

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	Case No.
)	
GABRIEL CWYNAR,)	
IZABELA KAPUSCIAK,)	
a/k/a “Izabela Cwynar,”)	
a/k/a “Izabela Kapusciak-Cwynar,”)	
JAROSLAW WYSOCKI,)	
BARTOSZ POZNIAK,)	
JOLANTA WYSOCKA,)	Violations: Title 18, United
MONIKA SZCZUREK,)	States Code, Sections 1344
MARCIN CYCHOWSKI,)	and 2.
DANIEL NOGA,)	
a/k/a “Daniel Terlecki,”)	
FRANCISZEK BYSTRON,)	<u>INDICTMENT</u>
ARTHUR RADOLINSKI,)	
a/k/a “Artur Radolinski,” and)	
ELZBIETA BUCZEK)	

COUNT ONE

The SPECIAL AUGUST 2015 GRAND JURY charges:

1. At times material to this indictment:

a. PNC Bank (“PNC Bank”) was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”). PNC Bank issued credit cards.

b. Citibank (“Citibank”) was a financial institution, the deposits of which were insured by the FDIC. Citibank issued credit cards, including credit cards under the name of Home Depot.

c. Financial institutions, including PNC Bank and Citibank, required applicants who applied for credit cards to provide truthful information, including information about the applicant's income, assets, liabilities, employment and personal circumstances, which information was material to lenders' decisions about the creditworthiness of the applicant and approval of the extensions of credit.

d. Financial institutions, including PNC Bank and Citibank, issued credit cards to applicants based upon the applicant's promise to pay any money due to the financial institution resulting from the applicant's use of the credit card, including principal, interest, late fees and any other lawfully imposed charges.

2. Beginning no later than in or about April 2010, and continuing until at least October 2015, in the Northern District of Illinois, Eastern Division, and elsewhere,

GABRIEL CWYNAR,
IZABELA KAPUSCIAK, a/k/a "Izabela Cwynar" and "Izabela Kapusciak-Cwynar,"
JAROSLAW WYSOCKI,
BARTOSZ POZNIAK,
JOLANTA WYSOCKA,
MONIKA SZCZUREK
MARCIN CYCHOWSKI
DANIEL NOGA, a/k/a "Daniel Terlecki"
FRANCISZEK BYSTRON,
ARTHUR RADOLINSKI, a/k/a "Artur Radolinski" and
ELZBIETA BUCZEK,

defendants herein, along with Sebastian Deptula ("Deptula") and others known and unknown to the Grand Jury, engaged, and attempted to engage, in a scheme to defraud PNC Bank, Citibank, other financial institutions and other issuers of credit cards (collectively, "the Credit Card Issuers"), and to obtain moneys, funds, assets

and other property owned by, and under the custody and control of, the Credit Card Issuers, by means of false or fraudulent pretenses, representations and promises.

3. It was part of the scheme that the defendants and Deptula agreed to obtain and use multiple credit cards to purchase goods and services without the intention to pay back the balance of the credit cards.

4. It was further part of the scheme that the defendants, or Deptula with the defendants' permission, used the defendants' personal identifying information to submit online credit card applications to the Credit Card Issuers in the names of the defendants.

5. It was further part of the scheme that multiple credit card applications were submitted for each defendant at or near the same time to multiple Credit Card Issuers in order to maximize the amount of fraudulent charges that could be incurred by the defendants.

6. It was further part of the scheme that Deptula provided false information to the Credit Card Issuers, particularly false employment and income information, to induce the Credit Card Issuers to (a) approve the defendants' credit card applications, and (b) authorize higher credit limits for the credit cards issued to the defendants.

7. It was further part of the scheme that, after the credit cards were received, the defendants used the fraudulently obtained credit cards to purchase goods and services, and attempted to quickly reach the credit limits of the

fraudulently obtained credit cards in order to obtain as much money as possible from the Credit Card Issuers.

8. It was further part of the scheme that, for his role in the scheme, the defendants provided Deptula with a portion of either the value of the purchased goods and services or the credit limit.

9. It was further part of the scheme that Deptula and certain of the defendants created corporations and used existing corporations, none of which performed any legitimate business (hereinafter the “Shell Corporations”), to serve as fictitious providers of goods and services through which the defendants received funds through charges made on the fraudulently obtained credit cards.

10. It was further part of the scheme that Deptula and certain of the defendants established mobile payment processing accounts for the Shell Corporations to facilitate using the fraudulently obtained credit cards to obtain funds through charges for fictitious goods and services.

11. It was further part of the scheme that certain of the defendants created bank accounts for the Shell Corporations, into which payments made to the Shell Corporations via the Shell Corporations’ mobile payment processing devices were deposited.

