

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INDICTMENT
 :
 -v.- : 13 Cr.
 :
 ANTONIO GABOR, :
 a/k/a "Grasu," :
 a/k/a "Steffen Olsen," :
 a/k/a "David Modo," and :
 SIMION TUDOR PINTILLIE, :
 :
 Defendants. :

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COUNT ONE

(Conspiracy to Commit Bank Fraud)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, Capital One Bank, N.A. ("Capital One") and J.P. Morgan Chase Bank, N.A. ("Chase") were financial institutions that provided a broad range of banking and non-banking services, including personal banking services, with deposits insured by the Federal Deposit Insurance Corporation ("FDIC").

2. At all times relevant to this Indictment, Capital One and Chase allowed its customers to access their bank accounts, withdraw cash, and perform other activities at Automated Teller Machines ("ATMs") using cards issued by Capital One and Chase ("Bank Cards"), together with corresponding personal identification numbers ("PINs"). Bank Cards would typically bear

a magnetic stripe on which account-related information had been electronically encoded. In order to access a bank account using an ATM, a customer would insert the Bank Card into a card reader at the ATM, and then enter the corresponding PIN. Capital One and Chase operate ATMs in various locations throughout the United States, including Capital One and Chase branches in Manhattan.

The Scheme to Defraud

3. From at least in or about April 2012, through at least in or about December 2012, in the Southern District of New York and elsewhere, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, together with others known and unknown, participated in an extensive international enterprise which used technology, referred to as "Skimming Devices," to steal bank customers' account information, and then withdraw funds from banks using the stolen account information. Members of the fraud ring placed Skimming Devices, at least some of which had been shipped to the United States from Hungary, on ATMs at Chase and Capital One, and other FDIC-insured banks in the New York metropolitan area, including Manhattan, as well as New Jersey, Wisconsin, Illinois, and elsewhere. After a period of time members of the fraud ring removed the Skimming Devices, in order to extract account information contained on those devices. They placed and removed Skimming Devices in this manner on at least approximately 50

different occasions, and in fact did obtain stolen account information belonging to at least approximately 6,000 different account holders, resulting in at least approximately \$3 million in actual and attempted unauthorized withdrawals from customers' accounts.

4. ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, were the United States-based leaders of the fraud scheme. GABOR was responsible for receiving Skimming Devices shipped to the United States from Europe, and distributing Skimming Devices to co-conspirators, including PINTILLIE and at least nine other identified co-conspirators not named as defendants herein. Other co-conspirators then placed Skimming Devices on ATMs at various Capital One and Chase locations throughout the New York metropolitan area, including Manhattan, and the Chicago and Milwaukee metropolitan areas. On some occasions, GABOR and PINTILLIE also would themselves install Skimming Devices at ATMs.

5. The scheme typically worked as follows: members of the fraud ring surreptitiously placed two types of devices on ATMs at various branches of Capital One, Chase, and other bank locations in order to steal account information:

a. First, members of the fraud ring surreptitiously placed fraudulent devices on card readers at ATMs, or on the security card readers located on doors to ATM vestibules, which

masked the actual legitimate card readers (the "Fraudulent Card Readers"). The Fraudulent Card Readers were equipped with technology that recorded the information contained on ATM cards each time bank customers inserted their cards into the Fraudulent Card Readers in order to use the ATMs.

b. Next, members of the fraud ring also surreptitiously placed hidden pinhole cameras on ATMs (the "Hidden Pinhole Cameras"). The Hidden Pinhole Cameras, which recorded customers' PINs as they were entered onto pinpads at the ATMs, would typically be equipped with a small USB port with a flash memory card that stored video.

c. Other members of the fraud ring then retrieved the Skimming Devices and delivered them to ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants. GABOR, PINTILLIE and members of the fraud ring then downloaded the information stored on the Skimming Devices, and associated stolen account numbers retrieved from the Fraudulent Card Readers with the corresponding PINs recorded by the Hidden Pinhole Cameras. They then encoded the stolen account information onto the magnetic stripes of blank plastic cards, such as store gift cards, through the use of a device called a magnetic stripe reader.

d. Members of the fraud ring then used the plastic cards with the encoded stolen information, which functioned as

cloned Bank Cards, to make unauthorized withdrawals from the bank accounts that corresponded to the account information encoded onto the cards.

e. As part of the fraud scheme, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, maintained stash locations at multiple self storage facilities, at which they would store Skimming Devices and other instrumentalities of the skimming fraud scheme. GABOR and PINTILLIE maintained one such stash location at self storage facility in Queens, New York, which contained, among other things, computer equipment containing over approximately 6,100 stolen bank account numbers and other customer data, hundreds of hours of video footage depicting individuals inputting PIN numbers on ATM keypads, over 1,000 plastic cards with magnetic stripes that were encoded with stolen bank account information, and components for Fraudulent Card Readers and Hidden Pinhole Cameras.

