

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

BY:  COMPLAINT  INFORMATION  INDICTMENT

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

**OFFENSE CHARGED**

SUPERSEDED

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See Attachment.

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

SUSAN SU

APR 28 2011

DISTRICT COURT NUMBER

CR11-00288

RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

SBA

**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

**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)

**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

**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:

**PENALTY SHEET ATTACHMENT  
DEFENDANT SUSAN SU**

COUNTS ONE THROUGH TEN: (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 ELEVEN AND TWELVE: (18 U.S.C. §§ 1341 & 2 – Mail Fraud; Aiding and Abetting)

PENALTY: Same as Counts One through Ten.

COUNT THIRTEEN: (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 1 Year
Special Assessment:	Mandatory \$100

COUNT FOURTEEN THROUGH SEVENTEEN: (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

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

PENALTY: Same as ~~Counts One~~ through Eighteen.

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

PENALTY:  
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-THREE: (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

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

PENALTY:  
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

VENUE: Oakland

UNITED STATES OF AMERICA,

v.

SUSAN SU, 

**FILED**  
APR 28 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

## CR11-00288

SBA

DEFENDANT.

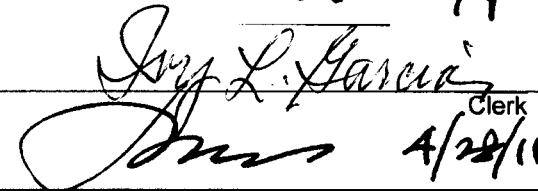
**INDICTMENT**

18 U.S.C. § 1343–Wire Fraud; 18 U.S.C. § 134 –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 28 day of April 2011

  
Clerk  
4/28/11

Bail, \$  
no bail warrant

Document No.             
District Court  
Criminal Case Processing





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 the United States by submitting fraudulent  
24 documents to DHS in support of TVU's petition for approval to admit foreign students and, after  
25 having obtained such approval, fraudulently issuing visa-related documents to aliens in exchange  
26 for tuition and fees.

27 10. As part of the scheme to defraud, SU and others caused TVU to submit a Form I-  
28 17 to admit foreign students, along with revisions, supplements, and attachments, to SEVP in

1 Washington, DC. These submissions contained materially false representations regarding TVU's  
2 administrators, instructors, and articulation agreements, as well as materially false promises by  
3 TVU's DSOs to comply with all federal regulations regarding nonimmigrant students.

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

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

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

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

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

25 15. Paragraphs 1 through 14 of this 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	7/27/10	TVU	SEVIS	SEVIS entry for S.A.
4	7/27/10	TVU	SEVIS	SEVIS entry for K.D.
5	8/31/10	TVU	SEVIS	SEVIS entry for M.R.
6	9/7/10	TVU	SEVIS	SEVIS entry for R.B.
7	9/20/10	TVU	HostMonster	Email from SU containing I-20, transcripts, and letter of good standing for S.A.
8	9/24/10	TVU	HostMonster	Email from SU containing I-20, transcripts, and letter of good standing for K.D.
9	1/7/11	TVU	HostMonster	Email from SU containing I-20, transcript, and enrollment verification for M.R.
10	1/7/11	TVU	HostMonster	Email from SU containing I-20, transcript, attendance sheets, and enrollment verification for R.B.

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

24 COUNTS ELEVEN AND TWELVE: (18 U.S.C. §§ 1341 & 2 – Mail Fraud; Aiding and  
25 Abetting)

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

28 18. From in or about September 2008 through on or about January 19, 2011, in the

INDICTMENT

1 Northern District of California and elsewhere, for the purpose of executing a scheme and artifice  
2 to defraud as to a material matter, and for obtaining money and property by means of materially  
3 false and fraudulent pretenses, representations, promises, and omissions, defendant

4 SUSAN XIAO-PING SU

5 did knowingly cause the following items to be delivered by mail according to the directions  
6 thereon:

<u>Count</u>	<u>Approx. Date</u>	<u>Description of Mailing</u>
11	12/23/08	Revised Form I-17 and accompanying documents, including DSO verification letter, from SU to SEVP
12	2/10/09	Three articulation agreements in support of TVU's Form I-17 from SU to SEVP

7  
8  
9  
10  
11  
12 All in violation of Title 18, United States Code, Sections 1341 and 2.

13  
14 COUNT THIRTEEN: (18 U.S.C. § 371 – Conspiracy to Commit Visa Fraud)

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

17 20. Beginning in or about February 2009 and continuing through on or about January  
18 19, 2011, in the Northern District of California and elsewhere, defendant

19 SUSAN XIAO-PING SU

20 and others did knowingly and willfully conspire to execute and attempt to execute a material  
21 scheme to commit offenses against the United States, namely forging and falsely making  
22 documents prescribed by statute and regulation for entry into and as evidence of authorized stay  
23 in the United States, specifically, Forms I-20, in violation of Title 18, United States Code,  
24 Section 1546(a).

25 OVERT ACTS

26 21. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the  
27 Northern District of California and elsewhere, SU and others committed the acts alleged in  
28 Paragraphs 1 through 14 of this Indictment, and the following additional overt acts:

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

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

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

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

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

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

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

15 COUNT FOURTEEN THROUGH SEVENTEEN: (18 U.S.C. §§ 1546(a) & 2 – Visa Fraud;  
16 Aiding and Abetting)

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

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

21 SUSAN XIAO-PING SU

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

27 ///

28 ///

<u>Count</u>	<u>Approx. Date</u>	<u>Name</u>
14	7/27/10	S.A.
15	7/27/10	K.D.
16	8/31/10	M.R.
17	9/7/10	R.B.

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

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

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

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

SUSAN XIAO-PING SU

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

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

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

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

SUSAN XIAO-PING SU

did knowingly and willfully make a materially false, fictitious, and fraudulent statement in a matter within the jurisdiction of the executive branch of the United States, by stating to a DHS Special Agent, while in the course of the agent's duties, that M.R. had attended a class that SU

1 had taught at Tri-Valley University, despite knowing that M.R. had never attended such class, in  
2 violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

3  
4 COUNTS TWENTY THROUGH TWENTY-TWO: (8 U.S.C. §§ 1324(a)(1)(A)(iii),  
5 1324(a)(1)(A)(v)(II), 1324(a)(1)(B)(i) –  
6 Alien Harboring)

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

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

11 SUSAN XIAO-PING SU

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

<u>Count</u>	<u>Name</u>
20	V.D.
21	T.T.
22	A.D.

16  
17  
18  
19  
20 All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii),  
21 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i).

22  
23 COUNT TWENTY-THREE: (18 U.S.C. §§ 1030(a)(3) & 2 – Unauthorized Access of a  
24 Government Computer; Aiding and Abetting)

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

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

SUSAN XIAO-PING SU

1 did knowingly, intentionally, and without authorization, access a nonpublic computer of a  
 2 department and agency of the United States, specifically DHS's SEVIS, which is used by and for  
 3 the Government of the United States and such conduct affects that use by and for the  
 4 Government of the United States, in violation of Title 18, United States Code, Sections  
 5 1030(a)(3) and 2.

6  
 7 COUNTS TWENTY-FOUR THROUGH THIRTY-THREE: (18 U.S.C. §§ 1957(a) & 2 –  
 8 Money Laundering; Aiding and  
 9 Abetting)

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

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

14 **SUSAN XIAO-PING SU**

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

Count	Approx. Date	Description of Transaction
24	11/28/09	\$36,783.61 check (#1037) drawn on Wells Fargo Bank account -0454 used to purchase 2009 Mercedes Benz (VIN: WDDGF54X79R073026)
25	2/25/10	\$78,700 wire transfer from Wells Fargo Bank account -0454 to Fidelity National Title Escrow for purchase of 1087 Murrieta Boulevard, #133, in Livermore, CA
26	4/2/10	\$50,000 check (#1144) drawn on Wells Fargo Bank account -0454 paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 800, in Pleasanton, CA
27	4/9/10	\$160,986.87 cashier's check purchased with funds from Wells Fargo Bank account -0454, paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 800, in Pleasanton, CA
28	6/10/10	\$50,000 check (#1014) drawn on Wells Fargo Bank account -0454 paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 700, in Pleasanton, CA

29	7/8/10	\$261,307.49 cashier's check purchased with funds from Wells Fargo Bank account -0454, paid to Chicago Title Company escrow account for purchase of 405 Boulder Court, Suite 700, in Pleasanton, CA
30	7/20/10	\$700,000 cashier's check purchased with funds from Wells Fargo Bank account -3640, paid to Placer Title Company escrow account for purchase of 2890 Victoria Ridge Court in Pleasanton, CA
31	7/20/10	\$122,990.90 cashier's check purchased with funds from Wells Fargo Bank accounts -4780 and -0454, paid to Placer Title Company escrow account for purchase of 2890 Victoria Ridge Court in Pleasanton, CA
32	12/15/10	\$600,000 wire transfer from Wells Fargo Bank account -4780 to Prominent Escrow Services, Inc. for purchase of 1371 Germano Way in Pleasanton, CA
33	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

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 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 13 through 17 of this 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;
- j. approximately \$30,000.00 from Citibank account ending in 3045;
- k. 405 Boulder Court, Suite 700 (APN 946-4547-296) and Suite 800 (APN 946-4547-297), Pleasanton, California;
- l. 2890 Victoria Ridge Court, Pleasanton, California (APN 946-4580-018);
- m. 1371 Germano Way in Pleasanton, California (APN 950-29-18);
- n. 1087 Murrieta Boulevard #133, Livermore, California (APN 097-0085-132); and
- o. 2009 Mercedes Benz (VIN: WDDGF54X79R073026).

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

- a. cannot be located upon the 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 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).

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



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

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

6 38. Upon conviction of an offense set forth in Counts 1 through 12 of this Indictment,  
7 a violation of Title 18, United States Code, Sections 1341 and 1343, defendant

8 SUSAN XIAO-PING SU

9 shall forfeit to the United States, pursuant to Title 18, United States Code, Section § 981(a)(1)(C)  
10 and Title 28, United States Code, Section § 2461(c), any property, real or personal that  
11 constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from  
12 the commission of the offense of conviction. The property to be forfeited includes, but is not  
13 limited to, the following:

- 14 a. approximately \$63,317.59 from Wells Fargo account ending in 9937;
- 15 b. approximately \$3,000.18 from Wells Fargo account ending in 6782;
- 16 c. approximately \$100.00 from Wells Fargo account ending in 2773;
- 17 d. approximately \$7,526.98 from Citibank account ending in 3045;
- 18 e. approximately \$934,058.04 from PayPal account ending in 1921;
- 19 f. approximately \$15,184.71 from Wells Fargo account ending in 3640;
- 20 g. approximately \$338,319.07 from Wells Fargo account ending in 4780;
- 21 h. approximately \$227,439.98 from Wells Fargo account ending in 0454;
- 22 i. approximately \$30,000.00 from Citibank account ending in 5029;
- 23 j. approximately \$30,000.00 from Citibank account ending in 3045;
- 24 k. 405 Boulder Court, Suite 700 (APN 946-4547-296) and Suite 800 (APN  
25 946-4547-297), Pleasanton, California;
- 26 l. 2890 Victoria Ridge Court, Pleasanton, California (APN 946-4580-018);
- 27 m. 1371 Germano Way in Pleasanton, California (APN 950-29-18);
- 28 n. 1087 Murrieta Boulevard #133, Livermore, California (APN

1 097-0085-132); and

2 o. 2009 Mercedes Benz (VIN: WDDGF54X79R073026).

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

5 a. cannot be located upon the exercise of due diligence;

6 b. has been transferred or sold to, or deposited with, a third party;

7 c. has been placed beyond the jurisdiction of the court;

8 d. has been substantially diminished in value; or

9 e. has been commingled with other property which cannot be divided

10 without difficulty,

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

13 All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

14  
15 THIRD FORFEITURE ALLEGATION: (18 U.S.C. § 982(6)(A)(ii) and/or 18 U.S.C.  
16 § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Alien  
Harboring Forfeiture)

17 40. Paragraphs 1 through 14, 28, and 29 of this Indictment are hereby realleged and  
18 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States  
19 Code, Section 982(6)(A)(ii) and/or Title 18, United States Code, Section 981(a)(1)(C) and Title  
20 28, United States Code, Section 2461(c)

21 41. Upon conviction of an offense set forth in Counts 20 through 22 of this  
22 Indictment, a violation of Title 8, United States Code, Section 1324, defendant

23 SUSAN XIAO-PING SU

24 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(6)(A)(ii)  
25 and/or Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code,  
26 Section § 2461(c), any property, real or personal, (I) that constitutes, or is derived from or is  
27 traceable to the proceeds obtained directly or indirectly from the commission of the offense of  
28 conviction; or (II) that is used to facilitate, or is intended to be used to facilitate, the commission

1 of the offense of conviction. The property to be forfeited includes, but is not limited to, the  
2 following:

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

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

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

28 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United

1 States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).  
2 All pursuant to 18 U.S.C. § 982(a)(6)(A)(ii) and/or 18 U.S.C. § 981(a)(1)(C) and 28  
3 U.S.C. § 2461(c).

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 Indictment are hereby realleged and  
7 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States  
8 Code, Section 982(a)(1).

9 44. Upon conviction of an offense set forth in Counts 24 through 33 of this  
10 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).

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

- 24 a. cannot be located upon the exercise of due diligence;
- 25 b. has been transferred or sold to, or deposited with, a third party;
- 26 c. has been placed beyond the jurisdiction of the court;
- 27 d. has been substantially diminished in value; or

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e. has been commingled with other property which cannot be divided  
without difficulty,

the United States 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).

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


DATED: April \_\_, 2011

A TRUE BILL.

  
FOREPERSON

MELINDA HAAG  
United States Attorney

  
MIRANDA KANE  
Chief, Criminal Division

(Approved as to form: )  
AUSAS WEST/RHYNE