12. It was further part of the scheme that Deptula, CYCHOWSKI, NOGA, BYSTRON, RADOLINSKI and BUCZEK used the fraudulently obtained credit cards and the Shell Corporations’ mobile processing payment devices to make fictitious

purchases of goods and services from the Shell Corporations when, in fact, no goods or services were provided in exchange for the charges.

13. It was further part of the scheme that certain of the defendants made payments on the credit card accounts in order to falsely make the Credit Card Issuers believe that the defendants intended in good faith to pay the accrued credit card balance.

14. It was further part of the scheme that Deptula or the defendants made payments from accounts containing insufficient funds so that the defendants could make additional purchases beyond the credit limit for a credit card prior to the Credit Card Issuer realizing that the payment was made from an account with insufficient funds.

15. It was further part of the scheme that certain of the defendants filed for bankruptcy in order to discharge the debts owed for the purchase of goods and services using the credit cards.

16. It was further part of the scheme that the defendants and Deptula did misrepresent, conceal and hide, and caused to be misrepresented, concealed and hidden, acts done in furtherance of the scheme and the purposes of those acts.

17. On or about May 22, 2010, at Hoffman Estates, in the Northern District of Illinois, Eastern Division, and elsewhere,

GABRIEL CWYNAR,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a PNC Bank credit card (ending in 3529) to make a charge of approximately \$9,000;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWO

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about June 7, 2010, at Des Plaines, in the Northern District of Illinois, Eastern Division, and elsewhere,

IZABELA KAPUSCIAK,
a/k/a “Izabela Cwynar” and “Izabela Kapusciak-Cwynar,”

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a PNC Bank credit card (ending in 0649) to make a charge of approximately \$214.46;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THREE

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.

2. On or about May 24, 2010, at Lincolnwood, in the Northern District of Illinois, Eastern Division, and elsewhere,

JAROSLAW WYSOCKI,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a PNC Bank credit card (ending in 2635) to make a charge of approximately \$6,000;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FOUR

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about December 23, 2010, at Downers Grove, in the Northern

District of Illinois, Eastern Division, and elsewhere,

BARTOSZ POZNIAK,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a PNC Bank credit card (ending in 7288) to make a charge of approximately \$13,090;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FIVE

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.

2. On or about May 26, 2012, at Schaumburg, in the Northern District of Illinois, Eastern Division, and elsewhere,

JOLANTA WYSOCKA,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank/Home Depot credit card (ending in 7879) to make a charge of approximately \$13,000;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT SIX

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about May 28, 2012, at Downers Grove, in the Northern District of Illinois, Eastern Division, and elsewhere,

MONIKA SZCZUREK,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank/Home Depot credit card (ending in 4303) to make a charge of approximately \$9,000;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT SEVEN

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about December 17, 2012, at Elmwood Park, in the Northern

District of Illinois, Eastern Division, and elsewhere,

MARCIN CYCHOWSKI,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank credit card (ending in 4760) to make a charge of approximately \$3,872;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT EIGHT

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about April 20, 2013, at Lombard, in the Northern District of Illinois, Eastern Division, and elsewhere,

DANIEL NOGA,
a/k/a "Daniel Terlecki,"

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank credit card (ending in 6708) to make a charge of approximately \$4,050.99;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT NINE

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.

2. On or about April 24, 2013, at Elk Grove Village, in the Northern District of Illinois, Eastern Division, and elsewhere,

FRANCISZEK BYSTRON,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank/Home Depot credit card (ending in 6273) to make a charge of approximately \$21,399.89;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TEN

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about May 15, 2013, at Elk Grove Village, in the Northern District of Illinois, Eastern Division, and elsewhere,

ARTHUR RADOLINSKI,
a/k/a "Artur Radolinski,"

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank/Home Depot credit card (ending in 9097) to make a charge of approximately \$26,000;

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT ELEVEN

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraphs 1 through 16 of Count One are incorporated herein.
2. On or about September 18, 2013, at Hoffman Estates, in the Northern

District of Illinois, Eastern Division, and elsewhere,

ELZBIETA BUCZEK,

defendant herein, did knowingly execute and attempt to execute the aforesaid scheme to defraud by using a Citibank credit card (ending in 9796) to make a charge of approximately \$485.95;

In violation of Title 18, United States Code, Sections 1344 and 2.

FORFEITURE ALLEGATION

The SPECIAL AUGUST 2015 GRAND JURY further alleges:

1. Upon conviction for an offense in violation of Title 18, United States Code, Section 1344, affecting a financial institution, as set forth in this Indictment, each defendant shall forfeit to the United States of America any property which constitutes, or is derived from, proceeds obtained directly and indirectly as a result of the offense, as provided in Title 18, United States Code, Section 982(a)(2)(A).

2. The property to be forfeited includes, but is not limited to, a personal money judgment in the amount of at least \$1.3 million.

3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or 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, as provided in Title 21, United States Code Section 853(p).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY