

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joseph A. Dickson  
 :  
v. : Mag. No. 12-6697 (JAD)  
 :  
 : **CRIMINAL COMPLAINT**  
 :  
ROBERTO DIAZ :  
ELIAN MATLOVSKY :  
ENNIO GUZMAN :

I, Anthony Gonzalez, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Postal Inspector with the United States Postal Inspection Service, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached pages and made a part hereof.



Anthony Gonzalez, Postal Inspector  
United States Postal Inspection Service

Sworn to before me and subscribed in my presence,  
September 18, 2012 at Newark, New Jersey

HONORABLE JOSEPH A. DICKSON  
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

**Count One**  
**(Conspiracy to Defraud the United States)**

From at least as early as in or around January 2010 through in or around September 2012, in the District of New Jersey and elsewhere, defendants

ROBERTO DIAZ  
ELIAN MATLOVSKY  
and  
ENNIO GUZMAN

did knowingly and intentionally conspire and agree with each other and with others to embezzle, steal, purloin, and knowingly convert to their use and the use of others, money of the United States, specifically United States Treasury checks, contrary to Title 18, United States Code, Section 641, in violation of Title 18, United States Code, Section 371.

**Counts Two through Five**  
**(Theft of Government Property)**

On or about the dates set forth below, defendants

ROBERTO DIAZ  
ELIAN MATLOVSKY  
and  
ENNIO GUZMAN

did knowingly embezzle, steal, purloin, and knowingly convert to their use and the use of others, money of the United States, specifically United States Treasury checks, in violation of Title 18, United States Code, Sections 641 and 2, as follows:

<b>Count</b>	<b>Defendant</b>	<b>Approximate Date</b>	<b>Approximate Amount</b>
2	DIAZ	March 23, 2011	\$49,128
3	MATLOVSKY	October 10, 2011	\$7,500
4	MATLOVSKY	November 2, 2011	\$16,028
5	GUZMAN	December 21, 2011	\$37,914

## ATTACHMENT B

I, Anthony Gonzalez, have been a Postal Inspector with the United States Postal Inspection Service for approximately seven years, and I have been personally involved in the investigation of this matter. The information contained in this Complaint is based on my personal knowledge and on information obtained from other sources, including: a) statements made or reported by various witnesses with knowledge of relevant facts; b) my review of publicly available information relating to the defendants; and c) my review of business records, bank records and other documents and evidence obtained through Court orders, subpoenas and other sources. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of individuals are recounted herein, they are recounted in substance and in part.

1. At all times relevant to this Complaint:
  - a. The standard form used by United States citizens to file individual federal income tax returns was the Individual Income Tax Return Form 1040 ("Form 1040"). Taxpayers could file Form 1040s either in paper form or electronically.
  - b. For electronically-filed Form 1040s, the U.S. Treasury was capable of tracing the specific Internet Protocol ("IP") address<sup>1</sup> from which a particular Form 1040 was filed.
  - c. On a Form 1040, taxpayers were required to report, among other things, their wages, withholdings, and applicable tax credits. Based on the information reported in Form 1040s, the United States Treasury Department either required taxpayers to provide additional taxes or paid taxpayers with tax refunds.
  - d. The United States Treasury Department (the "U.S. Treasury") paid tax refunds in the form of checks, which were mailed to taxpayers (the "Tax Refund Treasury Checks") or electronically deposited into accounts designated by the taxpayers.

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<sup>1</sup> Typically, computers or devices on the Internet are referenced by a unique Internet Protocol address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 254. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. A central authority provides each Internet Service Provider ("ISP") a limited block of IP addresses for use by that ISP's customers or subscribers. Most ISPs employ dynamic IP addressing, that is, they allocate any unused IP address at the time of initiation of an Internet session each time a customer or subscriber accesses the Internet. A dynamic IP address is reserved by an ISP to be shared among a group of computers over a period of time. The ISP logs the date, time, and duration of the Internet session for each IP address and can identify the user of that IP address for such a session from these records. Therefore, if a customer's ISP employs dynamic IP addressing, the customer's IP address can change over time, even though the customer remains the same and maintains the same account with the ISP.