Statutory Allegations

6. From at least in or about April 2012 through at least in or about December 2012, in the Southern District of New York and elsewhere, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with

each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

7. It was a part and an object of the conspiracy that ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the FDIC, and to obtain monies, funds, credits, assets, securities, and other property owned by and under the custody and control of such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

8. In furtherance of the conspiracy and to effect the illegal object thereof, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about June 24, 2012, GABOR arranged for PINTILLIE and another co-conspirator not named as a defendant herein ("CC-1"), to install skimming equipment on a Capital One ATM located at 1295 Second Avenue, in New York, New York.

b. On or about November 18, 2012, GABOR and PINTILLIE made unauthorized cash withdrawals from accounts belonging to other individuals from a Johnson Bank ATM located at 333 East Wisconsin Avenue in Milwaukee, Wisconsin.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Conspiracy to Commit Access Device Fraud)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1 through 5 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

10. From at least in or about April 2012 through at least in or about December 2012, in the Southern District of New York and elsewhere, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1029(a)(2), 1029(a)(3) and 1029(a)(5).

11. It was a part and an object of the conspiracy that ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce,

would and did traffic in and use one and more unauthorized access devices during a one-year period, and by such conduct would and did obtain a thing of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

12. It was further a part and an object of the conspiracy that ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, would and did possess fifteen and more devices which were counterfeit and unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3).

13. It was further a part and an object of the conspiracy that ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, would and did effect transactions, with one and more access devices issued to another person and persons, to receive payment and another thing of value during a one-year period the aggregate value of which was equal to and greater than \$1,000, in violation of Title 18, United States Code, Section 1029(a)(5).

Overt Acts

14. In furtherance of the conspiracy and to effect the illegal objects thereof, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about June 24, 2012, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," the defendant, arranged for SIMION TUDOR PINTILLIE, the defendant, and CC-1, to install skimming equipment on a Capital One ATM located at 1295 Second Avenue, in New York, New York.

b. On or about November 18, 2012, GABOR and PINTILLIE made unauthorized cash withdrawals from accounts belonging to other individuals from a Johnson Bank ATM located at 333 East Wisconsin Avenue in Milwaukee, Wisconsin.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 5 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

16. From at least in or about April 2012, through at least in or about December 2012, in the Southern District of New York and elsewhere, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen

Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, and others known and unknown, willfully and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to the felony violations charged in Counts One and Two of this Indictment, to wit, GABOR and PINTILLIE used stolen account information and PINs of bank customers, including customers of Capital One and Chase branches in Manhattan, to fraudulently withdraw money from those customers' accounts.

(Title 18, United States Code,
Sections 1028A(a)(1), 1028A(b) and 2.)

FORFEITURE ALLEGATION

(As to Counts One through Four)

17. As a result of committing one or more of the bank fraud, access device fraud, or aggravated identity theft offenses alleged in Counts One through Three, ANTONIO GABOR, a/k/a "Grasu," a/k/a "Steffen Olsen," a/k/a "David Modo," and SIMION TUDOR PINTILLIE, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such violations, including but not limited to approximately \$3 million in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

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

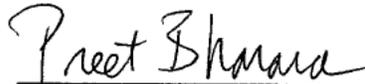
e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 18, United States Code, Sections 982, 1344, 1349, 1028A, and 1029.)



FOREPERSON



PREET BHARARA
United States Attorney

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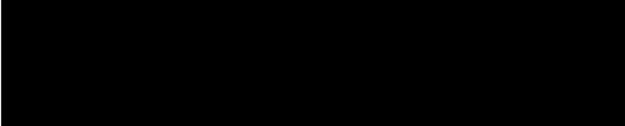
INDICTMENT

13 Cr.

(Title 18, United States Code, Sections
1349, 1029(b)(2), 1028A and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.
