

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.: 15-021
v.	*	SECTION: "L" (1)
MICHAEL SAPERA	*	
	* * *	

FACTUAL BASIS

If this case were to proceed to trial, the United States would prove, beyond a reasonable doubt, through credible testimony and reliable evidence, the following factual summary:

A. Background

The defendant, **MICHAEL SAPERA** ("SAPERA"), a Certified Public Accountant ("CPA") and resident of the Eastern District of Louisiana, was employed at Company "A" from in or near 1990. Company "A" is a retail clothing business headquartered in New Orleans, Louisiana. **SAPERA** most recently functioned as the Chief Financial Officer ("CFO") and Director of Information Technology for Company "A."

As the CFO of Company "A," **SAPERA** had access to all corporate bank accounts as well as access to the corporate PayPal account.

Company "A" held accounts at Capital One Financial Corporation ("Capital One") to include an account ending in XXXXXX4361. Capital One is headquartered in McLean, Virginia, provides services such as online banking, ATM, credit cards, and retail checking to its customers, and is insured by the Federal Deposit Insurance Corporation ("FDIC"). Company "A" also held accounts at Whitney National Bank ("Whitney") to include an account ending in XXXXXX5941. Whitney is headquartered in New Orleans, Louisiana, provides services such as online banking, ATM, credit cards, and retail checking to its customers, and is insured by the

Federal Deposit Insurance Corporation (“FDIC”). Company “A” also held an account at PayPal, Inc. (“PayPal”) ending in XXXXXX4REU. PayPal is a company headquartered in San Jose, California.

SAPERA held accounts at J.P. Morgan Chase & Co. (“Chase”) to include accounts ending in XXXXXX8391 and XXXXXX3099. Chase is headquartered in New York, New York, and is insured by the Federal Deposit Insurance Corporation (“FDIC”).

Electronic wire communications between relevant entities in New Orleans, Louisiana, and Chase, Capital One, Whitney, and PayPal all traveled in interstate commerce as the communications traveled to and from the State of Louisiana and other states.

B. Sapera’s Bank Fraud Scheme

Beginning at a time unknown, but as early as in or near July 1996, and continuing through in or near April 2014, in the Eastern District of Louisiana, and elsewhere, the defendant, **MICHAEL SAPERA**, did knowingly devise and intend to devise a scheme to defraud Whitney and obtain money, funds, assets, and other property in the custody and control of Whitney (held for its customer, Company “A”) by means of false and fraudulent pretenses by knowingly depositing stolen checks and funds rightfully belonging to his employer, Company “A,” into **SAPERA**’s account at Chase.

It was further part of the scheme to defraud Whitney that from early as in or near July 1996, and continuing through in or near April 2014, **SAPERA** stole approximately \$2,192,500 in checks belonging to Company “A.” **SAPERA** accomplished this fraud by forging the signature of his employer, D.P., on approximately 430 stolen Whitney checks **SAPERA** endorsed to himself. **SAPERA** then deposited the stolen Whitney checks into his personal account at Chase.

SAPERAS criminal actions exposed Whitney to the risk of civil liability and financial loss by making these funds available for withdrawal.

C. Sapera's Aggravated Identity Theft

In accomplishing his bank fraud scheme, **SAPERAS** forged the name of his employer, D.P., 430 times on the 430 Whitney checks he stole from Company "A." Most recently, on or about April 4, 2014, **SAPERAS** did, without lawful authority, knowingly use a means of identification of other another person, to wit: the name of D.P. which **SAPERAS** forged on a corporate account located at the Whitney National Bank during and in relation to the felony violation of bank fraud detailed above.

D. Sapera's Wire Fraud (Capital One)

Beginning on or about July 15, 2011, and continuing to on or about August 18, 2014, **SAPERAS** devised and intended to devise a scheme to defraud his employer, Company "A," and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises. Specifically, **SAPERAS** transferred corporate funds from Company "A's" Capital One Bank account (account number ending XXXXXX4361) to **SAPERAS**'s personal account at Chase Bank (account number ending XXXXXX3099) without authorization, consent, or knowledge by the owners of Company "A." In total, **SAPERAS** initiated and caused 45 wire transfers, ranging in amounts from \$5,000 to \$25,000, from Company "A's" Capital One corporate banking account (account number ending XXXXXX4361) to **SAPERAS**'s personal account in the name of "Sapera CPA" at Chase Bank (account number ending XXXXXX3099).

In accomplishing this fraud, **SAPERAS** did cause to be transmitted by means of wire communication in interstate commerce, certain writings, signals, and sounds; that is, **SAPERAS**

caused interstate wire communications to occur between Louisiana and other states consisting of 45 electronic wire payments ranging in amounts from \$5,000 to \$25,000 to be sent from Company “A’s” Capital One Bank account to his personal account in the name of Sapera CPA at Chase Bank. These fraudulent wire transfers totaled \$582,080.

E. Sapera’s Wire Fraud (PayPal)

Beginning on or about June 16, 2014, and continuing to on or about October 1, 2014, **SAPERA** devised and intended to devise a scheme to defraud his employer, Company “A,” and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

It was further part of the scheme that on or about June 16, 2014, the defendant, **MICHAEL SAPERA**, transferred \$10,000 in corporate funds from Company “A’s” PayPal account (account number ending XXXXXX4REU) to **SAPERA’s** personal PayPal account before transferring same to his personal account at Chase Bank (account number ending XXXXXX8391) without authorization, consent, or knowledge by the owners of Company “A.”

It was further part of the scheme that on or about August 9, 2014, the defendant, **MICHAEL SAPERA**, transferred \$15,000 in corporate funds from Company “A’s” PayPal account (account number ending XXXXXX4REU) to **SAPERA’s** personal PayPal account before ultimately transferring \$10,000 to his personal account at Chase Bank (account number ending XXXXXX8391) without authorization, consent, or knowledge by the owners of Company “A.”

It was further part of the scheme that on or about October 1, 2014, the defendant, **MICHAEL SAPERA**, transferred \$10,000 in corporate funds from Company “A’s” PayPal account (account number ending XXXXXX4REU) to **SAPERA’s** personal PayPal account

before transferring same to his personal account at Chase Bank (account number ending XXXXXX3099) without authorization, consent, or knowledge by the owners of Company “A.”

In accomplishing this fraud, **SAPERA** did cause to be transmitted by means of wire communication in interstate commerce, certain writings, signals, and sounds; that is, **SAPERA** caused interstate wire communications to occur between Louisiana and other states consisting of an electronic wire payments in the amount of \$10,000, \$15,000, and \$10,000, respectively, to be sent from Company “A’s” PayPal account to his personal PayPal account before transferring same to his personal account at Chase Bank. These fraudulent transfers totaled \$35,000.

In all, **SAPERA’S** criminal conduct resulted in an illegal gain to him in the amount of \$2,809,580. **SAPERA’S** criminal conduct caused his employer/victim, Company “A,” to incur an additional cost investigating his criminal conduct in the approximate amount of \$38,172. Accordingly, **SAPERA’S** criminal conduct caused his employer/victim, Company “A,” to incur a total loss for restitution purposes of approximately \$2,847,752.

In summary, all of the evidence introduced at trial would establish the elements of the offense and prove the defendant’s guilt beyond a reasonable doubt.

READ AND APPROVED:

MICHAEL SAPERA
Defendant

MATTHEW M. COMAN
Assistant U.S. Attorney
Deputy Chief, Criminal Division

MICHAEL CIACCIO
Counsel for Defendant