- e. Stolen Identity Refund Fraud (“SIRF”) was a common type of fraud committed against the United States government that resulted in over \$2 billion in losses annually to the United States Treasury.<sup>2</sup>

### Background on SIRF

- 2. From my training and experience, I know that SIRF schemes are a significant and growing problem across the United States. SIRF schemes generally share a number of hallmarks:
  - a. First, SIRF perpetrators obtain personal identifying information, including Social Security Numbers and dates of birth, from unwitting individuals, who often reside in the Commonwealth of Puerto Rico.<sup>3</sup>
  - b. Second, SIRF participants complete Form 1040s using the fraudulently-obtained information, and falsifying wages earned, taxes withheld and other data (the “Fraudulent Form 1040s”). Perpetrators use data to make it appear that the “taxpayers” listed on the Fraudulent Form 1040s are entitled to tax refunds – when in fact, the various tax withholdings indicated on the Fraudulent Form 1040 taxes have not been paid by the listed “taxpayers,” and no refunds are due.
  - c. Third, SIRF perpetrators direct Tax Refund Treasury Checks generated by the Fraudulent Form 1040s to locations they control or can access, in various ways, including:
    - i. Listing addresses on Fraudulent Form 1040s that the perpetrators could access, and employing runners to remove Tax Refund Treasury Checks from mailboxes at those addresses;
    - ii. Enlisting corrupt mail carriers to divert Tax Refund Treasury Checks from the mail stream before delivery; and
    - iii. Designating refunds to be electronically deposited into bank accounts under their control.
  - d. Fourth, with Tax Refund Treasury Checks now in hand, SIRF perpetrators generate cash proceeds. Certain SIRF perpetrators sell Tax Refund Treasury Checks at a discount to face value. In turn, the buyers then cash the Tax Refund Treasury Checks, either themselves or using straw account holders, by cashing

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<sup>2</sup> SIRF is also targeted at state taxing authorities in much the same way. Fraudulent state tax returns are submitted in the names of individuals who are not the actual filers in order to obtain fraudulently issued state tax refunds based on false representations of wages and taxes withheld, among others.

<sup>3</sup> Puerto Rican citizens are issued Social Security numbers, but are not required to pay Federal income tax unless they derive income from United States-based companies or from the United States government. Therefore, Social Security numbers assigned to Puerto Ricans are a valuable commodity for perpetrators of SIRFs, because these Social Security numbers are normally not already associated with a Form 1040.

checks at banks or check cashing businesses, or by depositing checks into bank accounts. When cashing or depositing Tax Refund Treasury Checks, SIRF perpetrators often present false or fraudulent identification documents in the names of the “taxpayers” to whom the checks are payable.

3. The multiple steps in a SIRF scheme often require the participation of numerous individuals, who usually occupy specific and distinct roles in the scheme.

#### Summary of the Investigation

4. Federal law enforcement agencies, recognizing that SIRF was a serious problem, created a multi-agency task force in New Jersey led by investigators from the United States Postal Inspection Service and the Internal Revenue Service with support from the United States Secret Service, Homeland Security Investigations, and the Drug Enforcement Administration (the “New Jersey Task Force”).
5. An investigation led by the New Jersey Task Force has revealed that between at least as early as 2007 and the present, dozens of individuals in the New Jersey and New York area have been engaged in a large-scale, long running SIRF scheme (the “Scheme”). In total, the Scheme has caused more than 8,000 Fraudulent Form 1040s to be filed, seeking more than approximately \$65 million in tax refunds, with losses to the U.S. Treasury of more than approximately \$11.3 million.
6. The Scheme was carried out by JOSE TORRES, a/k/a “Jose Quilestorres” (“TORRES”), ROBERTO DIAZ, ELIAN MATLOVSKY, PORFIRIO PAREDES, ROSA MARMOL, LUIS MARTINEZ, ENNIO GUZMAN, ALEJANDRO JAVIER, ROBERT PINSKI, MICHAEL SENATORE, ROSARIO TERZULLI, MANUEL RODRIGUEZ, RIGOBERTO TORRES (“R. TORRES”) and others (collectively, the “Conspirators”).
7. Each Conspirator played a specific role in the Scheme. For example:
  - a. **Obtaining Personal Identifying Information from Puerto Rican Citizens:** TORRES, RODRIGUEZ, and others obtained personal identifiers, such as dates of birth and social security numbers, belonging to Puerto Rican citizens.
  - b. **Creating Fraudulent Form 1040s:** TORRES, RODRIGUEZ and others used those identifiers to create Fraudulent Form 1040s, which falsely reported wages purportedly earned by the “taxpayers” and taxes purportedly withheld, to create the appearance that the “taxpayers” were entitled to tax refunds. Of course, the amounts were fraudulent.
  - c. Moreover, the Fraudulent Form 1040s submitted by TORRES, RODRIGUEZ, and others listed the same employers and home addresses for numerous different “taxpayers.”

- d. **Filing the Fraudulent Form 1040s:** The Fraudulent Form 1040s made in furtherance of the Scheme were created and filed electronically. By tracing the specific IP addresses that submitted the electronically-filed Form 1040s, law enforcement officers learned that just a handful of IP addresses created many of the Fraudulent Form 1040s used in the Scheme. These Fraudulent Form 1040s in turn led to the issuance of Tax Refund Treasury Checks that the Conspirators obtained, sold, cashed, and spent.
- e. **Obtaining the Fraudulently-Issued Tax Refund Treasury Checks:** TORRES, RODRIGUEZ and others then gained control of Tax Refund Treasury Checks, in various ways, which followed the pattern of a classic SIRF scheme:
- i. Sometimes, Conspirators obtained Tax Refund Treasury Checks by bribing mail carriers to intercept checks and deliver them to other Conspirators. One such mail carrier, BENNIE HAYNES, who delivered mail along a route in Somerset, New Jersey, has previously been charged. In exchange for cash payments, HAYNES gave Tax Refund Treasury Checks to Conspirators. These Conspirators gave the checks to TORRES and others. In turn, TORRES then sold these checks to yet other Conspirators. Tax Refund Treasury Checks mailed to addresses along HAYNES's mail route in Somerset, New Jersey were deposited into accounts controlled by DIAZ, MATLOVSKY, RODRIGUEZ and R. TORRES.
  - ii. TORRES and others also purchased "mail routes," that is, lists of addresses covered by a single mail carrier, from other Conspirators, including DIAZ. Again, once the mail route was purchased, TORRES and others applied for Tax Refund Treasury Checks, inserted addresses along the mail route as the purported home addresses of the "taxpayers," and obtained the Tax Refund Treasury Checks sent to the addresses.
  - iii. In other instances, the Conspirators applied for checks using addresses otherwise controlled by, or accessible by, certain Conspirators, and collected the checks after they were delivered to those addresses. For example, during the course of the Scheme, hundreds of Tax Refund Treasury Checks were mailed to just a few different addresses in a few different towns, including Nutley, Somerset and Newark, New Jersey, and Shirley, New York.
- f. **Selling the Tax Refund Treasury Checks to Other Conspirators:** TORRES and others then sold Tax Refund Treasury Checks to DIAZ, PAREDES, JAVIER, RODRIGUEZ, and others.
- g. **Depositing and Cashing the Tax Refund Treasury Checks:** After buying the Tax Refund Treasury Checks from TORRES and others, DIAZ, PAREDES,

JAVIER, RODRIGUEZ, and others deposited and cashed the checks. Again, the Conspirators used several methods:

