

JAP:ALC
F# 2013R01610

14 M 050

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

(Filed Under Seal)

UNITED STATES OF AMERICA

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN ARREST WARRANT

- against -

ROBERT S. GESUELE,

(T. 18 U.S.C. § 287)

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

ELLIOT MCGINNIS, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 1, 2012, within the Eastern District of New York, the defendant ROBERT S. GESUELE made and presented to the Federal Emergency Management Agency ("FEMA"), an agency of the United States, a claim against the United States for payment, which he knew to be false, fictitious and fraudulent.

(Title 18, United States Code, Section 287).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the FBI, based at the New York Field Office. I have been a Special Agent with the FBI for approximately three years. In the course of my duties, I have been involved in the investigation and prosecution of numerous cases involving false statements made in support of fraudulent claims presented to agencies of the United States government. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. FEMA, an agency of the United States Department of Homeland Security, administers relief under the legal authority of Title 44 of the Code of Federal Regulations. Disaster assistance is made available after the President of the United States declares that a major disaster has occurred in a specified area.

3. Assistance to individuals is available under the Individual and Household Assistance Program ("IHP"), which provides grants, funded by the United States Government, to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed. IHP requires that the disaster assistance applicant was unable to live in his or her primary residence due to disaster-related conditions.

4. To receive assistance under IHP, the applicant must register with FEMA and provide FEMA personnel basic information, such as identifying personal data and the location of the damaged dwelling. The applicant is asked to verify that the damaged dwelling was, in fact, his or her primary residence, as well as provide information concerning the household composition.

5. On October 30, 2012, the President of the United States Barack Obama issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq., following landfall of Hurricane Sandy on the State of New York. The disaster was identified by FEMA as disaster number 4085-Hurricane Sandy.

6. On November 1, 2012, a FEMA Form 009-0-1 Application/Registration for Disaster Assistance was filed by ROBERT S. GESUELE. The damaged property address was an address known to law enforcement located on Seaview Avenue in Staten Island, New York (the "Seaview Avenue residence"). The Seaview Avenue residence was described in the application as GESUELE's primary residence and current mailing address. The application listed GESUELE as the occupant of the home. The application further stated that GESUELE rented the home, and that his personal property had been damaged.

7. Based on this application, FEMA disbursed \$2,486.00 to GESUELE on or about November 16, 2012, and \$7,510.89 on or about December 1, 2012, totaling \$9,996.89.

8. I am informed by a person known to law enforcement ("CI") that CI's sister (the "owner") was the previous owner of the Seaview Avenue residence, but the owner passed away in January 2011. The CI became the executor of the owner's estate pursuant to the owner's will. After the owner's death, the CI allowed the owner's previous caregiver (the "caregiver"), who had lived in the home with the owner for some time while the owner was ill, to continue living in the home on the condition that she made rental payments to the CI. The CI and the caregiver did not have a formal lease agreement. At some time between January 2011

and October 2012, when Hurricane Sandy made landfall on the State of New York, the caregiver vacated the Seaview Avenue residence.

9. The CI also stated that, after the caregiver vacated the Seaview Avenue residence, the CI believed that an unknown male (the "UM") moved into the home. The CI did not consent to the UM's living in the Seaview Avenue residence, and the UM never entered into a lease agreement with the CI or made any rental payments to her.

10. After Hurricane Sandy made landfall in November 2012, the CI went to the Seaview Avenue residence with a flood insurance adjuster in order to assess the damage sustained by the property. The CI ultimately received a \$40,000 check from her insurance company for the damage the hurricane inflicted on the Seaview Avenue residence.

11. Shortly thereafter, on another date in late 2012, the CI returned to the Seaview Avenue residence to meet a home insurance adjuster. Prior to entering the residence, the CI noticed a sign on the door stating, in sum and substance, "upon entry you will be shot." The CI did not enter the residence at this time.

12. On a third occasion in late 2012, the CI approached the Seaview Avenue residence and the UM came outside and told her, in sum and substance and in part, that he would "shoot [her] fucking head off" if she came further onto the property.

13. On September 26, 2013, the CI was shown a photograph of GESUELE and identified him as the UM who was living at the Seaview Avenue residence and who verbally threatened her in late 2012.

14. I am informed by a New York City probation officer that she interviewed GESUELE on September 30, 2013. GESUELE stated, in sum and substance and in part, that he

resided at the Seaview Avenue residence, and that he did not own the Seaview Avenue residence but was paying taxes on it.

WHEREFORE, your deponent respectfully requests that the defendant ROBERT S. GESUELE be dealt with according to law.



ELLIOT MCGINNIS
Special Agent
Federal Bureau of Investigation

Sworn to before me this
17th Day of January 2014



Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York