

UNITED STATES DISTRICT COURT
for the
District of New Jersey

ORIGINAL FILED
MAY 19 2010
WILLIAM T. WALSH, CLERK

United States of America)
v.)
FRANK KUNI, a/k/a "Jamie R. Shepard")
_____)
Defendant

Case No. 10-5586 (KMW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of _____ in the county of Camden in the _____ District of
New Jersey, the defendant violated _____ U. S. C. § _____, an offense described as follows:

See Attachment A

With knowingly and willfully...making a materially false, fictitious, or fraudulent statement or representation; and making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; in violation of Title 18, United States Code, Section 1001(a)(1), (2) and (3) and with the intent to deceive, falsely represent a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the Social Security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B)

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Edward A. Ryan
Complainant's signature

Edward A. Ryan, Federal Protective Service
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/19/2010

Karen M. Williams
Judge's signature

City and state: Camden, New Jersey

Karen M. Williams, U.S. Magistrate Judge
Printed name and title

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CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
JASON M. RICHARDSON, AUSA

Date: May 19, 2010

U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Attachment A

COUNT 1

On or about March 2, 2009, in Camden County, in the District of New Jersey, and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, namely the application process to join the U.S. Census Bureau, defendant

FRANK J. KUNI a/k/a "Jamie Shepard"

did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, on a Census Employment Inquiry (U.S. Department of Commerce Form BC-170D).

In violation of Title 18, United States Code, Section 1001, and Title 18, United States Code, Section 2.

COUNT 2

On or about March 2, 2009, in Camden County, in the District of New Jersey and elsewhere, defendant

FRANK J. KUNI a/k/a "Jamie Shepard"

did, with the intent to deceive, falsely represent a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the Social Security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B), and Title 18, United States Code, Section 2.

ATTACHMENT B
COMPLAINT AFFIDAVIT

I, Ed Ryan, Special Agent with the Department of Homeland Security, Federal Protective Service ("FPS"), have knowledge of the following facts based on my own investigation and upon conversations with other individuals involved in this investigation. I have not included all of the facts known to me in this affidavit, just those facts which I believe necessary to establish probable cause. Where I assert that an event occurred on a particular date, I am asserting the event occurred on or about the date alleged. Where the contents of statements and conversations of others are set forth in this Affidavit, they are set forth in substance and in part, except where otherwise indicated:

1. I am a Special Agent for the Federal Protective Service, U.S. Department of Homeland Security, National Protection and Programs Directorate. I have been employed with the Federal Protective Service for a period of seven and a half years as a Special Agent. Prior to my employment with the Federal Protective Service, I was employed with the Federal Bureau of Prisons as a Senior Officer Specialist for thirteen years. I have served in the capacity as a Detention Enforcement Officer with the United States Immigration and Naturalization Service for one year. I have in excess of twenty years service as a sworn Federal Law Enforcement Officer.

BACKGROUND

2. The United States Census is a decennial census mandated by the United States Constitution. The population is enumerated every 10 years and the results are used to allocate Congressional seats (congressional apportionment), electoral votes, and government program funding.

3. The census is performed by the United States Census Bureau. The U.S. Census Bureau is a branch of the United States Department of Commerce. The first census after the American Revolution was taken in 1790, under then Secretary of State Thomas Jefferson; there have been 22 federal censuses since that time. The current national census is being held in 2010 and the next census is scheduled for 2020.

4. Title 13 of the United States Code governs how the Census is conducted and how its data is handled. Included among the Title's important features are laws mandating confidentiality of information. U.S. Census figures are based on actual counts of persons dwelling in U.S. residential structures. They include citizens, non-citizen legal residents, non-citizen long-term visitors and illegal immigrants. The Census Bureau bases its decision about whom to count on the concept of usual residence. Usual residence, a principle established by the Census Act of 1790, is defined as the place a person lives and sleeps most of the time.

5. To accomplish its Constitutionally mandated duties, the U.S. Census Bureau

employs temporary workers known as Census Takers to support its full time staff. The temporary workers are responsible for individual surveys of households that have not returned their Census pamphlets.

6. To become a Census Taker, an applicant must submit an application which contains, among other things, the applicant's name, date of birth and social security number. The applicant must also pass a written test. If the applicant passes the test and record check of his name, date of birth and social security number then he or she is offered employment. Once hired, the applicant takes an oath, is fingerprinted and begins training. Once the training is completed, the Census Taker receives materials and credentials.

7. The U.S. Census Bureau is a branch of the United States Department of Commerce which is responsible for conducting the Census.

INVESTIGATION

8. This investigation began on May 17, 2010, upon the receipt of information concerning Frank J. KUNI who had been arrested by the Pennsauken Township Police Department for violations of New Jersey Statutes for Impersonating a Public Official and False Representation due to his employment as a Census Taker for the U.S. Census Bureau under the name of "Jamie Shepard."

9. Based upon my review of documents submitted to the U.S. Census Bureau I have learned that on March 2, 2009, KUNI completed a U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D). On this form, in Block Number 1, KUNI listed the Social Security Number of XXX-XX-7485. In Block Number 2, KUNI listed his name as SHEPARD, JAMIE R. In Block Number 9, KUNI listed his date of birth as 06-12-1972.

10. A records check with the Social Security Administration details that Social Security Number XXX-XX-7485 has been issued by the Commissioner of Social Security to R.R.G., born in Riverside, New Jersey.

11. A records check with the Social Security Administration revealed that FRANK J. KUNI, was issued Social Security Number XXX-XX-9485.

12. A records check with the Social Security Administration reveals that FRANK J. KUNI has a listed date of birth as June 12, 1962.

13. In Section H of the U.S. Census Bureau "Census Employment Inquiry" (U.S. Department of Commerce Form BC-170D), Page 3, it states, "You must sign this application in dark ink. Read the following carefully before you sign. A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001). I understand that

any information I give may be investigated as allowed by law or Presidential Order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies and other individuals and organizations, to investigators, personnel staffing specialists, and any other authorized employees of the Federal Government. I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith." KUNI a/k/a "Jamie Shepard," executed this document by signing it with his signature on March 2, 2009.

14. Based upon the facts and circumstances presented above, and based upon my investigative training, I have probable cause to believe that FRANK J. KUNI a/k/a "Jamie Shepard," knowingly and willfully...made a materially false, fictitious, or fraudulent statement or representation; and making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; in violation of Title 18, United States Code, Section 1001(a)(1), (2) and (3) and with the intent to deceive, falsely represent a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the Social Security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B) and request the issuance of a Criminal Complaint and Warrant for Arrest.