the use of telephones, email communications, and other wire communications in connection with the scheme.

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

**COUNT TWO**

(Access Device Fraud)

2. From at least in or about April 2018 up to and including at least in or about April 2020, in the Southern District of New York and elsewhere, PHILIP DALLMANN, the defendant, knowingly and with intent to defraud, as part of an offense affecting interstate and foreign commerce, did effect transactions, with one and more access devices issued to other persons, to receive payment and other things of value during a one-year period the aggregate value of which is equal to and greater than \$1,000, to wit, the defendant obtained and used another person's credit cards without authorization.

(Title 18, United States Code, Sections 1029(a)(5) and 2.)

**COUNT THREE**

(Aggravated Identity Theft)

3. From at least in or about May 2021 up to and including at least in or about July 2021, in the Southern District of New York and elsewhere, PHILIP DALLMANN, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, the defendant possessed, used, and transferred the name of another person in connection with the wire fraud charged in Count One of this Complaint.

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

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

4. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my interviews of witnesses and review of recorded conversations, and my examination of financial records and other documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my 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.

#### OVERVIEW OF THE FRAUD SCHEME

5. As described in more detail below, the investigation has revealed that between May 2018 and June 2021, PHILIP DALLMANN, the defendant, used his position as an officer of the Children's Nonprofit to embezzle more than \$98,000 from the Children's Nonprofit's bank accounts.

6. During this time period, DALLMANN dated and married a teacher employed at the Children's Nonprofit ("Employee-1") and stole her father's credit cards (the "Credit Cards") to make approximately \$143,000 in additional unauthorized transactions. When confronted by Employee-1 about his use of the Credit Cards, DALLMANN indicated that he had made some of the transactions to cover the Children's Nonprofit's expenses. DALLMANN then created a fake email address and impersonated the treasurer of the Children's Nonprofit (the "Treasurer") in email exchanges with Employee-1 to discuss finalizing a contract to obligate the Children's Nonprofit to repay Employee-1 approximately \$30,000 (the "Repayment Contract").

7. Based on DALLMANN's representations, in late May 2021, the Children's Nonprofit executed the Repayment Contract, with DALLMANN serving as one of the Children's Nonprofit signatories. DALLMANN then continued to impersonate the Treasurer in email exchanges with Employee-1 in an effort to delay payments under the Repayment Contract.

#### EMBEZZLEMENT FROM THE CHILDREN'S NONPROFIT

8. Based on my conversations with the founding director of the Children's Nonprofit (the "Founding Director") and my review of bank account records, I have learned, among other things, the following:

a. In or around 2018, PHILIP DALLMANN, the defendant, began serving as the executive director of the Children's Nonprofit. The position encompassed a variety of duties, including responsibility for disbursements of donor funds. In that capacity, DALLMANN was an authorized user of a bank account, held at a bank in Manhattan ("Bank-1"), into which funds from donors were regularly deposited and from which Nonprofit expenses were paid. Both DALLMANN and the Founding

Director had access to the Bank-1 account, but DALLMANN was responsible for using it to manage day-to-day operational expenses.

b. In or about the summer of 2019, the Founding Director learned that the Children's Nonprofit had received overdraft notices from Bank-1. DALLMANN told the Founding Director that Bank-1 had lost several donor checks deposited into the Bank-1 account, resulting in a shortage of funds. In truth and in fact, the shortage was due to DALLMANN's embezzlement.

c. In or about the fall of 2020, the Children's Nonprofit transferred its banking activities to a new bank in Manhattan ("Bank-2"). DALLMANN opened the Bank-2 account and was entrusted with using it to make disbursements and purchases on behalf of the Children's Nonprofit as its sole day-to-day user. The Founding Director did not have access to the account.

#### THEFT FROM WIFE'S FATHER

9. Based on my conversations with Employee-1, who was the former wife of PHILIP DALLMAN, the defendant, and a dance teacher previously employed by the Children's Nonprofit, I have learned the following:

a. In or about May 2019, while serving as the executive director of the Children's Nonprofit, DALLMANN married Employee-1.

b. In or about the spring of 2020, Employee-1 obtained statements for credit cards in her father's name and which her father had allowed her to keep in her possession (the "Credit Cards"). She learned from those statements that DALLMANN had used the Credit Cards without her or her father's authorization. She determined that, on their face, at least some of the expenses appeared to be related to the Children's Nonprofit.

c. When Employee-1 confronted DALLMANN, he indicated that he had used the Credit Cards in part to assist the Children's Nonprofit in covering its operational expenses.

10. Based on written and oral representations by Employee-1 and Employee-1's father, and my review of transactions made using the Credit Cards, I have learned that from in or about April 2018 up to and including April 2020, PHILIP DALLMANN, the defendant, used the Credit Cards for

hundreds of unauthorized transactions totaling more than \$143,000.

11. Based on information from one of the Credit Card companies ("Credit Card-1"), I know that the card centers that process Credit Card-1 transactions are located outside New York state.

