

FILED

2011/10/10 P 3:23

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OFFENSE CHARGED

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See Attachment.

DEFENDANT - U.S.

▶ SUSAN XIAO-PING SU

DISTRICT COURT NUMBER
CR 11-00288 SBA

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶ _____
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? Yes No

} If "Yes" give date filed _____

DATE OF ARREST ▶ _____
Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ _____
Month/Day/Year

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

person is awaiting trial in another Federal or State Court, give name of court _____

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District _____

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO. _____

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO. _____

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency
HARTLEY M. K. WEST, AUSA

Name of Assistant U.S. Attorney (if assigned) WADE M. RHYNE, AUSA

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: _____

Date/Time: _____ Before Judge: _____

Comments: _____

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PENALTY SHEET ATTACHMENT 10 P 3-23
DEFENDANT SUSAN SU

CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COUNTS ONE THROUGH TWELVE: (18 U.S.C. §§ 1343 & 2 – Wire Fraud; Aiding and Abetting)

PENALTY: Statutory Penalty Generally:

Imprisonment:	Maximum 20 Years
Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
Supervised Release:	Maximum 5 Years
Special Assessment:	Mandatory \$100

COUNTS THIRTEEN AND FOURTEEN: (18 U.S.C. §§ 1341 & 2 – Mail Fraud; Aiding and Abetting)

PENALTY: Same as Counts One through Twelve.

COUNT FIFTEEN: (18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud)

<u>PENALTY:</u> Imprisonment:	Maximum 5 Years
Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
Supervised Release:	Maximum 3 Years
Special Assessment:	Mandatory \$100

COUNT SIXTEEN THROUGH NINETEEN: (18 U.S.C. §§ 1546(a) & 2 – Visa Fraud; Aiding and Abetting)

<u>PENALTY:</u> Imprisonment:	Maximum 10 Years
Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
Supervised Release:	Maximum 3 Years
Special Assessment:	Mandatory \$100

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21 NOV 10 P 3:23

COUNT TWENTY: (18 U.S.C. §§ 1001(a)(3) & 2 – Use of False Document; Aiding and Abetting)

<u>PENALTY:</u>	Imprisonment:	Maximum 5 Years
	Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
	Supervised Release:	Maximum 3 Years
	Special Assessment:	Mandatory \$100

COUNT TWENTY-ONE: (18 U.S.C. §§ 1001(a)(2) & 2 – False Statements to a Government Agency; Aiding and Abetting)

PENALTY: Same as Count Twenty.

COUNTS TWENTY-TWO THROUGH TWENTY-FOUR: (8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(I) – Alien Harboring)

<u>PENALTY:</u>	Imprisonment:	Maximum 10 Years
	Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
	Supervised Release:	Maximum 3 Years
	Special Assessment:	Mandatory \$100

COUNT TWENTY-FIVE: (18 U.S.C. §§ 1030(a)(3) & 2 – Unauthorized Access of a Government Computer; Aiding and Abetting)

PENALTY: Statutory Penalty Generally:

Imprisonment:	Maximum 1 Year
Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
Supervised Release:	Maximum 1 Year
Special Assessment:	Mandatory \$100

Statutory Penalty if for Financial Gain:

Imprisonment:	Maximum 5 Years
Fine:	Maximum \$250,000 or an amount equal to twice the amount pecuniary gain or loss.
Supervised Release:	Maximum 3 Years
Special Assessment:	Mandatory \$100

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COUNTS TWENTY-SIX THROUGH THIRTY-FIVE: (18 U.S.C. §§ 1957(a) & 2 –
Money Laundering; Aiding and
Abetting)

<u>PENALTY:</u>	Imprisonment:	Maximum 10 Years
	Fine:	Maximum \$250,000, or an amount equal to twice the amount pecuniary gain or loss, or twice the amount of the criminally derived property involved in the transaction.
	Supervised Release:	Maximum 3 Years
	Special Assessment:	Mandatory \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CR 11-00288 SBA VENUE: Oakland

FILED
2011 NOV 10 P 3:23

UNITED STATES OF AMERICA,

v.

SUSAN XIAO-PING SU,

DEFENDANT.

SUPERSEDING INDICTMENT

18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 1341 – Mail Fraud; 18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud; 18 U.S.C. § 1546(a) – Visa Fraud; 18 U.S.C. § 1001(a)(3) – Use of a False Document; 18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency; 8 U.S.C. § 1324(a)(1)(A) – Alien Harboring; 18 U.S.C. § 1030(a)(3) – Unauthorized Access to a Government Computer; 18 U.S.C. § 1957 – Money Laundering; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. § 982(a)(6)(A)(ii) – Visa Fraud Forfeiture; 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Mail Fraud, Wire Fraud, and Alien Harboring Forfeiture; 18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture

A true bill.


Foreman

Filed in open court this 10 day of Nov 2011


Krauter Clerk


Bail, \$ no price

Timothy J. Bommer
United States Magistrate Judge

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED
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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

12	)	No. CR 11-00288 SBA
13	)	<u>VIOLATIONS:</u> 18 U.S.C. § 1343 – Wire Fraud;
14	)	18 U.S.C. § 1341 – Mail Fraud; 18 U.S.C. § 371
15	)	– Conspiracy to Commit Visa Fraud; 18 U.S.C.
16	)	§ 1546(a) – Visa Fraud; 18 U.S.C. § 1001(a)(3)
17	)	– Use of a False Document; 18 U.S.C.
18	)	§ 1001(a)(2) – False Statement to a Government
19	)	Agency; 8 U.S.C. § 1324(a)(1)(A) – Alien
20	)	Harboring; 18 U.S.C. § 1030(a)(3) –
21	)	Unauthorized Access to a Government
22	)	Computer; 18 U.S.C. § 1957 – Money
23	)	Laundering; 18 U.S.C. § 2 – Aiding and
24	)	Abetting; 18 U.S.C. § 982(a)(6)(A)(ii) – Visa
25	)	Fraud Forfeiture; 18 U.S.C. § 981(a)(1)(C) and
26	)	28 U.S.C. § 2461(c) – Mail Fraud, Wire Fraud,
27	)	and Alien Harboring Forfeiture; 18 U.S.C.
28	)	§ 982(a)(1) – Money Laundering Forfeiture

OAKLAND VENUE

23 SUPERSEDING INDICTMENT

24 The Grand Jury charges:

25 BACKGROUND

26 At all times relevant to this Superseding Indictment:

27 1. Defendant SUSAN XIAO-PING SU was the founder, Chief Executive Officer,
28 and President of Tri-Valley University (TVU), located at 4455 Stoneridge Drive, and then at 405

1 Boulder Court, Suites 700 and 800, both in Pleasanton, California. SU also resided in
2 Pleasanton, California.

3 2. TVU's course catalog described the school as "a Christian higher education
4 institution aiming to offer quality higher education in Engineering, Business and Ministry." SU
5 established a bank account for TVU at Wells Fargo Bank, account number ending -0454, and
6 maintained signature authority over that account.

7 3. SU established a web domain name, trivalleyuniversity.org, and email accounts
8 for TVU using the trivalleyuniversity.org domain, through a web hosting provider called
9 HostMonster located in East Provo, Utah. All emails to and from this domain name route
10 through a server in East Provo, Utah.

11 STUDENT VISA PROGRAM

12 4. The Immigration and Nationality Act, Title 8, United States Code, Section 1101,
13 identifies several categories of foreign nationals who may be admitted to the United States for
14 nonimmigrant purposes. One such category, designated "F-1" based on the applicable statutory
15 subsection, comprises bona fide students coming temporarily to study at an approved school.

16 5. Students entering the United States on a F-1 visa are admitted for a temporary
17 period called "duration of status," which federal regulations define as the time during which the
18 student is pursuing a full course of study at an approved school. When a student stops pursuing a
19 full course of study, the duration of status ends and the temporary period for which the individual
20 was admitted expires.

21 6. A school seeking approval to admit foreign students must submit a Petition for
22 Approval of School for Attendance by Nonimmigrant Student, also called a Form I-17, to the
23 United States Department of Homeland Security (DHS), Student and Exchange Visitor Program
24 (SEVP) in Washington, DC. Through the I-17, the school must establish that (1) it is a bona fide
25 school; (2) it is an established institution of learning; (3) it has the necessary facilities, personnel,
26 and finances to instruct recognized courses; and (4) it actually is engaged in instructing those
27 courses. An unaccredited school must also provide "articulation agreements" establishing that its
28 courses have been and are unconditionally accepted to at least three accredited institutions of

1 higher learning.

2 7. The school's I-17 must identify "Designated School Officials" (DSOs), who
3 certify their knowledge of and intent to comply with student immigration laws and regulations.
4 Once a school is approved, its DSOs are issued login IDs and passwords enabling them to access
5 the Student and Exchange Visitor Information System (SEVIS). SEVIS is a nonpublic computer
6 system located in Rockville, Maryland, which is used by the United States government and
7 operated through SEVP for the purpose of collecting nonimmigrant student information from
8 approved schools and monitoring such aliens' status. Upon login, a pop-up warning banner
9 advises the user that SEVIS is a Privacy Act system of records for authorized users only, and that
10 use evidencing possible criminal activity may be reported to law enforcement.

11 8. To enter the United States on a student visa, a foreign national must present a
12 Certificate of Eligibility for Nonimmigrant (F-1) Student Status, also known as a Form I-20,
13 which is printed from SEVIS. An "initial I-20" certifies that the student has been accepted for
14 enrollment in a full course of study, and is signed by a DSO. The school activates the student's
15 SEVIS record and prints an "active I-20" after the student arrives and begins making normal
16 progress toward a full course of study, with physical attendance as an element. The school's
17 DSOs are required to report in SEVIS within 21 days the failure of any student to maintain active
18 status.

19 THE SCHEME TO DEFRAUD

20 9. From in or about September 2008 through on or about January 19, 2011, in the
21 Northern District of California and elsewhere, defendant
22 SUSAN XIAO-PING SU
23 and others engaged in an illegal scheme to defraud non-immigrant aliens of money and property,
24 specifically tuition and other fees.

25 10. In furtherance of this scheme to defraud, SU and others caused TVU to submit a
26 Form I-17 to admit foreign students, along with revisions, supplements, and attachments, to
27 SEVP in Washington, DC. These submissions contained materially false representations
28 regarding TVU's administrators, instructors, and articulation agreements, as well as materially

1 false promises by TVU's DSOs to comply with all federal regulations regarding nonimmigrant
2 students.

3 11. As a further part of the scheme to defraud, after TVU received SEVP approval to
4 admit F-1 students, SU and others recruited and admitted aliens as TVU students without regard
5 to their academic qualifications and intent to pursue a full course of study.

6 12. As a further part of the scheme to defraud, SU and others caused TVU student-
7 employees to access DSOs' SEVIS accounts to enter data concerning TVU students, and to
8 create SEVIS entries according to SU's instructions. Many of these SEVIS entries contained
9 materially false representations regarding the applicant's residence, means of support, course of
10 study, and purpose of entry, among other things. SU then signed the printed I-20s from SEVIS,
11 sometimes forging the signature of the DSO from whose account the form was printed.

12 13. As a further part of the scheme to defraud, SU and others collected tuition and
13 other payments from aliens in exchange for maintaining them in active F-1 status. SU paid a
14 percentage of these fees to recruiters as commissions for referrals of new alien students.

15 14. As a further part of the scheme to defraud, SU and others made materially false
16 representations and submitted materially false documents to DHS agents, who are routinely
17 tasked with contacting SEVP-approved schools to verify the F-1 status of nonimmigrants in the
18 United States or seeking to reenter the country. In response to such requests for verification, SU
19 and others repeatedly provided materially false I-20s, letters of good standing, transcripts, and
20 attendance records. Similarly, during DHS site visits, SU made materially false representations
21 regarding TVU's classes, instructors, DSOs, office staff, and school policies.

22
23 COUNTS ONE THROUGH TWELVE: (18 U.S.C. §§ 1343 & 2 – Wire Fraud; Aiding and
24 Abetting)

25 15. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
26 incorporated by reference as if set forth in full herein.

27 16. From in or about September 2008 through on or about January 19, 2011, in the
28 Northern District of California and elsewhere, for the purpose of executing a scheme and artifice

1 to defraud as to a material matter, and for obtaining money and property by means of materially
2 false and fraudulent pretenses, representations, promises, and omissions, defendant

3 SUSAN XIAO-PING SU

4 did knowingly cause to be transmitted the following wire communications in interstate and
5 foreign commerce:

6

7

Count	Approx. Date	From	To	Description of Wire
1	9/15/08	Pleasanton, CA	SEVIS	Electronic submission of original Form I-17
2	2/21/09	TVU	HostMonster	Email from SU re: recruiting Indian students
3	1/10/10	TVU	SEVIS	SEVIS entry for B.C.
4	1/27/10	TVU	SEVIS	SEVIS entry for K.C.
5	7/27/10	TVU	SEVIS	SEVIS entry for S.A.
6	7/27/10	TVU	SEVIS	SEVIS entry for K.D.
7	8/31/10	TVU	SEVIS	SEVIS entry for M.R.
8	9/7/10	TVU	SEVIS	SEVIS entry for R.B.
9	9/20/10	TVU	HostMonster	Email from SU containing I-20, transcripts, and letter of good standing for S.A.
10	9/24/10	TVU	HostMonster	Email from SU containing I-20, transcripts, and letter of good standing for K.D.
11	1/7/11	TVU	HostMonster	Email from SU containing I-20, transcript, and enrollment verification for M.R.
12	1/7/11	TVU	HostMonster	Email from SU containing I-20, transcript, attendance sheets, and enrollment verification for R.B.

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24 All in violation of Title 18, United States Code, Sections 1343 and 2.

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1 COUNTS THIRTEEN AND FOURTEEN: (18 U.S.C. §§ 1341 & 2 – Mail Fraud; Aiding and
2 Abetting)

3 17. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
4 incorporated by reference as if set forth in full herein.

5 18. From in or about September 2008 through on or about January 19, 2011, in the
6 Northern District of California and elsewhere, for the purpose of executing a scheme and artifice
7 to defraud as to a material matter, and for obtaining money and property by means of materially
8 false and fraudulent pretenses, representations, promises, and omissions, defendant

9 SUSAN XIAO-PING SU

10 did knowingly cause the following items to be delivered by mail according to the directions
11 thereon:

<u>Count</u>	<u>Approx. Date</u>	<u>Description of Mailing</u>
13	12/23/08	Revised Form I-17 and accompanying documents, including DSO verification letter, from SU to SEVP
14	2/10/09	Three articulation agreements in support of TVU's Form I-17 from SU to SEVP

17 All in violation of Title 18, United States Code, Sections 1341 and 2.

18
19 COUNT FIFTEEN: (18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud)

20 19. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
21 incorporated by reference as if set forth in full herein.

22 20. Beginning in or about February 2009 and continuing through on or about January
23 19, 2011, in the Northern District of California and elsewhere, defendant

24 SUSAN XIAO-PING SU

25 and others did knowingly and willfully conspire to execute and attempt to execute a material
26 scheme to commit offenses against the United States, namely forging and falsely making
27 documents prescribed by statute and regulation for entry into and as evidence of authorized stay
28 in the United States, specifically, Forms I-20, in violation of Title 18, United States Code,

1 Section 1546(a).

2 OVERT ACTS

3 21. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the
4 Northern District of California and elsewhere, SU and others committed the acts alleged in
5 Paragraphs 1 through 14 of this Superseding Indictment, and the following additional overt acts,
6 among others:

7 a. On or about February 21, 2009, SU sent an email to an unindicted co-
8 conspirator regarding recruiting students from India.

9 b. On or about April 30, 2010, TVU issued a \$945 check, drawn on TVU's
10 Wells Fargo Bank account -0454, as a commission payment to an unindicted co-conspirator for
11 recruiting an alien student.

12 c. On or about July 27, 2010, SU falsely signed another DSO's name on a
13 Form I-20 for S.A.

14 d. On or about July 27, 2010, SU falsely signed another DSO's name on a
15 Form I-20 for K.D.

16 e. On or about September 7, 2010, SU falsely signed another DSO's name on
17 a Form I-20 for R.B.

18 f. On or about January 7, 2011, SU falsely told a DHS agent that M.R.
19 attended a TVU class that she taught.

20 All in violation of Title 18, United States Code, Section 371.

21
22 COUNT SIXTEEN THROUGH NINETEEN: (18 U.S.C. §§ 1546(a) & 2 – Visa Fraud;
23 Aiding and Abetting)

24 22. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
25 incorporated by reference as if set forth in full herein.

26 23. Between in or about February 2009 and on or about January 19, 2011, in the
27 Northern District of California and elsewhere, defendant

28 SUSAN XIAO-PING SU

1 did knowingly forge and falsely make a document prescribed by statute and regulation for entry
2 into and as evidence of an authorized stay in the United States, specifically a Form I-20 for the
3 following individuals, and did knowingly use, attempt to use, possess, obtain, and receive such
4 document, knowing it to be forged, falsely made, and procured by means of a false claim and
5 statement, and to have been otherwise procured by fraud and unlawfully obtained:

<u>Count</u>	<u>Approx. Date</u>	<u>Name</u>
16	7/27/10	S.A.
17	7/27/10	K.D.
18	8/31/10	M.R.
19	9/7/10	R.B.

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11 All in violation of Title 18, United States Code, Sections 1546(a) and 2.

12
13 COUNT TWENTY: (18 U.S.C. §§ 1001(a)(3) & 2 – Use of False Document; Aiding and
14 Abetting)

15 24. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
16 incorporated by reference as if set forth in full herein.

17 25. On or about September 24, 2010, in the Northern District of California and
18 elsewhere, defendant

19 SUSAN XIAO-PING SU

20 did knowingly make and use a false document knowing it to contain a materially false, fictitious,
21 and fraudulent statement, in a matter within the jurisdiction of the executive branch of the United
22 States, by emailing three false documents to a DHS Special Agent, while in the course of the
23 agent's duties, including a materially false TVU transcript for K.D., in violation of Title 18,
24 United States Code, Sections 1001(a)(3) and 2.

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1 COUNT TWENTY-ONE: (18 U.S.C. §§ 1001(a)(2) & 2 – False Statements to a Government
2 Agency; Aiding and Abetting)

3 26. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
4 incorporated by reference as if set forth in full herein.

5 27. On or about January 7, 2011, in the Northern District of California and elsewhere,
6 defendant

7 SUSAN XIAO-PING SU

8 did knowingly and willfully make a materially false, fictitious, and fraudulent statement in a
9 matter within the jurisdiction of the executive branch of the United States, by stating to a DHS
10 Special Agent, while in the course of the agent's duties, that M.R. had attended a class that SU
11 had taught at Tri-Valley University, despite knowing that M.R. had never attended such class, in
12 violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

13
14 COUNTS TWENTY-TWO THROUGH TWENTY-FOUR: (8 U.S.C. § 1324(a)(1)(A)(iii),
15 (a)(1)(A)(v)(II), (a)(1)(B)(i) –
Alien Harboring)

16 28. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and
17 incorporated by reference as if set forth in full herein.

18 29. Between in or about February 2009 and on or about January 19, 2011, in the
19 Northern District of California and elsewhere, defendant

20 SUSAN XIAO-PING SU

21 knowingly and in reckless disregard of the fact that the following aliens had unlawfully come to,
22 entered, and remained in the United States, did conceal, harbor, and shield such aliens from
23 detection, and attempt to conceal, harbor, and shield such aliens from detection, through
24 employment at TVU for the purpose of commercial advantage and private financial gain:

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<u>Count</u>	<u>Name</u>
22	V.D.
23	T.T.
24	A.D.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i).

COUNT TWENTY-FIVE: (18 U.S.C. §§ 1030(a)(3) & 2 – Unauthorized Access of a Government Computer; Aiding and Abetting)

30. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

31. Between in or about February 2009 and on or about January 19, 2011, in the Northern District of California and elsewhere, defendant

SUSAN XIAO-PING SU

did knowingly, intentionally, and without authorization, access a nonpublic computer of a department and agency of the United States, specifically DHS’s SEVIS, which is used by and for the Government of the United States and such conduct affects that use by and for the Government of the United States, in violation of Title 18, United States Code, Sections 1030(a)(3) and 2.

COUNTS TWENTY-SIX THROUGH THIRTY-FIVE: (18 U.S.C. §§ 1957(a) & 2 – Money Laundering; Aiding and Abetting)

32. Paragraphs 1 through 14 of this Superseding Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

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1 33. Between in or about November 2009 and in or about December 2010, in the
2 Northern District of California and elsewhere, defendant

3 SUSAN XIAO-PING SU

4 did knowingly engage in the following monetary transactions, in and affecting interstate
5 commerce, in criminally derived property of a value greater than \$10,000, that was derived from
6 specified unlawful activity, namely visa fraud in violation of Title 18, United States Code,
7 Section 1546(a), and did aid and abet the same.

8	<u>Count</u>	<u>Approx. Date</u>	<u>Description of Transaction</u>
9	26	11/28/09	\$36,783.61 check (#1037) drawn on Wells Fargo Bank account
10			-0454 used to purchase 2009 Mercedes Benz (VIN: WDDGF54X79R073026)
11	27	2/25/10	\$78,700 wire transfer from Wells Fargo Bank account -0454 to
12			Fidelity National Title Escrow for purchase of 1087 Murrieta Boulevard, #133, in Livermore, CA
13	28	4/2/10	\$50,000 check (#1144) drawn on Wells Fargo Bank account
14			-0454 paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 800, in Pleasanton, CA
15	29	4/9/10	\$160,986.87 cashier's check purchased with funds from Wells Fargo
16			Bank account -0454, paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 800, in Pleasanton, CA
17	30	6/10/10	\$50,000 check (#1014) drawn on Wells Fargo Bank account
18			-0454 paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 700, in Pleasanton, CA
19	31	7/8/10	\$261,307.49 cashier's check purchased with funds from Wells Fargo
20			Bank account -0454, paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 700, in Pleasanton, CA
21	32	7/20/10	\$700,000 cashier's check purchased with funds from Wells Fargo
22			Bank account -3640, paid to Placer Title Company escrow account for purchase of 2890 Victoria Ridge Court in Pleasanton, CA
23	33	7/20/10	\$122,990.90 cashier's check purchased with funds from Wells Fargo
24			Bank accounts -4780 and -0454, paid to Placer Title Company escrow account for purchase of 2890 Victoria Ridge Court in Pleasanton, CA
25	34	12/15/10	\$600,000 wire transfer from Wells Fargo Bank account -4780 to
26			Prominent Escrow Services, Inc. for purchase of 1371 Germano Way in Pleasanton, CA
27			
28			

35	12/15/10	\$1,200,000 wire transfer from CitiBank account -3045 to Prominent Escrow Services, Inc. for purchase of 1371 Germano Way in Pleasanton, CA
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All in violation of Title 18, United States Code, Sections 1957(a) and 2.

FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(6)(A)(ii) – Visa Fraud Forfeiture)

34. Paragraphs 1 through 14 and 19 through 23 of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii).

35. Upon conviction of an offense set forth in Counts 15 through 19 of this Superseding Indictment, a violation of Title 18, United States Code, Section 1546(a) or conspiracy to violate the same, defendant

SUSAN XIAO-PING SU

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii), any property, real or personal (I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of conviction; or (II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of conviction. The property to be forfeited includes, but is not limited to, the following:

- a. approximately \$63,317.59 from Wells Fargo account ending in 9937;
- b. approximately \$3,000.18 from Wells Fargo account ending in 6782;
- c. approximately \$100.00 from Wells Fargo account ending in 2773;
- d. approximately \$7,526.98 from Citibank account ending in 3045;
- e. approximately \$934,058.04 from PayPal account ending in 1921;
- f. approximately \$15,184.71 from Wells Fargo account ending in 3640;
- g. approximately \$338,319.07 from Wells Fargo account ending in 4780;
- h. approximately \$227,439.98 from Wells Fargo account ending in 0454;
- i. approximately \$30,000.00 from Citibank account ending in 5029;

- 1 j. approximately \$30,000.00 from Citibank account ending in 3045;
- 2 k. 405 Boulder Court, Suite 700 (APN 946-4547-296) and Suite 800 (APN
- 3 946-4547-297), Pleasanton, California;
- 4 l. 2890 Victoria Ridge Court, Pleasanton, California (APN 946-4580-018);
- 5 m. 1371 Germano Way in Pleasanton, California (APN 950-29-18);
- 6 n. 1087 Murrieta Boulevard #133, Livermore, California (APN
- 7 097-0085-132); and
- 8 o. 2009 Mercedes Benz (VIN: WDDGF54X79R073026).

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

- 11 a. cannot be located upon the exercise of due diligence;
- 12 b. has been transferred or sold to, or deposited with, a third party;
- 13 c. has been placed beyond the jurisdiction of the court;
- 14 d. has been substantially diminished in value; or
- 15 e. has been commingled with other property which cannot be divided
- 16 without difficulty,

17 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United
18 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

19 All pursuant to 18 U.S.C. § 982(a)(6)(A)(ii).

20
21 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
22 Wire and Mail Fraud Forfeiture)

23 37. Paragraphs 1 through 18 of this Superseding Indictment are hereby realleged and
24 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States
25 Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

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- 1 a. approximately \$63,317.59 from Wells Fargo account ending in 9937;
- 2 b. approximately \$3,000.18 from Wells Fargo account ending in 6782;
- 3 c. approximately \$100.00 from Wells Fargo account ending in 2773;
- 4 d. approximately \$7,526.98 from Citibank account ending in 3045;
- 5 e. approximately \$934,058.04 from PayPal account ending in 1921;
- 6 f. approximately \$15,184.71 from Wells Fargo account ending in 3640;
- 7 g. approximately \$338,319.07 from Wells Fargo account ending in 4780;
- 8 h. approximately \$227,439.98 from Wells Fargo account ending in 0454;
- 9 i. approximately \$30,000.00 from Citibank account ending in 5029;
- 10 j. approximately \$30,000.00 from Citibank account ending in 3045;
- 11 k. 405 Boulder Court, Suite 700 (APN 946-4547-296) and Suite 800 (APN
- 12 946-4547-297), Pleasanton, California;
- 13 l. 2890 Victoria Ridge Court, Pleasanton, California (APN 946-4580-018);
- 14 m. 1371 Germano Way in Pleasanton, California (APN 950-29-18);
- 15 n. 1087 Murrieta Boulevard #133, Livermore, California (APN
- 16 097-0085-132); and
- 17 o. 2009 Mercedes Benz (VIN: WDDGF54X79R073026).

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

- 20 a. cannot be located upon the exercise of due diligence;
- 21 b. has been transferred or sold to, or deposited with, a third party;
- 22 c. has been placed beyond the jurisdiction of the court;
- 23 d. has been substantially diminished in value; or
- 24 e. has been commingled with other property which cannot be divided
25 without difficulty,

26 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United
27 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

28 ///

1 All pursuant to 18 U.S.C. § 982(a)(6)(A)(ii) and/or 18 U.S.C. § 981(a)(1)(C) and 28
2 U.S.C. § 2461(c).

3
4 FOURTH FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering
5 Forfeiture)

6 43. Paragraphs 1 through 14, 32, and 33 of this Superseding Indictment are hereby
7 realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18,
8 United States Code, Section 982(a)(1).

9 44. Upon conviction of an offense set forth in Counts 26 through 35 of this
10 Superseding Indictment, a violation of Title 18, United States Code, Section 1957, defendant

11 SUSAN XIAO-PING SU

12 shall forfeit to the United States, pursuant to Title 18, United States Code, Section § 982(a)(1),
13 any property, real or personal, involved in such offense, or any property traceable to such
14 property. The property to be forfeited includes, but is not limited to, the following:

- 15 a. 405 Boulder Court, Suite 700 (APN 946-4547-296) and Suite 800 (APN
16 946-4547-297), Pleasanton, California;
- 17 b. 2890 Victoria Ridge Court, Pleasanton, California (APN 946-4580-018);
- 18 c. 1371 Germano Way in Pleasanton, California (APN 950-29-18);
- 19 d. 1087 Murrieta Boulevard #133, Livermore, California (APN
20 097-0085-132); and
- 21 e. 2009 Mercedes Benz (VIN: WDDGF54X79R073026).

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

- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to, or deposited with, a third party;
5 c. has been placed beyond the jurisdiction of the court;
6 d. has been substantially diminished in value; or
7 e. has been commingled with other property which cannot be divided
8 without difficulty,

9 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United
10 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

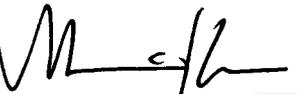
11 All pursuant to 18 U.S.C. § 982(a)(1).

12
13 DATED: November 10, 2011

A TRUE BILL.

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16 
17 FOREPERSON

18 MELINDA HAAG
19 United States Attorney

20 
21 MIRANDA KANE
22 Chief, Criminal Division

23 (Approved as to form: 
24 AUSAs WEST/RHYNE
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26
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