- i. They induced third parties (the “Straw Account Holders”), including MATLOVSKY and GUZMAN, to open bank accounts at various banks in New Jersey and elsewhere. Once the Tax Refund Treasury Checks were deposited into the Straw Account Holders’ accounts or accounts controlled by Conspirators, DIAZ, MATLOVSKY, GUZMAN PAREDES, JAVIER, PINSKI, RODRIGUEZ, R. TORRES, MARMOL, MARTINEZ and others caused proceeds of the fraud to be withdrawn, and spent those funds or transferred a portion of the funds to other Conspirators.
- ii. RODRIGUEZ, PAREDES, SENATORE, PINSKI, JAVIER, TERZULLI and others also obtained proceeds from Tax Refund Treasury Checks by causing checks to be cashed at check cashing institutions, and then causing the proceeds to be deposited into bank accounts controlled by Conspirators.
- iii. They bought, or tried to buy, check cashing businesses, so that they would have more stable venues for cashing Tax Refund Treasury Checks. TORRES, DIAZ, and GUZMAN, among others, discussed purchasing a check cashing business to further the Scheme.

#### Making Connections Between Conspirators – the Scope of the Scheme

8. As set forth above, each Conspirator played a particular role in the Scheme. Not every Conspirator engaged with every other Conspirator, and so certain Conspirators are charged in separate complaints. But computer analysis, along with statements from cooperating witnesses, intercepted communications, consensually-recorded meetings, surveillance, subpoenaed records, and other investigative techniques, have revealed the web of connections between and among the Conspirators.
9. As just a couple of examples, law enforcement has identified specific IP addresses linked to TORRES (who is charged by separate Complaint), which were used to file thousands of Fraudulent Form 1040s.
10. One IP address linked to TORRES was discovered after law enforcement officers introduced a confidential informant (“CI-1”) to DIAZ. Law enforcement officers provided CI-1 with a mail route for addresses in Cliffside Park, New Jersey (the “Cliffside Park Mail Route”). In or around June 2011, CI-1 gave DIAZ the Cliffside Park Mail Route. CI-1 told DIAZ that the mail carrier for the Cliffside Park Mail Route was complicit in the scheme, and would remove Tax Refund Treasury Checks from the mail stream for the Conspirators.

11. Shortly thereafter, DIAZ provided the Cliffside Park Mail Route to TORRES. Subsequently, dozens of Fraudulent Form 1040s were created from a single IP address, using addresses along the Cliffside Park Mail Route (“IP Address 1”).
12. Law enforcement officers then analyzed IP Address 1, and discovered that IP Address 1 had created a total of approximately 2,033 Fraudulent Form 1040s, all bearing Puerto Rican names. Moreover, other Conspirators, including DIAZ, MATLOVSKY, GUZMAN, PAREDES, and R. TORRES, had deposited or caused to be deposited Tax Refund Treasury Checks, which had been issued based on Fraudulent Form 1040s filed from IP Address 1, in furtherance of the Scheme.
13. On or about August 19, 2011, DIAZ caused a Tax Refund Treasury Check he obtained from TORRES to be deposited into an account MATLOVSKY controlled. The IP address that filed the Fraudulent Form 1040 for this check (“IP Address 2”) was also associated with the filing of approximately 1,648 Fraudulent Form 1040s. Moreover, PAREDES and R. TORRES, too, deposited or caused to be deposited Tax Refund Treasury Checks that resulted from Fraudulent Form 1040s filed from IP Address 2.
14. In total, Tax Refund Treasury Checks resulting from Fraudulent Form 1040s filed utilizing the IP addresses linked to TORRES were deposited by DIAZ, MATLOVSKY, GUZMAN, R. TORRES, and PAREDES, among others.
15. Consensually recorded conversations further linked the Conspirators together. During recorded conversations with a Cooperating Witness (“CW-1”), TORRES referred to PINSKI and JAVIER, and stated that he believed PINSKI and JAVIER had been arrested and/or were under investigation for engaging in the Scheme.
16. In addition, intercepted communications laid bare yet other connections between Conspirators. Law enforcement officers maintained a Court-authorized wiretap on PINSKI’s cellular telephone for approximately three months in or around 2012. During conversations intercepted through this wiretap, PINSKI, JAVIER, and SENATORE engaged in dozens of conversations relating to the Scheme, and discussed, in granular detail, the specifics of SIRFs, and of the Scheme in particular.

Law Enforcement Officers Intercept More than \$22 Million in Tax Refund Treasury Checks, Mitigating the Harm Caused by the Scheme

17. During the course of the investigation, members of the New Jersey Task Force identified certain “hot spots” of activity related to the Scheme – that is, Conspirators were directing millions of dollars worth of Tax Refund Treasury Checks to just a few towns and cities in and around New Jersey. New Jersey Task Force members then interacted with United States Postal Service employees in these hot spots, and identified the characteristics of Tax Refund Treasury Checks connected to the Scheme. As a result of these efforts, more than \$22 million in fraudulently-applied for Tax Refund Treasury Checks that had been issued by the U.S. Treasury were not delivered to the Conspirators or others, but rather were interdicted by law enforcement officers.

### Certain Conspirators Engage in Lavish Personal Spending with Stolen Public Money

18. Several of the Conspirators used the proceeds of the fraud to enjoy a lavish lifestyle. As just one example, DIAZ, who purportedly worked in the grocery business, resided in a house worth over \$1.6 million, and paid over \$13,000 per month – from accounts associated with the fraud – in mortgage payments on this house; he gambled over \$250,000 at casinos in New Jersey and elsewhere; he purchased two Mercedes-Benz automobiles; and he took high-end vacations to Miami and elsewhere, spending thousands of dollars a night on luxury hotels.
19. As another example, MATLOVSKY, who was a school teacher, charged approximately \$123,000 on a single credit card in just one year, including such charges as:
  - a. Tens of thousands of dollars in hotel and airfare for numerous luxury vacations to Cancun, Miami Beach, Panama City, Atlantic City, Fort Lauderdale, Puerto Rico, the Dominican Republic, Israel, and elsewhere;
  - b. Over \$4,000 in shopping on a single day;
  - c. Restaurant tabs of over \$1,300 for a single meal; and
  - d. Tens of thousands of dollars in high-end furniture.

### The Roles of the Defendants

20. DIAZ resided in or around Demarest, New Jersey. MATLOVSKY resided in or around New York, New York. GUZMAN resided in or around Clifton, New Jersey.

#### DIAZ

21. Over the course of the conspiracy, DIAZ purchased from TORRES more than \$4.3 million in Tax Refund Treasury Checks. DIAZ then deposited Tax Refund Treasury Checks into accounts he owned.
  - a. As just one example, on or about March 23, 2011, DIAZ deposited approximately seven Tax Refund Treasury Checks to be deposited into an account he controlled, totaling approximately \$49,128.
22. DIAZ also employed Straw Account Holders, including MATLOVSKY, GUZMAN and A.H., J.F., to deposit the Tax Refund Treasury Checks, and to obtain the funds from these checks, all in furtherance of the Scheme.
23. DIAZ instructed the Straw Account Holders to open bank accounts, usually in the name of dummy corporations (the “Straw Accounts”), and often provided the Straw Account Holders with money to open the Straw Accounts.

24. DIAZ also taught the Straw Account Holders how to “buffer” checks into the Straw Accounts. “Buffering” refers to a technique whereby checks for small amounts were included among deposits of Tax Refund Treasury Checks, to aid in disguising the fraudulent deposits by making them appear part of a legitimate series of deposits. From my training and experience, I know that criminals use such buffering checks to avoid detection of fraudulent schemes by bank employees who process the deposits. This “buffering” practice was observed in many of the deposits involving Tax Refund Treasury Checks in the accounts detailed.
25. As noted above, DIAZ also obtained mail routes, including the Cliffside Park Mail Route, so that more Tax Refund Treasury Checks could be mailed to addresses controlled by the Conspirators. On or about August 8, 2011, DIAZ provided CI-1 with approximately \$500 to pay the “mail carrier” from the Cliffside Park Mail Route for the “mail carrier’s” assistance. Also as noted above, DIAZ subsequently provided the Cliffside Park Mail Route to TORRES.
26. DIAZ obtained the funds from Tax Refund Treasury Checks that had been deposited into the Straw Accounts in several ways. DIAZ instructed certain Straw Account Holders to provide DIAZ with signature stamps of the Straw Account Holders’ signatures, and to give DIAZ checks from the Straw Accounts. Other times, DIAZ had the Straw Account Holders cash checks from the Straw Accounts and provide the cash to DIAZ. Yet other times, DIAZ instructed the Straw Account Holders to write checks from the Straw Accounts to entities DIAZ controlled, and then DIAZ deposited the checks. As noted above, DIAZ used the money stolen from the U.S. Treasury to live lavishly, with a million dollar home and multiple luxury vehicles.

#### MATLOVSKY

27. MATLOVSKY served as a Straw Account Holder for DIAZ, from whom she received nearly \$1 million in Tax Refund Treasury Checks. In or around 2011, MATLOVSKY opened at least two different bank accounts in furtherance of the Scheme. MATLOVSKY then deposited, or caused to be deposited, over \$980,000 in Tax Refund Treasury Checks into accounts that she had opened and for which she was the sole signatory. MATLOVSKY also withdrew, or caused the withdrawal of, hundreds of thousands of dollars in proceeds of Tax Refund Treasury Checks from these accounts, which she then provided to DIAZ or spent on her own personal expenses.
28. MATLOVSKY opened two accounts in the name of “Rodimah Group LLC” (the “Rodimah Accounts”). MATLOVSKY was the sole signatory for these accounts.
  - a. From in or around August 2011 through on or around December 2011, approximately 137 Tax Refund Treasury Checks totaling approximately \$983,594.90 were deposited into the Rodimah Accounts.

- b. As just two examples, on or about October 10, 2011, MATLOVSKY withdrew approximately \$7,500, derived from deposits of Tax Refund Treasury Checks, from a Rodimah Account; and on or about November 2, 2011, MATLOVSKY caused approximately two Tax Refund Treasury Checks to be deposited into a Rodimah Account, totaling approximately \$16,028.
  - c. The approximately 137 Tax Refund Treasury Checks deposited into the Rodimah Accounts were made out to approximately 137 different Puerto Rican individuals.
  - d. During the period that the Tax Refund Treasury Checks were deposited into the Rodimah Accounts, no other activity took place in the Rodimah Accounts besides the deposits of Tax Refund Treasury Checks and “buffering” checks, in small amounts, from an account held in the name of defendant DIAZ’s wife.
  - e. Moreover, Wells Fargo surveillance photographs showed defendant DIAZ deposited certain Tax Refund Treasury Checks into one of the Rodimah Accounts.
29. MATLOVSKY’s involvement in the Scheme was further borne out by her personal spending patterns. Both before and during the period covered by this Complaint, MATLOVSKY maintained a credit card account with a credit card issuer (the “MATLOVSKY Credit Card”).
- a. For the calendar year 2009 – before MATLOVSKY had opened any bank accounts into which Tax Refund Treasury Checks were deposited – approximately \$400 was charged on the MATLOVSKY Credit Card during the entire year.
  - b. For the calendar year 2010 – again before MATLOVSKY opened any Tax Refund Treasury Check bank accounts – approximately \$900 was charged on the MATLOVSKY Credit Card during the entire year.
  - c. For the calendar year 2011 – after MATLOVSKY became involved in the fraudulent scheme – approximately \$123,000 was charged on the MATLOVSKY Credit Card.
  - d. In the first three months of 2012, approximately \$45,000 was charged on the MATLOVSKY Credit Card.

GUZMAN

30. GUZMAN received more than \$430,000 in Tax Refund Treasury Checks from DIAZ, and used a Straw Account to deposit these checks. Indeed, over the course of just three months, from in or around September 2011 to in or around December 2011, GUZMAN deposited or caused to be deposited, approximately \$420,000 in Tax Refund Treasury Checks into accounts he controlled.

- a. For example, on or about December 21, 2011, GUZMAN caused approximately five Tax Refund Treasury Checks, totaling approximately \$37,914, to be deposited into an account he controlled.
31. In addition, beginning in or around 2011, GUZMAN was responsible for taking steps to allow certain Conspirators to obtain control of an existing check cashing business in furtherance of the Scheme. GUZMAN obtained a license from the state of Pennsylvania permitting him to engage in the business of cashing checks. GUZMAN also obtained and provided to DIAZ and to TORRES a contract and management agreement, which together would allow them to operate that check cashing business, located in or around Philadelphia, Pennsylvania. In the course of recorded meetings, GUZMAN discussed the purchase of the check cashing location, and its value to being able to process Tax Refund Treasury Checks. During such recorded meetings, GUZMAN also engaged in negotiations to obtain false and fraudulent identification documents necessary to opening an operating account for the check cashing business.
32. Gaining control of a check cashing business was critically important to DIAZ and other Conspirators, as having such access would allow them the ability to easily negotiate Tax Refund Treasury Checks with minimal scrutiny during at least two phases of the process. On the front end of the negotiation process, controlling the check cashing business would allow the Conspirators to avoid having to present identification documents in the name of the payee of each Tax Refund Treasury Check, often required by legitimate money service businesses. Also, after a Tax Refund Treasury Check was negotiated for cash and then deposited into the operating account associated with the check cashing business, it would be co-mingled with a large volume of other checks from other customers. Thus, the fraudulent nature of the Tax Refund Treasury Check would be harder to detect than if it were deposited into an account held by an individual.
33. The importance of the Conspirators obtaining operational control of a check cashing business was made clear by TORRES in a recorded meeting with DIAZ in or around June 1, 2012, during which TORRES told DIAZ he should complete the purchase of the check cashing business to smooth the process of depositing Tax Refund Treasury Checks.

Summary

34. During the course of the fraud, the following Tax Refund Treasury Checks, among others – all of which were either stolen or generated fraudulently – were deposited into accounts controlled or maintained for the benefit of DIAZ, MATLOVSKY, and GUZMAN:

<b>Account Holder</b>	<b>Financial Institution</b>	<b>Account Name</b>	<b>Appx. No. of Checks</b>	<b>Appx. Total Refunds</b>
MATLOVSKY	Wells Fargo	Rodimah Group	65	454,025
MATLOVSKY	Chase	Rodimah Group	72	529,569
DIAZ	Bank of America	Altro Group	60	330,763
DIAZ	TD Bank	945 Meat & Produce	289	1,833,953
GUZMAN	Wells Fargo	BBMK New York, Inc.	63	434,799
J.F.	Bank of America	JJJ Produce	43	222,522
A.H.	Wells Fargo	A&A Wholesale	104	657,985
A.H.	Bank of America	A&A Wholesale	39	\$ 203,663
A.H.	Bank of America	A&T Wholesale	17	105,761
			752	\$ 4,773,040

## FORFEITURE ALLEGATIONS

1. The allegations contained in paragraphs 1 through 34 of this Complaint are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).
2. The United States hereby gives notice to the defendants that, upon conviction of the offenses charged in this Complaint, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly traceable to such offenses, including but not limited to the following a sum of money equal to at least \$4,773,043.43, for which the defendants are jointly and severally liable.
3. If by any act a result of any act or omission of the defendants, any of the property subject to forfeiture described in paragraph 2 herein:
  - 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in paragraph 2.