IMPERSONATION OF THE CHILDREN'S NONPROFIT TREASURER

12. Based on my conversations with the Founding Director and Employee-1, and my review of the Repayment Contract, I have learned the following:

a. In or around April 2021, Employee-1 alerted the Founding Director that PHILIP DALLMANN, the defendant, had used her father's credit cards, without authorization, to pay for expenses on behalf of the Children's Nonprofit.

b. In or about late May 2021, Employee-1 entered into the Repayment Contract with the Children's Nonprofit obligating the Children's Nonprofit to pay her \$30,000 in expenses that DALLMANN claimed he had incurred using her father's cards on behalf of the Children's Nonprofit. The Repayment Contract was countersigned by DALLMANN, a member of the Children's Nonprofit's board of trustees, and the Treasurer.

13. Based on my conversations with Employee-1 and the Treasurer, and my review of copies of emails sent to and from Employee-1, I have learned the following:

a. Prior to the execution of the Repayment Contract, starting on or about May 10, 2021, Employee-1 exchanged group emails with both an email account that she believed belonged to the Treasurer (the "Fake Treasurer Account") and an email account that belonged to PHILIP DALLMANN, the defendant (the "DALLMANN Account").

b. In one email addressed to both the DALLMANN Account and Employee-1, sent on or about May 11, 2021, the Fake Treasurer Account indicated to Employee-1 that the Children's Nonprofit needed more time before executing the Repayment Contract.

c. In another email addressed to both the DALLMANN Account and Employee-1, sent on or about July 1, 2021, the Fake Treasurer Account thanked Employee-1 for her flexibility regarding delayed repayment and informed DALLMANN,

by way of the DALLMANN Account, as to how a check to Employee-1 should be processed.

d. In an email addressed to both Employee-1 and the Fake Treasurer Account, DALLMANN, using the DALLMANN Account, verified the Fake Treasurer Account's explanation as to the reason for the delayed repayment and stated he would "confirm with the finance committee once the check is deposited."

e. In or about July 2021, Employee-1 became suspicious about the emails she received from the Fake Treasurer Account. She obtained from the Founding Director the email account used by the Treasurer at the university where he was enrolled (the "Real Treasurer Account"). She then emailed the Real Treasurer Account to ask him to confirm that the Treasurer had in fact sent the emails from the Fake Treasurer Account.

f. On or about July 8, 2021, the Treasurer informed Employee-1 and the Founding Director that the Fake Treasurer Account did not belong to him, and that he had never sent or receive any emails using the Fake Treasurer Account.

14. Based on information from the service provider for the Fake Treasurer Account and the DALLMANN Account (the "Email Service Provider"), I believe that DALLMANN created the Fake Treasurer Account and used it to send emails impersonating the Treasurer which were transmitted out of the Southern District of New York. Specifically:

a. The Fake Treasurer Account was created on May 9, 2021, one day before it first began exchanging emails with Employee-1, and the recovery email listed for the Fake Treasurer Account is the Children's Nonprofit email address of PHILIP DALLMAN, the defendant.

b. The servers used by the Email Service Provider to route emails are located outside New York state.

#### THE AUDIT

15. From my conversations with the Founding Director, I have learned the following:

a. In or about July 2021, after the Treasurer confirmed to the Founding Director that the Fake Treasurer Account did not belong to him and that someone had impersonated

the Treasurer by email, the Founding Director contacted the lawyer of the Children's Nonprofit.

b. The lawyer spoke with DALLMANN about DALLMANN's use of the Bank-2 account for unauthorized transactions. DALLMANN denied intentionally engaging in any unauthorized transactions and stated that any such transactions must have been the result of an error.

c. The Founding Director instructed DALLMANN to turn over online login information for the Bank-2 account.

d. To identify unauthorized transactions, the Children's Nonprofit then analyzed the Bank-1 account and hired an accounting firm (the "Auditor") to analyze the Bank-2 account.

e. The Children's Nonprofit suspended DALLMANN's employment on or about July 9, 2021 and formally terminated him on or about October 6, 2021.

16. Based on my review of Bank-1 and Bank-2 statements and the analyses provided by the Children's Nonprofit and the Auditor, I have learned that, in total, PHILIP DALLMANN, the defendant, conducted approximately \$98,000 in unauthorized transactions using the Bank-1 account from May 2018 through December 2019 and the Bank-2 account from August 2020 through June 2021. Specifically:

a. DALLMANN used the Bank-1 and Bank-2 accounts for hundreds of unauthorized personal transactions, including payments for pet grooming, food delivery, restaurants, groceries, alcohol, clothing, shoes, transportation, ESPN Plus and Netflix subscriptions, Amazon orders, and wedding photography services.

b. DALLMANN withdrew thousands of dollars in cash from the Bank-1 and Bank-2 accounts.

c. DALLMANN transferred some funds from donors contained in the Bank-2 account directly into his own personal bank account.

17. WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of PHILIP DALLMANN, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s authorized electronic signature

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Special Agent Todd Hyman  
Homeland Security Investigations

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d) (3) and 4.1 this 21 th day of October 2022



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THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK