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**FILED**

JUN - 2 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY Jms  
DEPUTY CLERK

6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 VIVIAN WANG, and  
FRANK LUO,  
15 aka Jia Ju Luo,  
16 Defendants.

CASE NO. **2:16 - CR - 0111 KJM**

VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud (8  
Counts); 18 U.S.C. § 1028A(a)(1) – Aggravated  
Identity Theft; 18 U.S.C. § 981(a)(1)(C) and 28  
U.S.C. § 2461(c) – Criminal Forfeiture

**SEALED**

17 INDICTMENT  
18

19 COUNTS ONE THROUGH EIGHT: [18 U.S.C. § 1343 – Wire Fraud]

20 The Grand Jury charges:

VIVIAN WANG, and  
FRANK LUO,

21 defendants herein, as follows:  
22

23 **I. INTRODUCTION**

24 At all times material herein,

25 1. Defendant VIVIAN WANG was an individual residing in Lilburn and Alpharetta,  
26 Georgia.

27 2. Defendant FRANK LUO, a/k/a Jia Ju Luo, was an individual residing in Las Vegas,  
28 Nevada.

1 3. The Social Security Administration issued Social Security numbers beginning “586” to  
2 authorized migrant workers in territories such as Saipan, Guam, and American Samoa.

3 4. Casinos in the United States offered patrons loans, called “markers.” A marker was a  
4 cash advance provided by a casino to a patron, typically for gaming purposes. A patron could apply for  
5 a marker by providing to the casino personally identifying information and banking information. The  
6 casino then investigated the patron’s bank account balance and credit history, as well as marker activity  
7 at other casinos, in order to evaluate whether and the extent to which to issue a marker to that patron.  
8 When issuing the marker, the casino typically created and kept a check written to the casino out of the  
9 patron’s bank account in order to deposit if the patron failed to repay the marker.

10 5. Red Hawk Casino was a casino located within the bounds of El Dorado County,  
11 California, that offered markers.

12 6. Thunder Valley Casino was a casino located within the bounds of Placer County,  
13 California, that offered markers.

14 7. Cache Creek Casino was a casino located within the bounds of Yolo County, California,  
15 that offered markers.

16 8. Red Hawk Casino, Thunder Valley Casino, Cache Creek Casino, and other casinos, used  
17 National Cred-A-Chek (“NCC”), a financial reporting company that operated  
18 [www.nationalcredachek.com](http://www.nationalcredachek.com), to obtain bank reports on marker applicants. NCC’s servers for  
19 processing casinos’ online requests for banking information for marker applicants were located in  
20 Dallas, Texas, and Phoenix, Arizona.

21 **II. SCHEME TO DEFRAUD**

22 9. Beginning on or about August 5, 2008, through on or about August 6, 2014, in the State  
23 and Eastern District of California and elsewhere, defendants VIVIAN WANG and FRANK LUO, and  
24 others known and unknown to the Grand Jury, knowingly devised, intended to devise, participated in,  
25 and executed a material scheme and artifice to defraud and to obtain money and property by means of  
26 materially false and fraudulent pretenses, representations, and promises, and the concealment of material  
27 facts.

28 10. The purpose of the scheme was to obtain money from casinos and credit card companies

1 by obtaining credit in the names of stolen and misappropriated identities. As a result of the scheme and  
2 artifice to defraud, WANG and LUO defrauded casinos and credit card companies of at least  
3 approximately \$1.2 million.

4 **III. MANNER AND MEANS**

5 Defendants VIVIAN WANG, FRANK LUO, and others perpetrated the scheme to defraud  
6 using, among others, the following ways and means:

7 11. The defendants obtained Social Security numbers, beginning with the digits "586," that  
8 had been issued to migrant workers, including to Persons 1, 2, and 3. The defendants used the names  
9 and Social Security numbers of the migrant workers to obtain Illinois state driver's licenses and state  
10 identity cards for themselves.

11 12. Once the defendants fraudulently obtained the identification documents for their false  
12 identities, the defendants used the identification documents and false identities to open bank accounts,  
13 obtain credit, and create the perception of credit worthiness in their false identities.

14 13. Using their false identities, the defendants submitted credit applications and related  
15 documents to credit card issuers that contained materially false and fraudulent representations regarding  
16 the applicants'/defendants' personal information, including: names, dates of birth, Social Security  
17 numbers, and credit histories; home addresses; and occupations and salaries.

18 14. After they obtained credit cards using false information, the defendants took additional  
19 actions designed to increase the perceived credit worthiness of the defendants' false identities in order to  
20 obtain more credit from issuers. For example, the defendants initially incurred and timely repaid several  
21 credit card balances in a false identity's name before applying for new credit cards or increased credit  
22 limits.

23 15. The defendants also used these false identities to apply for credit, in the form of markers,  
24 at casinos in California, Mississippi, and Louisiana. To receive credit at the casinos, the defendants  
25 filled out applications, including applications in the names of Persons 1 and 2. In processing those  
26 applications, the casinos requested NCC reports and credit reports that contained bank account  
27 information, credit scores, and a history of the applicants' lines of credit. Those reports, scores, and  
28 credit histories included information about the defendants' initially incurring and timely repaying

1 several credit card balances in the false identities' names.

2 16. As part of their casino credit applications, the defendants made materially false and  
3 fraudulent representations, such as, among others: that the defendants' names, dates of birth, Social  
4 Security numbers, and credit histories were those of the migrant workers; that the defendants' home  
5 addresses were as stated in the applications; and that the defendants' occupations and business addresses  
6 were as stated in the applications.

7 17. The defendants took additional actions designed to increase the perceived credit  
8 worthiness of their false identities to obtain credit from casinos. For example, before applying for  
9 credit, the defendants deposited and maintained money in a bank account held in the name of the false  
10 identity. The defendants then referenced that bank account in their credit applications in order to give  
11 the appearance of having sufficient funds to pay back the marker. The defendants also initially timely  
12 repaid markers at different casinos, giving the impression to later casinos that their false identities had  
13 credit worthiness.

14 18. In addition, the defendants coordinated their gambling activity to give the appearance of  
15 losing money and thereby encourage casinos to issue credit. In some instances, one defendant or co-  
16 schemer would "lose" while another would make off-setting bets. In other instances, one scheme  
17 participant would surreptitiously transfer issued gambling chips to another scheme participant in order to  
18 give the appearance that the first scheme participant lost the chips while gambling.

19 19. Once the defendants had increased the credit worthiness of a particular false identity with  
20 credit card issuers and casinos, the defendants expended some or all of the available credit for that  
21 identity by making credit card purchases, including for purchases of jewelry, precious metals, home  
22 appliances, international flights, luxury goods and clothing, and travel to casinos, and by obtaining  
23 markers that were then turned into cash.

24 20. After expending some or all of the false identity's available credit to make purchases and  
25 get cash, the defendants stopped making payments on the credit cards and markers in that false identity's  
26 name, and closed or depleted the bank accounts listed in the associated marker applications, which  
27 prevented the casino creditors from recovering the money secured by the checks written against those  
28 accounts when the markers were issued.

**IV. USE OF INTERSTATE WIRES**

21. On or about the dates set forth below, in the State and Eastern District of California, for the purpose of executing the aforementioned scheme and artifice to defraud, and attempting to do so, defendants VIVIAN WANG and FRANK LUO did knowingly transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, and sounds, specifically:

Count	Approximate Date	Wire Description
1	March 13, 2013	Faxed credit application to Cache Creek Casino.
2	March 13, 2013	Cache Creek Casino request for NCC bank report for credit application in the name of Person 1.
3	March 13, 2013	Faxed credit application to Thunder Valley Casino.
4	April 1, 2013	American Express credit card ending 2007 in name of Person 1 charge of approximately \$99.97 in Citrus Heights, California.
5	April 2, 2013	American Express credit card ending 2007 in name of Person 1 charge of approximately \$47.00 in Lincoln, California.
6	August 15, 2013	Red Hawk Casino request for NCC bank report for credit application in the name of Person 1.
7	August 23, 2013	Bank of America credit card ending 2686 in name of Person 1 charge of approximately \$35.04 in El Dorado Hills, California.
8	November 8, 2013	Nevada State Bank credit card ending 3014 in name of Person 1 charge of approximately \$16.86 in Sacramento, California.

In violation of Title 18, United States Code, Sections 2 and 1343.

**COUNT NINE:** [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

The Grand Jury further charges: T H A T

VIVIAN WANG,

defendant herein, on or about August 22, 2013, in the State and Eastern District of California, did

1 knowingly possess and use, without lawful authority, a means of identification of another person, to wit,  
2 Person 1, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), specifically,  
3 18 U.S.C. § 1343, wire fraud, knowing that the means of identification belonged to another actual  
4 person, all in violation of Title 18, United States Code, Section 1028A(a)(1).

5 FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)– Criminal  
6 Forfeiture]

7 1. Upon conviction of one or more of the offenses alleged in Counts One through Eight of  
8 this Indictment, defendants VIVIAN WANG and FRANK LUO shall forfeit to the United States,  
9 pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, which  
10 constitutes or is derived from proceeds traceable to such violations, including but not limited to the  
11 following:

12 a. A sum of money equal to the amount of proceeds traceable to such  
13 offenses, for which defendants are convicted.

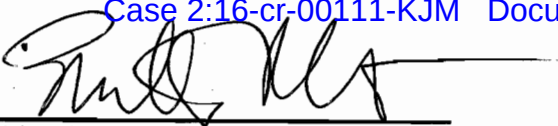
14 2. If any property subject to forfeiture as a result of the offenses alleged in Counts One  
15 through Eight of this Indictment, for which defendants are convicted:

- 16 a. cannot be located upon the exercise of due diligence;  
17 b. has been transferred or sold to, or deposited with, a third party;  
18 c. has been placed beyond the jurisdiction of the court;  
19 d. has been substantially diminished in value; or  
20 e. has been commingled with other property which cannot be divided without  
21 difficulty;

22 it is the intent of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to  
23 seek forfeiture of any other property of said defendants, up to the value of the property subject to  
24 forfeiture.

25 A TRUE BILL.

26  
27 **/s/ Signature on file w/AUSA**  
28 FOREPERSON



PHILLIP A. TALBERT  
Acting United States Attorney

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No. \_\_\_\_\_

**2:16 - CR - 0111 KJM**

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

VIVIAN WANG, and  
FRANK LUO,  
aka Jia Ju Luo

**NO BAIL WARRANT PENDING HEARING**

INDICTMENT

**VIOLATION(S):** 18 U.S.C. § 1343 – Wire Fraud (8 Counts);  
18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft;  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

*A true bill,*

**/s/ Signature on file w/AUSA**

Foreman.

Filed in open court this \_\_\_\_\_ day

of *June*, A.D. 20 *16*

Clerk

**SEALED**

**NO BAIL WARRANT PENDING HEARING**

Bail, \$ \_\_\_\_\_

*Carolyn K. Delaney*

**Carolyn K. Delaney  
U.S. Magistrate Judge**



**United States v. WANG, et al.**  
**Penalties for Indictment**

**Defendants**

**VIVIAN WANG, FRANK LUO**

**216 - CR - 0111 KJM**

**COUNTS 1-8: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 1343 – Wire Fraud

**PENALTIES:** Up to 20 years in prison, fine of up to \$250,000, or both fine and imprisonment  
Supervised release of up to 3 years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNT 9: VIVIAN WANG**

**VIOLATION:** 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

**PENALTIES:** Mandatory 2 year consecutive term of imprisonment

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

**PENALTIES:** As stated in the charging document