

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

UNITED STATES OF AMERICA : CRIMINAL NO.
v. : DATE FILED
MICHAEL TUFFOUR : VIOLATIONS:
: 18 U.S.C. § 1344 (bank fraud - 1 count)
: 18 U.S.C. § 1028A(a)(1) (aggravated
identity theft – 3 counts)
: 18 U.S.C. § 2 (aiding and abetting)
Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, TD Bank was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation, Certificate Number 18409.
2. From in or about July 2011 through in or about April 2013, in the Eastern District of Pennsylvania and elsewhere, defendant

MICHAEL TUFFOUR

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud TD Bank and to obtain monies owned by and under the care, custody, and control of TD Bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant MICHAEL TUFFOUR, who was then employed by TD Bank as a Customer Service Representative, obtained confidential TD Bank customer account information and means of identification for TD Bank business and personal account holders by

using his position of trust at TD Bank to review without legitimate need or authorization TD Bank customer accounts in order to unlawfully obtain TD Bank customer profiles, account statements, cancelled checks, and other means of identification of TD Bank business and personal account holders.

4. Defendant MICHAEL TUFFOUR removed confidential TD Bank customer account information and means of identification from the TD Bank branch at which he worked and stored them in his residence.

5. Defendant MICHAEL TUFFOUR caused TD Bank tellers to cash checks for him without the payee being present, in violation of TD Bank policy, and that lacked endorsements and contained fraudulent endorsements.

6. In return for money and the promise of money, defendant MICHAEL TUFFOUR provided confidential TD Bank customer account information and means of identification, including business and personal account holders' names, account numbers, dates of birth, social security numbers, addresses, copies of drivers' licenses, and other identity information, to co-schemers, including Derek George Spencer, charged elsewhere, and Warren Guerrier, charged elsewhere, in various ways, including by showing the co-schemers the TD Bank customer account information and means of identification on his TD Bank computer screen while they sat at his desk, by providing co-schemers with copies of documents he copied or printed from TD Bank containing the TD Bank customer account information and means of identification, and by verbally providing the co-schemers with the TD Bank customer account information and means of identification over the telephone or in person.

7. Co-schemers Derek George Spencer, Warren Guerrier, A.C., A.S. and others purchased and manufactured fraudulent checks, some of which were created using the

confidential TD Bank customer account names and numbers that were provided by defendant MICHAEL TUFFOUR.

8. Co-schemers Derek George Spencer, Warren Guerrier, A.C., A.S., and others, recruited additional persons to participate in the scheme as “Runners,” whose role was to pose as TD Bank customers, enter TD Bank branches, open and attempt to open new TD Bank accounts using false identification documents, false and real means of identification, and other false documentation, and deposit fraudulent checks into and withdraw money from legitimate and illegitimate TD Bank customer accounts.

9. Co-schemers Derek George Spencer, Warren Guerrier, and others purchased and manufactured false driver’s licenses and passports to be used in furtherance of the scheme, including identification documents in the names of legitimate TD Bank account holders provided by defendant MICHAEL TUFFOUR but containing the photographs of Runners.

10. Co-schemers Derek George Spencer, Warren Guerrier, and others provided the false drivers’ licenses and passports, as well as the means of identification and identity information of the TD Bank customers provided by defendant TUFFOUR, including the names, dates of birth, drivers’ license numbers, social security numbers, and bank account numbers, to Runners, including co-schemers Michael Bullock, charged elsewhere, and Ron Credle, charged elsewhere.

11. Co-schemers, including A.C., A.S., and A.K., opened bank accounts at TD Bank, sometimes with the assistance of defendant MICHAEL TUFFOUR, in the names of fictitious businesses and real and fictitious persons using means of identification of real persons, fraudulent means of identification of fictitious persons, false business names, false taxpayer identification numbers, and other false documentation, and obtained ATM debit cards associated

with and tied to the fraudulently-opened accounts, in order to use them to deposit fraudulent checks and withdraw funds against the fraudulent checks before TD Bank discovered that the deposited checks were fraudulent.

12. Co-schemers A.C., A.S., A.K., and others, deposited and caused to be deposited fraudulent checks, including counterfeit checks, stolen checks, and checks with insufficient funds, into the TD Bank accounts that had been opened by co-schemers using means of identification of real persons, fraudulent means of identification of fictitious persons, false business names, false taxpayer identification numbers, and other false documentation.

13. Defendant MICHAEL TUFFOUR assisted co-schemers A.C. and A.S., and others, in using the teller window at the TD Bank branch at which defendant TUFFOUR worked to withdraw cash from the fraudulently-opened TD Bank accounts before TD Bank discovered that the checks deposited into those accounts were fraudulent.

14. Defendant MICHAEL TUFFOUR personally withdrew cash from fraudulently-opened TD Bank accounts before TD Bank discovered that the checks deposited into those accounts were fraudulent.

15. Defendant MICHAEL TUFFOUR obtained and used without authorization the username and password for his TD Bank supervisors in order to defeat TD Bank's security measures, which required supervisory overrides for certain types of transactions, including transactions conducted by defendant TUFFOUR and other TD Bank employees in excess of \$1,000.

16. Defendant MICHAEL TUFFOUR caused wire transfers to be made from TD Bank accounts that had been fraudulently opened by co-schemers before TD Bank discovered that the checks deposited into those accounts were fraudulent.

17. Co-schemers used ATM debit cards associated with the fraudulently-opened TD Bank business accounts to withdraw cash before TD Bank discovered that the checks deposited into those accounts were fraudulent.

18. Defendant MICHAEL TUFFOUR used his TD Bank computer to access customer accounts without any legitimate need in order to verify the account balances, obtain account numbers, identity information, and means of identification, and further his fraud.

19. Defendant MICHAEL TUFFOUR deposited into his personal bank accounts cash that he received as payment for his participation in the scheme to defraud TD Bank.

20. On or about September 21, 2011, at a TD Bank branch on Market Street in Philadelphia, Pennsylvania, a male co-schemer (hereinafter "UM#1") opened a TD Bank business checking account ending in 7149 in the name Camara Computer Sales & Services, LLC (hereinafter "Camara Computer"), with an initial \$100 cash deposit by presenting, among other things, a false Pennsylvania Department of State Certificate of Organization, a false taxpayer identification number, a false IRS Form SS-4, and a false Republique De Guinee passport ending in 8427. The phone number listed on the account was (267) 444-6615, and the address listed was 1032 S. 57th Street, Philadelphia, Pennsylvania 19143.

21. On or about December 19, 2011, at a TD Bank branch in Folsom, Pennsylvania, co-schemer A.S. deposited a counterfeit check into the TD Bank checking account of Camara Computer ending in 7149, check number 476314 made payable to Camara Computer in the amount of approximately \$29,160 purportedly drawn on the Capital One bank account of Shore Industrial Supply Corp. ending in 1040.

22. On or about December 22, 2011, at approximately 5:44 p.m., at the TD

Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with co-schemer A.C. and, while sitting at his desk with co-schemer A.C., inquired into the TD Bank checking account of Camara Computer ending in 7149. By making this inquiry, defendant TUFFOUR was able to ascertain whether TD Bank had yet determined that the fraudulent check previously deposited into the Camara Computer account on December 19, 2011, was in fact fraudulent, the listed account balance, and the amount of money that was then available to be withdrawn from the account.

23. On or about December 22, 2011, at approximately 6:44 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with co-schemer A.C. and, while sitting at his desk with co-schemer A.C., again inquired into the TD Bank checking account of Camara Computer ending in 7149.

24. On or about December 22, 2011, at approximately 7:04 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with co-schemer A.C. and, while A.C. sat at defendant TUFFOUR's desk, defendant TUFFOUR went to the teller station in the drive through room, handed the teller a \$2,500 withdrawal slip, and caused a teller to process a \$2,500 cash withdrawal from the TD Bank checking account of Camara Computer ending in 7149. After the teller handed him the cash, defendant TUFFOUR returned to his desk and handed the \$2,500 cash to A.C.

25. Between on or about December 22, 2011 and on or about December 23, 2011, one or more co-schemers used the ATM debit card associated with the TD Bank checking account of Camara Computer ending in 7149 at ATMs in Philadelphia, Pennsylvania, to

withdraw approximately \$1,500 cash.

26. On or about December 24, 2011, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with an unidentified male co-schemer UM#1, inquired into the TD Bank checking account of Camara Computer ending in 7149.

27. On or about December 26, 2011, at approximately 7:10 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with an unidentified male co-schemer (hereinafter "UM#2"), inquired into the available balance of the TD Bank checking account of Camara Computer ending in 7149, and initiated a wire transfer to occur the following day in the amount of approximately \$23,000 from the TD Bank checking account of Camara Computer ending in 7149 to the Citizens Bank account of SHI International ending in 8659, over which co-schemer A.S. had control.

28. On or about December 26, 2011, at approximately 7:21 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, while UM#2 sat at defendant TUFFOUR's desk, defendant TUFFOUR went to the teller line, handed a teller a \$2,000 withdrawal slip, and caused the teller to process a \$2,000 cash withdrawal from the TD Bank checking account of Camara Computer ending in 7149. After the teller handed him the cash, defendant TUFFOUR returned to his desk and handed the \$2,000 cash to UM#2.

29. On or about December 27, 2011, at approximately 9:39 a.m., at the American Heritage Federal Credit Union ("AHFCU") branch on Bridge Street in Philadelphia, Pennsylvania, defendant MICHAEL TUFFOUR deposited approximately \$500 cash into his

AHFCU ending in 1142.

30. On or about December 27, 2011, at approximately 9:42 a.m., defendant MICHAEL TUFFOUR caused the transfer by wire of approximately \$23,000 from the TD Bank checking account of Camara Computer ending in 7149 to the Citizens Bank account of SHI International ending in 8659, over which co-schemer A.S. had control.

31. On or about December 27, 2011, at approximately 10:44 p.m., at an ATM in Philadelphia, Pennsylvania, defendant MICHAEL TUFFOUR deposited approximately \$709 cash into his Bank of America account ending in 2950.

32. On or about December 28, 2011, at a TD Bank branch on Walnut Street in Philadelphia, Pennsylvania, co-schemer A.S. deposited a counterfeit check into the TD Bank checking account of Camara Computer ending in 7149, check number 196383 made payable to Camara Computer in the amount of approximately \$21,097 purportedly drawn on the Capital One bank account of Ideal Supply Co. ending in 1040.

33. On or about December 29, 2011, between approximately 4:09 p.m. and 4:36 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 7402 of TD Bank business customer Maxvascular Medical, and the TD Bank customer profile for and personal account ending in 0820 of M.J.C., one of the authorized signers on the Maxvascular Medical business account. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for the Maxvascular Medical account ending in 7402 and the M.J.C. account ending in 0820, the account balances, which at that time were approximately \$31,086 and \$16,661,

respectively, and the means of identification of M.J.C., including M.J.C.'s name, date of birth, address, and social security number.

34. On or about December 30, 2011, a co-schemer used the ATM debit card associated with the TD Bank checking account of Camara Computer ending in 7149 at an ATM on Walnut Street in Philadelphia, Pennsylvania, to withdraw approximately \$500 cash.

35. On or about December 30, 2011, between approximately 5:18 p.m. and 5:28 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with co-schemers A.C. and A.S. and, while both co-schemers A.C. and A.S. sat together at his desk, defendant TUFFOUR once again inquired into the TD Bank checking account of Camara Computer ending in 7149 and determined, among other things, the available balance.

36. On or about December 31, 2011, at approximately 11:52 a.m., at the teller line at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where defendant MICHAEL TUFFOUR was then employed, co-schemer A.S., with the assistance of defendant TUFFOUR, withdrew \$9,500 cash from the TD Bank checking account of Camara Computer ending in 7149.

37. On or about December 31, 2011, at approximately 12:23 p.m., at the teller line at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where defendant MICHAEL TUFFOUR was then employed, co-schemer A.S., with the assistance of defendant TUFFOUR, withdrew \$7,000 cash from the TD Bank checking account of Camara Computer ending in 7149.

38. On or about December 31, 2011, at approximately 3:17 p.m., at his desk at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then

employed, defendant MICHAEL TUFFOUR, with no customer present at his desk, inquired into the TD Bank checking account of Camara Camera ending in 7149 and determined the balance that was available at that time.

39. On or about December 31, 2011, at approximately 3:19 p.m., at the teller line at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR personally withdrew \$3,000 cash from the TD Bank checking account of Camara Computer ending in 7149 by causing teller G.B. to process defendant TUFFOUR's withdrawal in violation of TD Bank policy because no customer was present, by presenting to G.B. a TD Bank withdrawal slip made payable to "Camara Computer" on which defendant TUFFOUR had written a driver's license number unrelated to the Camara Computer account, and by using the username and password of TD Bank supervisor D.O. to override the otherwise-applicable \$1,000 cash withdrawal limit that would have applied to teller G.B. and defendant TUFFOUR.

40. On or about December 31, 2011, at approximately 8:16 p.m., at an ATM in Philadelphia, Pennsylvania, defendant MICHAEL TUFFOUR deposited approximately \$1,962 cash into his Bank of America account ending in 2950.

41. On or about January 2, 2012, at a TD Bank branch on Lombard Street in Philadelphia, Pennsylvania, a co-schemer deposited a counterfeit check into the TD Bank checking account of Camara Computer ending in 7149, check number 102 made payable to Camara Computer in the amount of approximately \$21,000 purportedly drawn on the Citizens Ban account of SHI International ending in 8659.

42. On or about January 2, 2012, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR

caused TD Bank teller G.B. to cash a check without the presence of the payee and that was not endorsed, in violation of TD Bank policy, check number 2672 in the amount of \$648.63, made payable to A.K. drawn on the TD Bank business checking account of Galloway Health Care ending in 1060, by giving G.B. the check and asking G.B. to cash it for him in return for \$100.

43. On or about January 2, 2012, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania, after violating TD Bank policy by cashing for defendant MICHAEL TUFFOUR check number 2672 drawn on the Galloway Health Care business checking account ending in 1060, TD Bank teller G.B. placed the cash proceeds from the cashed check into two envelopes – one envelope containing approximately \$548.63 cash and a second envelope containing approximately \$100 cash – and handed both envelopes to defendant TUFFOUR.

44. On or about January 3, 2012, at approximately 5:03 p.m., defendant MICHAEL TUFFOUR sent co-schemer Derek George Spencer an iMessage through his iPhone asking for Spencer to provide defendant TUFFOUR with an answer to an unspecified question, and asking for some additional information.

45. On or about January 3, 2012, at an AHFCU branch in Philadelphia, Pennsylvania, defendant MICHAEL TUFFOUR deposited approximately \$2,110 cash into his AHFCU account ending in 1142.

46. On or about January 3, 2012, at an ATM on Walnut Street in Philadelphia, a co-schemer withdrew approximately \$500 cash from the TD Bank checking account of Camara Computer ending in 7149.

47. On or about January 6, 2012, at approximately 1:39 p.m., defendant MICHAEL TUFFOUR texted co-conspirator A.K. and provided to A.K. both the address of the

TD Bank branch on City Line Avenue in Philadelphia, where defendant TUFFOUR was then employed, and the hours that defendant TUFFOUR would be available that day at his branch.

48. On or about January 6, 2012, at approximately 5:58 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with an unidentified male co-schemer (hereinafter "UM#3"), and while UM#3 sat at his desk, defendant TUFFOUR opened a new fraudulent TD Bank account ending in 7302 for UM#3 in the name R.W.P. At the time the account was opened, UM#3 provided a false U.S. Passport ending in 7807 and a \$100 initial cash deposit, and defendant TUFFOUR entered into TD Bank's computer system an address of 252 South Street, Philadelphia, Pennsylvania 19147, and phone number (267) 815-4160 as the purported address and phone number, respectively, for R.W.P.

49. On or about January 19, 2012, at approximately 5:48 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present, examined a green passport that he had brought into the bank with him and removed from his personal belongings.

50. On or about January 19, 2012, between approximately 5:49 p.m., and approximately 6:03 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present, made several inquiries into the TD Bank business checking account of Camara Computer ending in 7149.

51. On or about January 19, 2012, between approximately 7:04 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then

employed, defendant MICHAEL TUFFOUR made photocopies of the green passport and then returned it to his personal belongings.

52. On or about January 19, 2012, between approximately 7:11 p.m. and approximately 7:47 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with co-schemer A.C., and while A.C. sat at his desk, defendant TUFFOUR removed the green passport from his personal belongings and referred to it as he opened a new fraudulent TD Bank account ending in 7576 for A.C. in the name N.O. At the time the account was opened, A.C. provided a \$100 initial cash deposit, and defendant TUFFOUR entered into TD Bank's computer system an address of 1032 S. 57th Street, Philadelphia, Pennsylvania 19143 (i.e. the same address used on the Camara Computer account), and a phone number of (267) 815-4160 (i.e. the same phone number used on the R.W.P. account) as the purported address and phone number, respectively, for N.O.

53. On February 9, 2012, between approximately 3:44 p.m., and 4:00 p.m., defendant MICHAEL TUFFOUR communicated with co-schemer A.C. via text messaging and agreed to open a fraudulent bank account for A.C. after 7:00 p.m., when defendant TUFFOUR's bank managers had gone for the day.

54. On February 9, 2012, at approximately 6:59 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR met with a co-schemer and opened a new fraudulent TD Bank account ending in 1306 for A.C. in the name M.B. At the time the account was opened, A.C. provided a \$100 initial cash deposit, and defendant TUFFOUR entered into TD Bank's computer system the address of 252 South Street, Philadelphia, Pennsylvania 19147 (i.e. the same address defendant

TUFFOUR used for the R.W.P. account).

55. On or about February 9, 2012, at approximately 7:08 p.m., defendant MICHAEL TUFFOUR sent a text message to co-schemer A.C. in which defendant TUFFOUR stated that he had “just” gotten “done with the acct,” meaning that he had just opened the fraudulent M.B. account.

56. On or about February 17, 2012, at approximately 11:35 a.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holder, made another unauthorized inquiry into the TD Bank business account ending in 7402 of TD Bank business customer Maxvascular Medical, which at that time had an account balance of approximately \$28,389.

57. On or about February 17, 2012, at approximately 12:10 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present, made inquiries into the TD Bank accounts of TD Bank customers R.M. and J.D., ending in 8622 and 7094, and printed copies of the customer profile information and J.D.’s driver’s license.

58. On or about February 17, 2012, between approximately 1:34 and 1:42 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 3846 of TD Bank business customer SIG Energy LLP, and the TD Bank customer profile for A.D., one of the authorized signers on the SIG Energy LLP business account. By making these unauthorized inquiries, defendant

TUFFOUR was able to obtain the full account number for the SIG Energy LLP account ending in 3846, the account balance, which at that time was approximately \$30,077, and the means of identification of A.D., including A.D.'s name, date of birth, address, and social security number.

59. On or about February 17, 2012, at approximately 1:42 p.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 7290 of TD Bank business customer Grin Acres Family Limited Partnership, and the TD Bank customer profile for J.G., one of the authorized signers on the Grin Acres Family Limited Partnership account. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for the Grin Acres Family Limited Partnership Account, the account balance, which at that time was approximately \$224,960, and the means of identification of J.G., including J.G.'s name, date of birth, address, and social security number

60. On or about February 17, 2012, co-schemer Derek George Spencer provided co-schemers Warren Guerrier and Michael Bullock with the full name and account number of TD Bank customer L.C., as well as other identity information of L.C. and a false driver's license in L.C.'s name but containing Bullock's photograph.

61. On or about February 17, 2012, co-schemer Derek George Spencer drove to a TD Bank branch in Silver Spring, Maryland with co-schemers Warren Guerrier and Michael Bullock and waited while Bullock entered the TD Bank branch to attempt to use the identity information and false driver's license Spencer had provided to access L.C.'s account.

62. On or about February 18, 2012, at approximately 9:32 a.m., at the TD

Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made another unauthorized inquiry into the TD Bank business account ending in 7290 of TD Bank business customer Grin Acres Family Limited Partnership, and another unauthorized inquiry into the TD Bank customer profile for J.G.

63. On or about February 18, 2012, at approximately 9:33 a.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 9236 of TD Bank business customer Susquehanna Foundation, and the TD Bank customer profile for and personal account ending in 3688 of J.Y., one of the authorized signers on the Susquehanna Foundation business account. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for the Susquehanna Foundation account ending in 9236 and the J.Y. account ending in 3688, the account balances, which at that time were approximately \$104,918 and \$234,056, respectively, and the means of identification of J.Y., including J.Y.'s name, date of birth, address, and social security number.

64. On or about February 18, 2012, at approximately 9:39 a.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made another unauthorized inquiry into the TD Bank business account ending in 3846 of TD Bank business customer SIG Energy LLP,

and another unauthorized inquiry into the TD Bank customer profile for A.D.

65. On or about February 18, 2012, at approximately 9:43 a.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 0660 of TD Bank business customer Byun Brothers Sales, Inc. and the TD Bank customer profile for J.B., one of the authorized signers on the Byun Brothers Sales, Inc. business account. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for the Byun Brothers Sales, Inc. account ending in 0660, the account balance, which at the time was approximately \$127,881, and the means of identification of J.B., including J.B.'s name, date of birth, address, and social security number.

66. On or about February 18, 2012, at approximately 11:10 a.m., at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, approximately ten minutes after TD Bank customer M.C. left his desk, defendant MICHAEL TUFFOUR, while sitting at his desk without M.C. present and without any verbal or written request from M.C., made unauthorized inquiries into M.C.'s TD Bank account ending in 5639 and M.C.'s customer profile. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for M.C.'s account ending in 5639, the account balance, which at the time was approximately \$16,002, and the means of identification of M.C., including M.C.'s name, date of birth, address, and social security number.

67. On or about February 19, 2012, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with co-schemer Derek George Spencer and without any

verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business and personal accounts of the following persons and entities:

a. The TD Bank business account of SIG Energy LLP ending in 3846, which at the time had a balance of approximately \$30,077, and the TD Bank customer profile for A.D., one of the authorized signers on the SIG Energy LLP business account.

b. The TD Bank business accounts of Bala Beautiful PC ending in 1271 and 9527, which at the time had balances of approximately \$569 and \$1,000, respectively, and the TD Bank customer profile for J.R., one of the authorized signers on the Bala Beautiful PC business accounts.

c. The TD Bank business account of Grin Acres Family Limited Partnership ending in 7290, which at the time had a balance of approximately \$224,960, and the TD Bank customer profile for J.G., one of the authorized signers on the Grin Acres Family Limited Partnership account. On two occasions while viewing the accounts, defendant TUFFOUR turned his computer screen to Spencer to show Spencer the information on the screen.

68. On or about February 19, 2012, in exchange for the promise of money, defendant MICHAEL TUFFUOR provided co-schemer Derek George Spencer with account numbers and other means of identification, for several TD Bank customers whose accounts and customer profiles defendant TUFFOUR had improperly accessed, including means of identification of TD Bank customers J.D. and M.C., a photocopy of a driver's license of J.D., and the bank account number of Byun Brothers Sales, Inc.

69. On or about February 20, 2012, in furtherance of the scheme and at the direction of co-schemer Warren Guerrier, co-schemer Michael Bullock drove by car from

Virginia to Philadelphia, Pennsylvania, intending to obtain false drivers' licenses and make withdrawals from the bank accounts of TD Bank customers who had not authorized Bullock to access their accounts.

70. On or about February 20, 2012, in furtherance of the scheme, co-schemer Warren Guerrier drove his white BMW 750i at a high rate of speed with co-schemer Michael Bullock in the passenger seat, and took other evasive action, all in an attempt to flee from officers of the Philadelphia Police Department.

71. On or about February 20, 2012, in furtherance of the scheme, co-schemer Derek George Spencer drove his car to pick up co-schemers Warren Guerrier and Michael Bullock in Philadelphia, Pennsylvania, after Guerrier had been issued a citation and Guerrier's white BMW 750i had been impounded by the Philadelphia Police Department.

72. On or about February 23, 2012, at an International House of Pancakes restaurant in Philadelphia, Pennsylvania, co-schemer Derek George Spencer met with co-schemers Warren Guerrier and Michael Bullock and provided them with account numbers and other means of information of TD Bank customers that he had received from defendant MICHAEL TUFFOUR, including TD Bank customers M.C. and Byun Brothers Sales Inc., and as well as a false Pennsylvania driver's license in the name of M.C. but containing co-schemer Ron Credle's photograph and a false Pennsylvania driver's license in the name of C.J. but containing Bullock's photograph.

73. On or about February 24, 2012, at a TD Bank branch in Wilmington, Delaware, co-schemer Michal Bullock attempted to cash a counterfeit check purportedly drawn on the TD Bank account of Byun Brothers Sales, Inc. ending in 0660, check #4253 in the amount of \$6,426.12, made payable to C.J., using a false driver's license in the name of C.J. but

containing Bullock's photograph.

74. On or about February 24, 2012, at a TD Bank branch in Wilmington, Delaware, co-schemer Ron Credle attempted to withdraw \$5,000 cash from the TD Bank account of M.C. ending in 5639 using M.C.'s means of identification, including M.C.'s name and account number, and a false driver's license in the name of M.C. but containing Credle's photograph.

75. On or about February 25, 2012, defendant MICHAEL TUFFOUR advised co-schemer Derek George Spencer that co-schemers Michael Bullock and Ron Credle had been arrested in Delaware while attempting to access TD Bank customer accounts that had been provided to Spencer by defendant TUFFOUR.

76. On or about February 25, 2012, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with no customer present and without any verbal or written request from the account holders, made unauthorized inquiries into the TD Bank business account ending in 4834 of TD Bank business customer Best Transit DBA Gateway Ground Transportation, and the TD Bank customer profile for R.S., one of the authorized signers on the Best Transit business account. By making these unauthorized inquiries, defendant TUFFOUR was able to obtain the full account number for the Best Transit account ending in 4834, the account balance, which at that time was approximately \$1,689, and the means of identification of R.S., including R.S.'s name, date of birth, address, and social security number

77. On or about March 4, 2012, at the TD Bank branch on City Line Avenue in Philadelphia, Pennsylvania where he was then employed, defendant MICHAEL TUFFOUR, while sitting at his desk with co-schemer Derek George Spencer present and without any verbal

or written request from the account holders, made unauthorized inquiries into the TD Bank business and personal accounts of the following persons and entities:

- a. The TD Bank business and personal accounts of Sterndoor LLC and its authorized signer, J.S., ending in 4404 and 0537, respectively, which at the time had balances of approximately \$21,173 and \$1,618, respectively.
- b. The TD Bank personal checking account ending in 0071 of J.G., one of the authorized signers of the Grin Acres Family Limited Partnership account. At the time, J.G.'s personal checking account had a balance of approximately \$244,118.
- c. The TD Bank business account of Delaware Valley Regional Economic ending in 4834, which at the time had a balance of approximately \$197,378, and the TD Bank customer profiles of J.C. and A.D., two of the authorized signers on the Delaware Valley Regional Economic business account.

78. On or about March 4, 2012, in exchange for the promise of money, defendant MICHAEL TUFFUOR provided co-schemer Derek George Spencer with account numbers and other means of identification for several TD Bank customers whose accounts and customer profiles defendant TUFFOUR had improperly accessed, including TD Bank customers J.G. and Grin Acres Family Limited Partnership.

79. On or about March 6, 2012, at the TD Bank branch on City Line Avenue where he was then employed, defendant MICHAEL TUFFOUR possessed without lawful authority the name and TD Bank username and password for TD Bank supervisor D.O.

80. On or about March 6, 2012, at approximately 4:58 p.m., at a TD Bank branch on Ridge Avenue in Philadelphia, Pennsylvania, an unidentified male co-schemer (hereinafter "UM#4") cashed a counterfeit check purportedly drawn on the TD Bank account of

Grin Acres Family Limited Partnership ending in 7290, check #1420 in the amount of approximately \$3,462.26, made payable to R.S., using a false South Carolina driver's license in the name of R.S. but containing UM#4's photograph.

81. On or about March 6, 2012, at approximately 5:46 p.m., at a TD Bank branch on Walnut Street in Philadelphia, Pennsylvania, co-schemer UM#4 attempted to cash a counterfeit check purportedly drawn on the TD Bank account of Grin Acres Family Limited Partnership ending in 7290, check #1417 in the amount of approximately \$2,756.10, made payable to R.S., using a false South Carolina driver's license in the name of R.S. but containing UM#4's photograph.

82. On or about March 26, 2012, at a TD Bank branch on Broad Street in Philadelphia, Pennsylvania, co-schemer UM#3 deposited a fraudulent check into the TD Bank checking account of R.W.P. ending in 7302, check number 551 made payable to R.W.P. in the amount of approximately \$15,000 purportedly drawn on the Bank of America bank account of Kids Paradise ending in 3711.

83. On or about March 27, 2012, at his residence in Philadelphia, Pennsylvania, defendant MICHAEL TUFFOUR possessed without legitimate need or authorization TD Bank account statements, copies of checks, and other records of the following TD Bank customers: (a) TD Bank statement of TD Bank customer Doyle Insurance Planning, Inc. dated on or about January 8, 2012; (b) copy of check #27358 from account of Allen Group SMC Co. ending in 2821 made payable to M.K. in the amount of approximately \$210; (c) copy of check #120376 from account of FMS Bonds, Inc. ending in 9177 made payable to Doyle Insurance Planning, Inc. in the amount of approximately \$172,515; (d) TD Bank statement of TD Bank customer Delaware Valley Regional Economic Development Fund dated on or about

February 29, 2012; (e) copy of check #1114 from account of Delaware Valley Regional Economic Development Fund Corp. ending in 4834 made payable to LevLane in the amount of approximately \$1,500; (f) copy of check #1120 from account of Delaware Valley Regional Economic Development Fund Corp. ending in 4834 made payable to Bucks County Economic Dev. Corp. in the amount of approximately \$100; (g) copy of check #1112 from account of Delaware Valley Regional Economic Development Fund Corp. ending in 4834 made payable to Your Part-Time Controller in the amount of approximately \$2,100; (h) TD Bank statement of TD Bank customer Bell North Incorporated dated on or about February 29, 2012 and (i) copy of check #202790 from account of Best Transit, Inc. ending in 8965 made payable to an individual in the amount of approximately \$508.

84. On or about March 28, 2012, at an ATM on Walnut Street in Philadelphia, Pennsylvania, a co-schemer withdrew approximately \$500 cash from the TD Bank checking account of R.W.P. ending in 7302.

85. On or about March 28, 2012 at the teller line at the TD Bank branch on Walnut Street in Philadelphia, co-schemer UM#3 withdrew approximately \$4,500 cash from the TD Bank checking account of R.W.P. ending in 7302 by presenting a TD Bank withdrawal slip made payable to R.W.P. and a false U.S. passport ending in 7807.

86. On or about March 29, 2012, at an ATM on Broad Street in Philadelphia, Pennsylvania, a co-schemer withdrew approximately \$300 cash from the TD Bank checking account of R.W.P. ending in 7302.

87. On or about March 29, 2012, at approximately 2:28 p.m., at the teller line at the TD Bank branch on Broad Street in Philadelphia, co-schemer UM#3 withdrew approximately \$6,500 cash from the TD Bank checking account of R.W.P. ending in 7302 by

presenting a TD Bank withdrawal slip made payable to R.W.P. and a false U.S. passport ending in 7807.

88. On or about March 29, 2012, at approximately 5:02 p.m., at the teller line at the TD Bank branch on Market Street in Philadelphia, co-schemer UM#3 deposited a fraudulent check into the TD Bank checking account of R.W.P. ending in 7302, check number 553 made payable to R.W.P. in the amount of approximately \$10,000 purportedly drawn on the Bank of America bank account of Kids Paradise ending in 3711.

89. On or about March 30, 2012, at an ATM on Walnut Street in Philadelphia, Pennsylvania, a co-schemer withdrew approximately \$500 cash from the TD Bank checking account of R.W.P. ending in 7302.

90. On or about March 30, 2012, at approximately 1:44 p.m., at the teller line at the TD Bank branch on JFK Boulevard in Philadelphia, co-schemer UM#3 withdrew approximately \$3,201 cash from the TD Bank checking account of R.W.P. ending in 7302 by presenting a TD Bank withdrawal slip made payable to R.W.P.

91. On or about November 20, 2012, at a TD Bank branch on Walnut Street in Philadelphia, Pennsylvania, a co-schemer opened another TD Bank account in the name M.B., ending in 8755, by presenting a false Pennsylvania driver's license and a false address of 252 South Street, Philadelphia, Pennsylvania 19147 (i.e. the same address used for the M.B. account ending in 1306 and the R.W.P. account ending in 7302, both of which were opened by defendant MICHAEL TUFFOUR).

92. On or about January 24, 2013, at approximately 4:49 p.m., at a TD Bank branch in Cherry Hill, New Jersey, an unidentified male co-schemer (hereinafter "UM#5") cashed a counterfeit check purportedly drawn on the TD Bank account of Delaware Valley

Regional Economic ending in 4834, check #4020 in the amount of approximately \$1,531, made payable to R.Y.

93. On or about January 24, 2013, at approximately 5:04 p.m., at a TD Bank branch in Haddonfield, New Jersey, UM#5 cashed a counterfeit check purportedly drawn on the TD Bank account of Delaware Valley Regional Economic ending in 4834, check #4025 in the amount of approximately \$2,387.25, made payable to R.Y.

94. On or about January 24, 2013, at approximately 5:35 p.m., at a TD Bank branch in Haddon Heights, New Jersey, UM#5 cashed a counterfeit check purportedly drawn on the TD Bank account of Delaware Valley Regional Economic ending in 4834, check #4027 in the amount of approximately \$1,623.25, made payable to R.Y.

95. On or about January 24, 2013, at approximately 5:55 p.m., at a TD Bank branch in Bellmawr, New Jersey, UM#5 cashed a counterfeit check purportedly drawn on the TD Bank account of Delaware Valley Regional Economic ending in 4834, check #4023 in the amount of approximately \$1,825.31, made payable to R.Y.

96. On or about January 24, 2013, at approximately 7:32 p.m., at a TD Bank branch in Deptford, New Jersey, UM#5 cashed a counterfeit check purportedly drawn on the TD Bank account of Delaware Valley Regional Economic ending in 4834, check #4029 in the amount of approximately \$1,854.17, made payable to R.Y.

97. On or about March 18, 2013, at a TD Bank branch on Market Street in Philadelphia, Pennsylvania, an unidentified male co-schemer (hereinafter "UM#6") attempted to cash a counterfeit check purportedly drawn on the TD Bank account of J.G. ending in 0071, check #8107 in the amount of approximately \$987.53, made payable to C.W.

98. On or about March 27, 2013, at the direction of co-schemer Warren

Guerrier, at a TD Bank branch in Willow Grove, Pennsylvania, co-schemer G.B.#2 attempted to cash a counterfeit check purportedly drawn on the TD Bank account of Maxvascular Medical ending in 7402, in the amount of approximately \$1,454.13, made payable to A.T., given to her by Guerrier, using a false Pennsylvania driver's license in the name of A.T. but containing G.B.#2's photograph, which was also given to G.B.#2 by Guerrier.

99. On or about April 9, 2013, at a TD Bank branch on Walnut Street in Philadelphia, Pennsylvania, co-schemer M.S. deposited a fraudulent check into the TD Bank checking account of M.B. ending in 8755, check number 253 in the amount of approximately \$8,500, purportedly drawn on the US Bank account of J.C. and J.C. ending in 5032.

100. On or about April 13, 2013, at the teller line at a TD Bank branch on Market Street in Philadelphia, Pennsylvania, co-schemer M.S. withdrew \$2,500 cash from the TD Bank account of M.B. ending in 8755.

101. On or about April 14, 2013, at the teller line at a TD Bank branch on Chestnut Street in Philadelphia, Pennsylvania, co-schemer M.S. withdrew \$2,200 cash from the TD Bank account of M.B. ending in 8755.

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

From on or about February 17, 2012, through on or about February 19, 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL TUFFOUR

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name, date of birth, social security number, home address, and New Jersey Drivers' License Number of J.D., the TD Bank account number ending in 8622 over which J.D. had control, and the account address, during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about February 18, 2012, through on or about February 24, 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL TUFFOUR

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and TD Bank account number of M.C., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 6, 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL TUFFOUR

knowingly and without lawful authority, possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name and TD Bank username and password of TD Bank supervisor D.O., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5), and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Sections 1344 set forth in this indictment, defendant

MICHAEL TUFFOUR

shall forfeit to the United States of America any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense, including but not limited to \$161,850.86 in United States currency (money judgment).

2. If any of the property described above, as a result of any actor omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this 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 Title 18, United States Code, Section 982(b), 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 982(a)(2)(A).

A TRUE BILL:

GRAND JURY FOREPERSON


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY