

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

U. S. DISTRICT COURT  
W. DIST. OF N. C.

**UNITED STATES of AMERICA,**

) DOCKET NO. 3:0<sup>r</sup>  
)  
)  
)  
)  
) BILL OF INDICTMENT

v.

**MICHAL ZAKRZEWSKI**  
a/k/a White Mike,  
**Defendant**

Vio: 18 U.S.C. § 371  
18 U.S.C. § 2326  
18 U.S.C. § 1343  
18 U.S.C. § 982  
18 U.S.C. § 2

## THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

**COUNT ONE**  
**(CONSPIRACY - 18 U.S.C. SECTION 371)**

## Background

1. Beginning in or about April 2003, the defendant and his conspirators operated "call centers" in San Jose, Costa Rica to defraud United States residents by deceiving them into believing that they had won a large monetary prize in a sweepstakes contest.

2. As used in this indictment, a call center is a business that engages in an illegal telemarketing scheme. These call centers are also commonly referred to as "boiler rooms." The telemarketers in the call centers all used identical or similar "pitch

sheets" developed and provided to them by the owners of the call centers. A pitch sheet is a script designed to be read over the telephone to a prospective victim.

3. In many instances victims were contacted by both an "opener" and a "loader." An opener is the telemarketer who has the initial contact with the prospective victim. A loader is the telemarketer who takes over the contact with the victim after the victim has made an initial payment as a result of the misrepresentations made by the opener. A loader induces the victim to send additional moneys to allegedly pay for various fees, duties and insurance to retrieve the sweepstakes prize.

4. The name, address, and telephone number of the victim is known as a "lead." The name, address, and telephone numbers of the victims were purchased by the owners of the call centers from lead or list brokers.

5. The defendant and other telemarketers in the call centers frequently used aliases, concealed and frequently changed the location of the call centers, and did business from Costa Rica for the purpose of, among other things, avoiding investigation by law enforcement authorities and victims.

#### THE DEFENDANT

6. Defendant **MICHAL ZAKRZEWSKI**, a/k/a White Mike, a dual citizen of Poland and Canada, worked in a call center as both an opener and closer and later managed a call center in Costa Rica for another conspirator.

## THE CONSPIRACY

7. Beginning in or about early 2003, the exact date being unknown, and continuing until on or about May 16, 2006, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

**MICHAL ZAKRZEWSKI**  
a/k/a White Mike,

together with other conspirators, both known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together and with each other to commit the following offenses:

A. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and to 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, specifically, Western Union wire-transfers which were all routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing such scheme and artifice and attempting to do so, contrary to Title 18, United States Code, Section 1343; and

B. To knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, place and caused to be placed in a post office and authorized depository for mail matter, to be sent

and delivered by the Postal Service and deposited matters and things to be delivered by private and commercial interstate carriers, specifically lists of victims' contact information, contrary to Title 18, United States Code, Section 1341; and

C. To knowingly transport, transmit, and transfer, via Western Union money wire transfers, in interstate and foreign commerce, goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, contrary to Title 18, United States Code, Section 2314.

Purpose of the Conspiracy - Scheme to Defraud

8. A purpose of the conspiracy was for the defendant and his conspirators to unjustly enrich themselves by fraudulently inducing the victims to pay thousands of dollars to them by creating the false impression that said victims had won valuable prizes.

Manner and Means Used in the Conspiracy

9. Among the manner and means by which the defendant and his conspirators carried out the purpose of the conspiracy were the following:

10. The defendant and his conspirators would target thousands of residents of the United States, typically, although not exclusively, over the age of 55, and would inform them that they had won second prize in a sweepstakes. The defendant and his conspirators would tell their victims that in order to receive the prize, the victims had to send from one thousand to several thousand dollars for a purported "refundable insurance fee," via Western Union money wire-transfers, to an alleged "insurance

entity" in Costa Rica. The defendant and his conspirators would then keep the supposed "refundable insurance fees" for their own personal benefit.

11. In order to induce their victims to wire money to Costa Rica, the defendant and his conspirators would often falsely represent themselves as being agents of the "Sweepstakes Security Commission," or the "Sweepstakes Security Bureau," or a variant thereof. The defendant and his conspirators would then falsely represent to the victims that they were a governmental agency charged with ensuring that sweepstakes winners received their money. Frequently, the defendant and his conspirators would inform their victims that it was the job of the "Sweepstakes Security Commission" to see that the victims received their prize money.

12. The defendant and his conspirators would call their victims from Costa Rica, using Voice over Internet Protocol (VoIP), which utilized computers to make telephone calls over the Internet. This practice permitted the defendant and his conspirators to use recognizable United States area codes, such as the Washington, D.C. area code, to make it appear on the victims' caller identification devices that the calls were made from somewhere within the United States when, in fact, the defendant and his conspirators were calling from Costa Rica.

13. When an intended victim asked to validate the legality of the sweepstakes company that purportedly had awarded the prize, the defendant and his conspirators would give the intended victim telephone numbers with United States area codes, but which actually were accessed in Costa Rica at the same call center. The defendant and his conspirators, posing as a representative of the non-existent sweepstakes

company, would answer these telephone calls in Costa Rica and would falsely reassure victims that they had indeed won a sweepstakes prize.

14. After a victim had been induced to send money, the defendant and his conspirators would call that victim and would tell the victim that: 1) a mistake had been made; 2) the victim had actually won first prize; and 3) the victim had to wire thousands of additional dollars in additional fees to ensure the safe delivery of the winning proceeds. The defendant and his conspirators would continue to contact each victim and provide with additional bogus reasons as to why the victim had to wire more money. This practice would continue so long as the victim continued to wire money.

15. The defendant and his conspirators would unjustly enrich themselves by retaining the proceeds of this fraud, exceeding ten million dollars.

#### Overt Acts

16. In furtherance of the conspiracy and to effect the objects thereof, the defendant and his conspirators committed the following overt acts, among others, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

17. The defendant and his conspirators caused the following telephone calls to be made to the following victims on or about the following dates:

Overt Act #	Initials of Victim	Date
a	JK	9/2/2005
b	KT	9/9/2005
c	RW	9/9/2005
d	RW	9/11/2005
e	KT	9/12/2005

Overt Act #	Initials of Victim	Date
f	CB	9/22/2005
g	CB	9/26/2005
h	MG	9/29/2005
i	RF	9/29/2005
j	RF	9/30/2005
k	MG	9/30/2005
l	MB	10/3/2005
m	MB	10/4/2005
n	MRS	10/4/2005
o	MRS	10/5/2005
p	WS	10/6/2005
q	WS	10/7/2005
r	JB	11/30/2005
s	GG	12/2/2005
t	TSF	12/2/2005
u	TSF	12/5/2005
v	WP	12/7/2005

18. The defendant and his conspirators caused to be made and received the following telephone calls from the following victims on or about the following dates:

Overt Act #	Initials of Victim	Date
a	DA	08/20/2005
b	DA	08/25/2005
c	TH	11/12/2004
d	VD	12/10/2004

19. The defendant and his conspirators caused to be made and received the following Western Union wire transfers from the following victims on or about the following dates:

Overt Act #	Victim Initials	Location Wire Received	Date of Wire	Approximate Amount of Wire
a	TS	Costa Rica	8/30/2005	\$1,098
b	DG	Costa Rica	9/12/2005	\$1,200
c	FF	Costa Rica	9/20/2005	\$4,500
d	DA	Costa Rica	9/26/2005	\$4,439
e	RK	Costa Rica	9/26/2005	\$1,068
f	HB	Costa Rica	9/28/2005	\$1,308
g	DP	Costa Rica	9/30/2005	\$1,120
h	RT	Costa Rica	10/19/2005	\$1,433
i	MS	Costa Rica	10/27/2005	\$1,068
j	CE	Costa Rica	10/28/2005	\$1,078
k	NR	Costa Rica	10/31/2005	\$993
l	BH	Costa Rica	11/1/2005	\$1,208
m	RB	Costa Rica	11/3/2005	\$1,208
n	LLH	Costa Rica	11/9/2005	\$1,068
o	CS	Costa Rica	11/10/2005	\$1,208
p	HH	Costa Rica	11/11/2005	\$3,035
q	TJ	Costa Rica	11/29/2005	\$2,119
r	TJ	Costa Rica	11/29/2005	\$1,138
s	JO	Costa Rica	11/30/2005	\$1,208
t	AR	Costa Rica	12/02/2005	\$1,670
u	ED	Costa Rica	12/12/2005	\$2,375

Overt Act #	Victim Initials	Location Wire Received	Date of Wire	Approximate Amount of Wire
V	DR	Costa Rica	12/16/2005	\$1,010

20. Counts 2 through 23, set forth below, are hereby realleged and incorporated by reference as if fully set forth herein as additional overt acts. All in violation of Title 18, United States Code, Sections 371 and 2326(2)(A) & (B).

**COUNTS TWO THROUGH TWENTY-THREE  
(WIRE FRAUD - 18 U.S.C. SECTION 1343)**

1. The allegations in paragraphs 1 through 5 inclusive of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

The Scheme

2. The allegations in paragraphs 8 through 20 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein, as describing the defendant's scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

Wire and Radio Communications

3. On or about the dates set forth below, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant,

**MICHAL ZAKRZEWSKI**  
a/k/a White Mike,

knowingly transmitted and caused to be transmitted, by means of wire and radio communication in interstate and foreign commerce the following signals and sounds, specifically Western Union wire-transfers which were all routed through Western Union facilities in Charlotte, Mecklenburg County, North Carolina, for the purpose of executing the scheme and artifice and attempting to do so:

Count #	Victim Initials and Source of Wire	Location Wire Received	Date of Wire	Approximate Amount of Wire
2	W&ND Gackle, ND	San Jose, Costa Rica	7/15/2005	\$1,210
3	W&ND Gackle, ND	San Jose, Costa Rica	7/18/2005	\$2,114
4	W&ND Gackle, ND	San Jose, Costa Rica	8/23/2005	\$2,999
5	DK Strasburg, ND	San Jose, Costa Rica	8/29/2005	\$2,905
6	DK Strasburg, ND	San Jose, Costa Rica	9/20/2005	\$2,114
7	DK Strasburg, ND	San Jose, Costa Rica	9/20/2005	\$1,516
8	JH Detroit Lakes, MN	San Jose, Costa Rica	10/11/2005	\$1,789
9	AF Ketchum, ID	San Jose, Costa Rica	10/26/2005	\$1,208
10	RL Pacifica, CA	San Jose, Costa Rica	11/16/2005	\$1,068
11	MM W. Palm Beach, FL	San Jose, Costa Rica	11/22/2005	\$1,208
12	PJ Arlington, WA	San Jose, Costa Rica	11/22/2005	\$1,000

Count #	Victim Initials and Source of Wire	Location Wire Received	Date of Wire	Approximate Amount of Wire
13	JD Martinsville, OH	San Jose, Costa Rica	12/6/2005	\$1,069
14	MB Terre Haute, IN	San Jose, Costa Rica	12/7/2005	\$1,208
15	CW Huntersville, NC	San Jose, Costa Rica	12/8/2005	\$1,208
16	ED Naples, FL	San Jose, Costa Rica	12/12/2005	\$2,375
17	LS Sun City, AZ	San Jose, Costa Rica	12/13/2005	\$1000
18	MO Zooland, MI	San Jose, Costa Rica	12/13/2005	\$1,125
19	LH McDonald, TN	San Jose, Costa Rica	12/13/2005	\$1,233
20	CF Salt Lake City, UT	San Jose, Costa Rica	12/15/2005	\$1,068
21	DS San Antonio, TX	San Jose, Costa Rica	12/15/2005	\$1,068
22	DC Fort Wayne, IN	San Jose, Costa Rica	12/16/2005	\$1,068
23	RG San Angelo, TX	San Jose, Costa Rica	12/16/2005	\$1,208

All in violation of Title 18, United States Code, Sections 1343, 2326(2)(A) & (B), and 2

**NOTICE OF FORFEITURE**  
**18 U.S.C. SECTION 982(a)(8)**

1. The allegations in paragraphs 1 through 6, and 8 through 20 of Count 1 of this Indictment are hereby realleged and incorporated by reference as if fully set forth herein.

2. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 371 and 1343 set forth in Counts 1 through 23 of this Indictment, which involved telemarketing as that term is used in Title 18, United States Code, Section 2325, the defendant,

**MICHAL ZAKRZEWSKI  
a/k/a White Mike,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(8).

- (A) any real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of such offenses;
- (B) any real or personal property, constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of the offenses; and
- (C) a sum of money representing the amount of proceeds obtained as a result of the offense for which defendants are convicted up to a value of \$10,000,000.

3. If any of the property described above, as a result of any act or omission of the defendant:

- (A) cannot be located upon 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 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

GRETCHEN C. F. SHAPPERT  
UNITED STATES ATTORNEY

STEVEN A. TYRRELL  
CHIEF, FRAUD SECTION, CRIMINAL DIVISION  
U.S. DEPARTMENT OF JUSTICE

  
PETER B. LOEWENBERG  
TRIAL ATTORNEY  
PATRICK M. DONLEY  
SENIOR LITIGATION COUNSEL  
FRAUD SECTION, CRIMINAL DIVISION  
VICTOR F. DEFRENANCIS  
SPECIAL ASSISTANT UNITED STATES ATTORNEY