

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

SUPERSEDING
INDICTMENT

MAHABUBUZ ZAMAN, :
a/k/a "Faisal Ahmed," :
a/k/a "Zaman Mahabub," :

S4 13 Cr. 908 (AJN)

Defendant. :

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COUNT ONE
(Bank Fraud Conspiracy)

The Grand Jury charges:

USDC SDNY
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OVERVIEW OF THE SCHEME

1. From at least in or about 2008, up to and including in or about November 2012, in the Southern District of New York and elsewhere, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and his co-conspirators, orchestrated and carried out a scheme to defraud multiple financial institutions using, among other things, false identities, false identification documents, and sham companies.

2. In particular, as part of their scheme to defraud financial institutions, the defendant and his co-conspirators, among other things: (a) opened bank accounts (typically in the names of false identities and/or sham companies), deposited counterfeit

checks into those bank accounts in order to fraudulently inflate the account balances, and then withdrew the credited funds before the banks were able to determine the counterfeit nature of the checks; (b) obtained and used credit and debit cards in the names of false identities and/or sham companies; and (c) obtained residential mortgages in the names of false identities.

3. The scheme generally worked as follows:

a. Leaders and managers of the conspiracy would recruit individuals (the "acountholders") who were willing to open bank accounts and/or apply for various forms of credit from financial institutions, including credit/debit cards and residential mortgages, using false identities and sham companies.

b. If the acountholders did not already have existing false identities to use, they were generally provided with false identities, including names and social security numbers, and were given false identification documents, including counterfeit United States visas and Bangladeshi birth certificates, which they used to obtain Bangladeshi passports in the false identities. In some cases, typically when the acountholders were planning to leave the United States permanently, the acountholders used their true identities.

c. The conspirators would incorporate a sham company, often using a false identity associated with the acountholder as

the purported president of the sham company. In order to create the false appearance that the sham company was a real company with actual operations, the conspirators would establish accounts or produce counterfeit bills for utilities, such as telephone, gas or electric service, in the name of the sham company.

d. At the direction of one of the leaders or managers of the conspiracy, an accountholder would then open one or more bank accounts in the name of the sham company. The accountholder was generally instructed to make small legitimate deposits at first, so that the banks would make funds immediately available upon future fraudulent deposits.

e. The conspirators obtained copies of legitimate checks and used them to create counterfeit checks. The counterfeit checks typically bore the payor account information from the legitimate checks, and were made payable to the sham company.

f. The accountholder was then given the counterfeit checks to deposit into the sham company's bank accounts at various banks. The accountholder often made deposits at numerous branches of the same bank on the same day. These deposits often were made on a Thursday or Friday so that the conspirators could withdraw the illegal proceeds over the weekend when the banks were closed and were less likely to determine that the checks were counterfeit.

g. Once the conspirators confirmed that funds from

the counterfeit checks were available for withdrawal, the accountholders were directed to withdraw the funds from the counterfeit checks, typically over the weekend and often in amounts just under \$10,000. The defendants often withdrew the funds from global cash access machines at casinos in Atlantic City, New Jersey, which did not have daily withdrawal limits. The withdrawals were also made from automatic teller machines and tellers at bank branches at various locations in New York and New Jersey, including in Manhattan. The accountholders often used false identification documents, including false United States visas, when making the withdrawals.

h. Once the bank determined that the checks were counterfeit, often on the following Monday, the bank accounts were abandoned and new accounts were opened and used in the same way.

i. In addition to opening bank accounts in order to deposit counterfeit checks and then withdraw the credited funds, at the direction of the leaders and managers of the conspiracy, the accountholders also used the false identities and sham companies to apply for and secure various forms of credit from financial institutions, including credit/debit cards, and residential mortgages. The defendants and their co-conspirators diverted for their own personal use the money borrowed from the banks and failed to repay the debit and credit card debts.

STATUTORY ALLEGATIONS

4. From at least in or about 2008, up to and including at least in or about November 2012, in the Southern District of New York and elsewhere, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, bank fraud, in violation of Title 18, United States Code, Section 1344.

5. It was a part and an object of the conspiracy that MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, willfully and knowingly would and did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by, and under the custody and control of, said financial institutions, by means of false and fraudulent pretenses, representations, and promises, to wit, the defendant and his co-conspirators engaged in a scheme to defraud financial institutions by, among other things: (a) opening bank accounts (typically in the names of false identities and/or sham companies), depositing counterfeit checks into those bank accounts in order to

fraudulently inflate the account balances, and then withdrawing the credited funds before the banks were able to determine the counterfeit nature of the checks; (b) obtaining and using credit/debit cards in the names of false identities and/or sham companies; and (c) obtaining residential mortgages in the names of false identities.

OVERT ACTS

6. In furtherance of the conspiracy and to effect the illegal object thereof, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. At ZAMAN's direction, on or about April 28 and 29, 2011, co-conspirators not named herein deposited five counterfeit checks totaling approximately \$38,250 into accounts in the names of Company-1 and Company-2 at bank branches in Manhattan, New York.

b. At ZAMAN'S direction, in or about May 2011, co-conspirators not named herein traveled to Atlantic City, New Jersey to withdraw the proceeds of counterfeit checks.

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

COUNT TWO

(Conspiracy to Commit Fraud in Connection with
Identification Documents)

The Grand Jury further charges:

7. The allegations contained in paragraphs 1 through 3 and 6 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

8. From in or about 2008, up to and including at least in or about November 2012, in the Southern District of New York and elsewhere, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, together with others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit fraud in connection with identification documents, to wit, the defendant and his co-conspirators produced and transferred identification documents in the names of false identities, including counterfeit United States visas and Bangladeshi birth certificates, and used those identification documents in connection with the bank fraud scheme charged in Count One.

9. It was a part and an object of the conspiracy that MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, willfully and knowingly, and without lawful authority, would and did produce, in and affecting

interstate and foreign commerce, an identification document, authentication feature, and false identification document, which appeared to be issued by and under the authority of the United States, in violation of Title 18, United States Code, Section 1028(a)(1).

10. It was a further part and an object of the conspiracy that MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, willfully and knowingly, would and did transfer, in and affecting interstate and foreign commerce, an identification document, authentication feature, and false identification document, which appeared to be issued by and under the authority of the United States, knowing that such document and feature was stolen and produced without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(2).

11. It was a further part and an object of the conspiracy that MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, willfully and knowingly, would and did possess with intent to use unlawfully and transfer unlawfully, in and affecting interstate and foreign commerce, five and more identification documents, authentication features, and false identification documents, which appeared to be issued by and under the authority of the United States, in violation of Title 18, United States Code, Section 1028(a)(3).

OVERT ACTS

12. In furtherance of the conspiracy and to effect the illegal objects thereof, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, and others known and unknown, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. At ZAMAN's direction, in or about January 2011, in New York, New York, among other places, co-conspirators not named herein used false identification documents in the name of "Noor Hosson" to open bank accounts in the names of sham companies.

(Title 18, United States Code, Section 1028(f).)

COUNT THREE

(Use of a False Passport)

The Grand Jury further charges:

13. From in or around May 2005 through in or around January 2007, in the Southern District of New York and elsewhere, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, willfully and knowingly used, and attempted to use, and furnished to another for use a false, forged, counterfeited, mutilated, and altered passport and instrument purporting to be a passport, to wit, ZAMAN used a false Bangladeshi passport containing a false name and date of birth to fraudulently apply for United States immigration benefits to which he was not entitled, to wit, temporary resident

status.

(Title 18, United States Code, Sections 1543 and 2.)

FORFEITURE ALLEGATIONS

14. As a result of committing the offense alleged in Count One of this Indictment MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived from proceeds obtained directly or indirectly as a result of the bank fraud offense, including but not limited to approximately \$8,000,000, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense charged in Count One.

15. As the result of committing the offense alleged in Count Two of this Indictment, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, and, pursuant to 18 U.S.C. § 1028(b), any personal property used or intended to be used to commit the offense charged in Count Two.

16. As the result of committing the offense alleged in Count Three of this Indictment, MAHABUBUZ ZAMAN, a/k/a "Faisal Ahmed," a/k/a "Zaman Mahabub," the defendant, shall forfeit to the United

States pursuant to 18 U.S.C. § 982(a)(6), all conveyances used in the commission of the violation; all property, real and personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offense; and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of the offense.

17. If any of the property described above in paragraphs 14 through 16, as being subject to forfeiture, 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 person;
- 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 subdivided without difficulty;

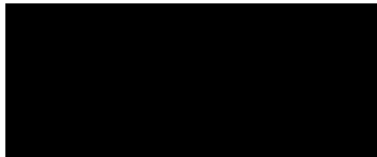
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property, including but not limited to all right, title and interest in:

- i. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 8852 199th Street, Hollis, New York 11423; and

ii. Tikka Garden Restaurant, located at 168-37

Hillside Avenue, Jamaica, New York 11432.

(Title 18, United States Code, Sections 981, 982, 1028, 1344,
1349; Title 21, United States Code, Section 853(p);
and Title 28, United States Code, Section 2461.)



Preet Bhalaria
PREET BHARARA *NF*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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- v -

**MAHABUBUZ ZAMAN,
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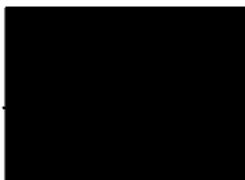
Defendant.

**INDICTMENT
S4 13 Cr. 908 (AJN)**

18 Cr. §§ 1349, 1028(f), 1543, 2

PREET BHARARA
United States Attorney.

A TRUE BILL



Foreperson.

10/7/14 - Filed Superseding Indictment
ae
Judge Frenkel
NSMO