

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NUMBER:</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
		<b>VIOLATIONS:</b>
<b>MADELINE ROSARIO</b>	<b>:</b>	<b>18 U.S.C § 371 (conspiracy- 1 count)</b>
<b>MARIBEL NUNEZ</b>	<b>:</b>	<b>18 U.S.C. § 641 (theft of government</b>
	<b>:</b>	<b>property-1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028(A) (aggravated identity</b>
	<b>:</b>	<b>theft – 1 count)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. The Internal Revenue Service (“IRS”) was an agency of the United States Department of the Treasury, responsible for administering and enforcing the tax laws of the United States.

2. On federal individual income tax returns, IRS Forms 1040, 1040A and 1040EZ, a taxpayer was required to provide his or her Social Security Number (“SSN”). The IRS uses SSNs provided on tax returns to track and record for each particular tax year who has filed an income tax return and who has claimed or received a tax refund.

3. The tax laws of the United States required every citizen and resident of the United States who received gross income in excess of the minimum filing amount established by law for a particular tax year to annually make a federal individual income tax return for that tax year, and to file such a tax return with the IRS.

4. Upon receipt of a filed tax return showing that a refund is due to a particular taxpayer, as identified by his or her SSN, the IRS typically issued a refund check to the taxpayer payable by the United States Treasury.

5. As one method of payment, the IRS mailed the refund check to the address listed on the tax return filed with the IRS.

6. The Commonwealth of Puerto Rico was a territory of the United States and an independent taxation authority.

7. Natural born citizens of the Commonwealth of Puerto Rico were, upon birth, automatically granted United States citizenship.

8. Citizens of the Commonwealth of Puerto Rico were, upon application, issued Social Security numbers by the Social Security Administration.

9. The tax laws of the United States generally did not require citizens of the Commonwealth of Puerto Rico who reside in Puerto Rico to file a U.S. individual income tax return when their income was derived entirely from employment or other sources in Puerto Rico. Accordingly, citizens of the Commonwealth of Puerto Rico who lived and worked exclusively in Puerto Rico were not obligated under federal law to file U.S. individual income tax returns.

10. The Criminal Investigation Division of the Internal Revenue Service was an agency of the United States Department of Treasury that is responsible for investigating violations of the Internal Revenue laws.

11. The Criminal Investigation Division determined that the following approximately 84 United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks were issued pursuant to fraudulently submitted U.S. Individual Income Tax Returns:

<b>NAME</b>	<b>CHECK NUMBER</b>	<b>AMOUNT</b>	<b>TAX YEAR</b>
J.M.R.	EPS #02970945	\$2,912.87	2010
J.H.S.	2310 62477283	\$3,892.00	2010
J.R.R.	2310 62477280	\$3,482.00	2010
M.S.V.	2310 52085529	\$2,431.00	2010
M.G.M.	EPS Check #02970938	\$7,000.00	2010
D.W.	EPS Check #02970953	\$4,094.00	2010
L.P.M.	EPS Check #02970937	\$3,793.00	2010
Y.D.M.	2310 61291377	\$7,034.00	2009
M.T.R.	2310 51749329	\$1,566.00	2010
N.G.G.	2310 69255822	\$5,712.00	2010
J.M.C.	2310 78367744	\$6,083.00	2010
R.G.Z.	2310 78671249	\$6,018.00	2010
R.J.V.V.	2310 64851179	\$5,095.00	2010
E.B.	2310 73673120	\$5,434.00	2010
I.M.M.	EPS Check #02970956	\$3,604.00	2010
I.R.P.	EPS Check # 02970954	\$4,941.00	2010
M.A.R.	2310 67814154	\$6,334.00	2010
A.P.G.	EPS Check # 02970962	\$4,837.00	2010
L.A.B.	2310 70466837	\$5,686.00	2010
B.R.L.	2310 81495211	\$5,024.00	2010
M.C.M.	2310 81086555	\$5,096.00	2010
C.S.R.	2310 79691281	\$4,906.00	2010
J.R.P.	4500 55295433	\$4,959.00	2010
S.S.A.	3158 00638334	\$5,070.00	2010
A.B.S.	3158 00638336	\$5,696.00	2010
A.C.C.	3158 00888479	\$6,046.00	2010
L.M.A.	3158 00347299	\$5,866.00	2010
N.G.H.	3158 02032489	\$4,833.20	2010
G.V.V.	3158 01817400	\$5,843.00	2010
V.R.C.	3158 01817402	\$5,654.00	2010
E.V.R.	3158 01817391	\$5,433.99	2010
M.A.R.	3158 01587055	\$5,897.00	2010

<b>NAME</b>	<b>CHECK NUMBER</b>	<b>AMOUNT</b>	<b>TAX YEAR</b>
D.G.G.A	EPS Check #02970965	\$3,995.00	2010
H.C.	EPS Check #02970957	\$5,116.00	2010
M.M.C.	2310 80668166	\$5,034.00	2010
A.C.M.	2310 80668167	\$5,058.00	2010
M.O.R.	2310 80232168	\$4,844.00	2010
G.R.A.	2310 80232167	\$4,916.00	2010
M.M.T.	2310 80668176	\$5,189.00	2010
M.S.C.	2310 80668169	\$5,083.00	2010
A.M.P.	2310 81495209	\$5,364.00	2010
J.S.R.	2310 81495210	\$5,492.00	2010
Y.I.V.	2310 81495213	\$5,084.00	2010
L.R.R.	2310 81086565	\$4,779.00	2010
N.N.I.	2310 79691282	\$4,831.00	2010
R.P.C.	2310 81779125	\$5,166.00	2010
C.H.A.	2310 81779123	\$5,350.00	2010
C.V.V.	2310 81779122	\$5,190.00	2010
J.M.B.	2310 81779120	\$5,193.00	2010
B.D.C.	3158 00347297	\$5,893.00	2010
M.B.S.	3158 00638338	\$5,129.00	2010
A.N.R.	3158 00638335	\$5,852.00	2010
J.M.M.	3158 00347300	\$5,852.00	2010
M.Q.M.	3158 00347298	\$5,852.00	2010
H.M.M.	3158 00888483	\$5,944.00	2010
R.L.S.	3158 00638339	\$5,160.00	2010
F.O.A.	3158 00888478	\$5,782.00	2010
E.N.E.	3158 00888480	\$5,993.00	2010
D.R.M.	3158 00888482	\$5,962.00	2010
A.F.S.	3158 00347301	\$5,855.00	2010
G.A.N.	3158 01124134	\$6,091.00	2010
L.L.G.	3158 01124133	\$6,011.00	2010
C.C.F.	3158 01124132	\$5,850.00	2010
L.G.P.	3158 01124135	\$5,720.00	2010
J.T.R.	3158 01124130	\$6,051.00	2010
J.A.R.	3158 00888481	\$5,819.00	2010
A.D.J.R.	3158 02032488	\$5,461.11	2010
A.R.D.L.	3158 02032495	\$4,821.06	2010

<b>NAME</b>	<b>CHECK NUMBER</b>	<b>AMOUNT</b>	<b>TAX YEAR</b>
B.T.N.	3158 01817413	\$5,255.84	2010
M.V.V.	3158 01817412	\$5,063.38	2010
C.A.R.	3158 01587053	\$5,901.00	2010
M.M.V.	3158 03825533	\$6,099.04	2010
A.R.	EPS Check # 06565737	\$4,598.00	2011
I.R.P.	EPS Check # 06565714	\$4,712.00	2011
F.O.S.	EPS Check # 06565735	\$6,377.00	2011
J.M.G.	EPS Check # 06565734	\$6,978.00	2011
D.T.M.	EPS Check # 06565753	\$6,170.00	2011
P.A.L.	EPS Check # 06565747	\$4,831.00	2011
M.R.P.	EPS Check # 06565752	\$4,509.00	2011
R.M.C.	3158 07034481	\$5,747.00	2011
C.M.	3158 14509958	\$3,637.00	2011
G.V.D.	3158 16011351	\$5,177.00	2011
E.S.D.J.	Advent #6458676 206180485	\$4,934.10	2013
A.M.P.M.	Advent #6704743 208720199	\$4,799.10	2013

12. Wachovia Bank (now Wells Fargo) was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation.

13. From in or about November 2010 to in or about March 2014, defendants MADELINE ROSARIO and MARIBEL NUNEZ controlled five business accounts at Wachovia/Wells Fargo bank for the purpose of depositing fraudulently obtained United States Treasury refund checks and 3<sup>rd</sup> party refund checks.

14. From in or about November 2010 to in or about March 2014, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MADELINE ROSARIO  
MARIBEL NUNEZ**

conspired and agreed, together and with others, known and unknown to the Grand Jury, including Karla Pena, charged elsewhere, to commit an offense against the United States, that is, theft of government funds in that they knowingly converted to their own use and the use of others a thing of value of the United States in an amount over \$1,000, that is, approximately 84 fraudulent tax refund U.S. Treasury checks totaling approximately \$439,843.69 in violation of Title 18, United States Code, Section 641.

**MANNER AND MEANS**

15. Defendants MADELINE ROSARIO and MARIBEL NUNEZ themselves, along with others that they recruited, including Karla Pena, an employee of Wachovia/Wells Fargo bank, caused five business accounts to be opened for the purpose of depositing fraudulently obtained United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks.

16. Defendants MADELINE ROSARIO and MARIBEL NUNEZ would deposit themselves, and caused others that they recruited, including Karla Pena to deposit 84 fraudulently obtained United States Treasury refund tax checks and 3<sup>rd</sup> party refund checks into the various business accounts that they controlled at Wachovia/Wells Fargo bank.

17. Once the false and fraudulent refund checks cleared Wachovia/Wells Fargo bank, defendants MADELINE ROSARIO and MARIBEL NUNEZ paid others involved in the scheme and utilized the balance for themselves.

**OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object(s), defendants MADELINE ROSARIO and MARIBEL NUNEZ, and others known and unknown to the Grand

Jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about March, 2009, a business account for El Sol Multiservice was opened at Wachovia bank, account number ending in 7292. On or about November 12, 2011, defendant MARIBEL NUNEZ was added as a signatory on the account for the purpose of depositing fraudulently obtained United States Treasury tax refund check.

2. On each of the dates set forth below, defendant MARIBEL NUNEZ, deposited herself or directed others to deposit United States Treasury refund checks and 3<sup>rd</sup> party refund checks into the El Sol Multiservice business account, knowing that each refund check was issued based on a false, fictitious, and fraudulent claim, each deposit constituting a separate overt act:

OVERT ACT	NAME	CHECK NUMBER	CHECK AMOUNT	DEPOSIT DATE
3	D.G.G.	EPS Check #02970965	\$3,995.00	5/19/2011
4	H.C.	EPS Check #02970957	\$5,116.00	6/1/2011
5	M.M.C.	2310 80668166	\$5,034.00	7/29/2011
6	A.C.M.	2310 80668167	\$5,058.00	7/29/2011
7	M.O.R.	2310 80232168	\$4,844.00	8/3/2011
8	G.R.A.	2310 80232167	\$4,916.00	8/3/2011
9	M.M.T.	2310 80668176	\$5,189.00	8/4/2011
10	M.S.C.	2310 80668169	\$5,083.00	8/4/2011
11	A.M.P.	2310 81495209	\$5,364.00	8/15/2011
12	J.S.R.	2310 81495210	\$5,492.00	8/15/2011
13	Y.I.V.	2310 81495213	\$5,084.00	8/15/2011
14	L.R.R.	2310 81086565	\$4,779.00	8/17/2011
15	N.N.I.	2310 79691282	\$4,831.00	8/22/2011
16	R.P.C.	2310 81779125	\$5,166.00	8/31/2011
17	C.H.A.	2310 81779123	\$5,350.00	9/6/2011
18	C.V.V.	2310 81779122	\$5,190.00	9/6/2011
19	J.M.B.	2310 81779120	\$5,193.00	9/7/2011
20	B.D.C.	3158 00347297	\$5,893.00	9/14/2011

<b>OVERT ACT</b>	<b>NAME</b>	<b>CHECK NUMBER</b>	<b>CHECK AMOUNT</b>	<b>DEPOSIT DATE</b>
21	M.B.S.	3158 00638338	\$5,129.00	9/14/2011
22	A.N.R.	3158 00638335	\$5,852.00	9/14/2011
23	J.M.M.	3158 00347300	\$5,852.00	9/20/2011
24	M.Q.M.	3158 00347298	\$5,852.00	9/21/2011
25	H.M.M.	3158 00888483	\$5,944.00	9/23/2011
26	R.L.S.	3158 00638339	\$5,160.00	9/26/2011
27	F.O.A.	3158 00888478	\$5,782.00	10/11/2011
28	E.N.E.	3158 00888480	\$5,993.00	10/11/2011
29	D.R.M.	3158 00888482	\$5,962.00	10/14/2011
30	A.F.S.	3158 00347301	\$5,855.00	10/14/2011
31	G.A.N.	3158 01124134	\$6,091.00	10/18/2011
32	L.L.G.	3158 01124133	\$6,011.00	10/19/2011
33	C.C.F.	3158 01124132	\$5,850.00	10/19/2011
34	L.G.P.	3158 01124135	\$5,720.00	10/20/2011
35	J.T.R.	3158 01124130	\$6,051.00	10/20/2011
36	J.A.R.	3158 00888481	\$5,819.00	10/21/2011
37	A.D.J.R.	3158 02032488	\$5,461.11	10/26/2011
38	A.R.D.	3158 02032495	\$4,821.06	11/1/2011
39	B.T.N.	3158 01817413	\$5,255.84	11/1/2011
40	M.V.V.	3158 01817412	\$5,063.38	11/2/2011
41	C.A.R.	3158 01587053	\$5,901.00	12/7/2011
42	M.M.V.	3158 03825533	\$6,099.04	12/13/2011

43. On or about December 15, 2010, MADELINE ROSARIO, provided the name and social security number of S.S. to Karla Pena, who used the information to open a business bank account for S.S. Multiservice, Wachovia account number ending 4409, for the purpose of depositing fraudulently obtained United States Treasury tax refund check.

44. After opening S.S. Multiservice, defendants MADELINE ROSARIO and MARIBEL NUNEZ gave Karla Pena United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks which Pena would deposit into the SS Multiservice business account.

45. On each of the dates set forth below, MADELINE ROSARIO and MARIBEL NUNEZ caused United States Treasury refund checks and 3<sup>rd</sup> party refund checks to be deposited into the S.S. Multiservice business account, knowing that each refund check was



issued based on a false, fictitious, and fraudulent claim, each deposit constituting a separate overt act:

<b>OVERT ACT</b>	<b>NAME ON RETURN</b>	<b>CHECK NUMBER</b>	<b>CHECK AMOUNT</b>	<b>DEPOSIT DATE</b>
46	M.T.R.	2310 51749329	\$1,566.00	4/7/2011
47	M.S.V.	2310 52085529	\$2,431.00	4/7/2011
48	Y.D.M.	2310 61291377	\$7,034.00	4/11/2011
49	J.R.R.	2310 62477280	\$3,482.00	4/20/2011
50	J.H.S.	2310 62477283	\$3,892.00	4/20/2011
51	R.J.V.V.	2310 64851179	\$5,095.00	4/19/2011
52	N.G.G.	2310 69255822	\$5,712.00	5/17/2011
53	E.B.	2310 73673120	\$5,434.00	5/17/2011
54	J.M.C.	2310 78367744	\$6,083.00	6/9/2011
55	R.G.Z.	2310 78671249	\$6,018.00	6/9/2011
56	J.M.R.	EPS #02970945	\$2,912.87	4/20/2011
57	L.P.M.	EPS Check #02970937	\$3,793.00	4/11/2011
58	M.G.M.	EPS Check #02970938	\$7,000.00	4/11/2011
59	D.W.	EPS Check #02970953	\$4,094.00	4/28/2011
60	I.R.P.	EPS Check #02970954	\$4,941.00	4/28/2011
61	I.M.M.	EPS Check #02970956	\$3,604.00	4/28/2011

62. On or about March 7, 2011, defendant MADELINE ROSARIO opened a business account for Liberty Multiservice, Wachovia account number ending 4166, for the purpose of depositing fraudulently obtained United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks.

63. On or about the dates set forth below, at the direction of defendant MADELINE ROSARIO, the following United States Treasury refund checks and 3<sup>rd</sup> party refund checks were deposited into the Liberty Multiservice business account, knowing that each

refund check was issued based on a false, fictitious, and fraudulent claim, each deposit constituting a separate overt act:

<b>OVERT ACT</b>	<b>NAME ON RETURN</b>	<b>CHECK NUMBER</b>	<b>CHECK AMOUNT</b>	<b>DEPOSIT DATE</b>
64	M.A.R.	2310 67814154	\$6,334.00	5/6/2011
65	A.P.G.	EPS Check # 02970962	\$4,837.00	5/10/2011
66	L.A.B.	2310 70466837	\$5,686.00	5/17/2011
67	B.R.L.	2310 81495211	\$5,024.00	8/18/2011
68	M.C.M.	2310 81086555	\$5,096.00	8/18/2011
69	C.S.R.	2310 79691281	\$4,906.00	8/22/2011
70	J.R.P.	4500 55295433	\$4,959.00	8/31/2011
71	S.S.A.	3158 00638334	\$5,070.00	9/14/2011
72	A.B.S.	3158 00638336	\$5,696.00	9/20/2011
73	A.C.C.	3158 00888479	\$6,046.00	9/20/2011
74	L.M.A.	3158 00347299	\$5,866.00	9/23/2011
75	N.G.H.	3158 02032489	\$4,833.20	12/7/2011
76	G.V.V.	3158 01817400	\$5,843.00	12/8/2011
77	V.R.C.	3158 01817402	\$5,654.00	12/9/2011
78	E.V.R.	3158 01817391	\$5,433.99	12/13/2011
79	M.A.R.	3158 01587055	\$5,897.00	12/13/2011

80. On or about March 2, 2012, at the direction of defendant MADELINE ROSARIO, D.G., a person known to the Grand Jury, opened a business account for D.G., G. Services Multiservice, Wells Fargo account number ending 2040, for the purpose of depositing fraudulently obtained United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks.

81. On each of the dates set forth below, at the direction of defendants MADELINE ROSARIO and MARIBEL NUNEZ, the following United States Treasury refund checks and 3<sup>rd</sup> party refund checks were deposited into the D.G. Multiservice business account, knowing that each refund check was issued based on a false, fictitious, and fraudulent claim, each deposit constituting a separate overt act:

<b>OVERT ACT</b>	<b>NAME ON RETURN</b>	<b>CHECK NUMBER</b>	<b>CHECK AMOUNT</b>	<b>DEPOSIT DATE</b>
82	A.R.	EPS Check # 06565737	\$4,598.00	4/3/2012
83	I.R.P.	EPS Check # 06565714	\$4,712.00	4/4/2012
84	F.O.S.	EPS Check # 06565735	\$6,377.00	4/16/2012
85	J.M.G.	EPS Check # 06565734	\$6,978.00	4/16/2012
86	D.T.M.	EPS Check # 06565753	\$6,170.00	4/25/2012
87	P.A.L.	EPS Check # 06565747	\$4,831.00	4/25/2012
88	M.R.P.	EPS Check # 06565752	\$4,509.00	4/25/2012
89	R.M.C.	3158 07034481	\$5,747.00	4/30/2012
90	C.M.	3158 14509958	\$3,637.00	4/30/2012
91	G.V.D.	3158 16011351	\$5,177.00	4/30/2012

92. On or about September 6, 2013, defendant MADELINE ROSARIO opened a business account for Madeline Rosario, DBA G. Services, Wells Fargo account number ending 5809, for the purpose of depositing fraudulently obtained United States Treasury tax refund checks and 3<sup>rd</sup> party refund checks.

93. On each of the dates set forth below, defendant MADELINE ROSARIO deposited the following United States Treasury refund checks and 3<sup>rd</sup> party refund checks into the Madeline Rosario DBA G. Services business account, knowing that each refund check was issued based on a false, fictitious, and fraudulent claim, each deposit constituting a separate overt act:

<b>OVERT ACT</b>	<b>NAME ON CHECK</b>	<b>CHECK NUMBER</b>	<b>CHECK AMOUNT</b>	<b>DEPOSIT DATE</b>
94	E.S.D.J.	Advent #6458676 206180485	\$4,934.10	2/21/2014 (ATM Deposit)
95	A.M.P.M.	Advent #6704743 208720199	\$4,799.10	3/24/2014 (ATM Deposit)

All in violation of Title 18, United States Code, Section 371.

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 14, 15 through 17, and Overt Acts 1 through 95 of Count One are incorporated here.

2. From in or about November 2010 to in or about March 2014, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MADELINE ROSARIO  
MARIBEL NUNEZ**

stole, purloined and knowingly converted to their own use a thing of value of the United States in an amount over \$1,000, that is, approximately 84 fraudulently issued U.S. Treasury tax refund checks and 3<sup>rd</sup> party refund checks totaling approximately \$439,843.69 which checks had come into the possession of defendants ROSARIO and NUNEZ from other individuals, both known and unknown to the Grand Jury.

In violation of Title 18, United States Code, Section 641.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 17, 2011, in the Eastern District of Pennsylvania, defendant

**MADELINE ROSARIO**

knowingly and without lawful authority, possessed and used a means of identification of another person, that is, the name and social security number of the person, S.S., during and in relation to theft of government property.

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(1).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 371 and 641, defendants

**MADELINE ROSARIO  
MARIBEL NUNEZ**

shall forfeit to the United States of America all property, real or personal, involved in the commission of the offenses and all property traceable to such property, including, but not limited to the sum of \$439,843.69

1. If any of the property 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 to 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 subdivided without difficulty,

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

**A TRUE BILL:**

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**FOREPERSON**

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**ZANE DAVID MEMEGER  
UNITED STATES ATTORNEY**