

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. André M. Espinosa
v. : Mag. No. 22-11280
MARC LAZARRE : CRIMINAL COMPLAINT
: **FILED UNDER SEAL**

I, Catherine Nanette Petula, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

Catherine Nanette Petula
Catherine Nanette Petula,
Special Agent
Federal Bureau of Investigation

Special Agent Petula Attested to the Facts
In this Application Pursuant to F.R.C.P.
4.1 (b)(2)(A) on:

October 18, 2022
Date

at Essex County, New Jersey
County and State

HONORABLE ANDRÉ M. ESPINOSA
UNITED STATES MAGISTRATE JUDGE

André M. Espinosa /CNP
Signature of Judicial Officer

ATTACHMENT A

Count One

(Bank Fraud)

From at least as early as in or around September 2021 through in or around October 2022, in the District of New Jersey and elsewhere, the defendant,

MARC LAZARRE,

did knowingly execute and attempt to execute a scheme and artifice to defraud a financial institution, namely the financial institutions set forth below who were financial institutions as that term is defined in Title 18, United States Code, Section 20(1) or (2), and to obtain money, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institutions, by means of false and fraudulent pretenses, representations, and promises.

In violation of Title 18, United States Code, Section 1344.

Count Two

(Aggravated Identity Theft)

On or about January 4, 2022, in Somerset County, in the District of New Jersey and elsewhere, the defendant,

MARC LAZARRE,

knowingly transferred, possessed and used, without lawful authority, the means of identification of another person, namely Victim-1's name and driver's license number, in relation to a felony violation enumerated in 18 U.S.C. § 1028(c), to wit bank fraud, in violation of Title 18, United States Code, Section 1344, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

ATTACHMENT B

I, Catherine Nanette Petula, am a Special Agent with the Federal Bureau of Investigation. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Introduction

1. From at least as early as in or around September 2021 through in or around October 2022, defendant MARC LAZARRE (“LAZARRE”) executed a scheme to enrich himself by fraudulently obtaining victims’ funds. As part of the scheme, LAZARRE utilized unlawfully obtained bank account and personal identity information to open accounts in victims’ names without their knowledge, caused the transfer of funds from the victims’ actual accounts to the accounts he opened, and then withdrew the funds. LAZARRE also unlawfully obtained checks made out to victims, used fraudulent identification documents to open accounts in names almost identical to the victims’ names, and then cashed the unlawfully obtained checks. Through his scheme, LAZARRE caused more than approximately \$1 million in actual losses.

Background

2. At all times relevant to this Complaint:
 - a. LAZARRE was a resident of Reading, Pennsylvania and Secaucus, New Jersey.
 - b. Victim-1 was a resident of Houston, Texas.
 - c. Victim-2 was a resident of Old Bridge, New Jersey.
 - d. Victim-3 was a resident of Brooklyn, New York.
 - e. Victim-4 was a resident of Fort Lauderdale, Florida.
 - f. Victim-5 was a former resident of Akron, Ohio who passed away in or around 2013.
 - g. Victim-6 was a former resident of Queens, New York who passed away in or around 1988.

h. Financial Institutions-1, 2, 3, 4, 5, and 6 (collectively, the "Financial Institutions") were all insured by the Federal Deposit Insurance Corporation ("FDIC"). As such, the Financial Institutions were each federally insured financial institutions as that term is defined in 18 U.S.C. § 20.

i. Telephone-1 is a cellular telephone that is believed to be used by LAZARRE. Telephone-1 is subscribed to "Marc Lazarre" and LAZARRE has provided the number for the Telephone-1 to law enforcement on multiple occasions. Law enforcement lawfully obtained location information for Telephone-1 during the investigation.

The Scheme to Defraud and Obtain Money

Victim-1

3. On or about January 4, 2022, LAZARRE entered a branch of Financial Institution-1 in Warren Township, New Jersey ("Branch-1"). Upon entering, LAZARRE stated he was Victim-1 and provided bank personnel with a fraudulent driver's license and bank card in Victim-1's name. LAZARRE also provided bank personnel with Victim-1's actual social security number. Using Victim-1's name, LAZARRE proceeded to open a business checking account ("Fraudulent Account-1"). While still in Branch-1, LAZARRE: (a) funded Fraudulent Account-1 by causing two transfers, totaling approximately \$15,000, from Victim-1's actual personal bank account with Financial Institution-1 to Fraudulent Account-1; and (b) withdrew approximately \$8,200 from Fraudulent Account-1 after the aforementioned transfers had posted.

4. Victim-1 has stated, in substance and in part, that s/he did not authorize LAZARRE to open Fraudulent Account-1 or transfer money from his/her personal account to Fraudulent Account-1.

5. Surveillance footage obtained from Financial Institution-1 shows LAZARRE entering Branch-1 on January 4, 2022 and meeting with a branch representative. Additionally, location information reveals that Telephone-1 was in the vicinity of Branch-1 at or about the same time on January 4, 2022.

6. In or around May 2022, an individual using an email address that LAZARRE had listed on multiple documents and that the investigation has revealed has been used by LAZARRE, contacted Financial Institution-5, claiming to be Victim-1. In the email, the individual purporting to be Victim-1 asked about the status of a \$10,800 check that his (Victim-1's) cousin had deposited, but which had not cleared. Victim-1 has stated, in substance and in part, that s/he did not open this bank account and was unaware that the check had been deposited into the bank account.

Victim-2

7. On or about March 15, 2022, LAZARRE entered a branch of Financial Institution-2 in Sterling, New Jersey ("Branch-2"). Upon entering, LAZARRE stated he was Victim-2 and presented bank personnel with a driver's license and other identifying documents in Victim-2's name. LAZARRE then attempted to open a checking account ("Fraudulent Account-2"). Bank personnel became suspicious and contacted Victim-2, who confirmed, in substance and in part, that s/he was not in Branch-2 or attempting open an account. Bank personnel advised LAZARRE that they could not open the account at that time due to technological issues, at which point LAZARRE left Branch-2.

8. Victim-2 has stated, in substance and in part, that s/he did not authorize LAZARRE to open or attempt to open Fraudulent Account-2.

9. Law enforcement has obtained the driver's license that LAZARRE utilized when attempting to open Fraudulent Account-2. The driver's license contains Victim-2's pedigree information, but bears LAZARRE's photograph. Additionally, cellular location information confirms LAZARRE's presence in the vicinity of Financial Institution-2 on or about March 15, 2022.

Victim-3

10. On or about June 27, 2022, LAZARRE entered a branch of Financial Institution-3 in Upper Montclair, New Jersey ("Branch-3"). Upon entering, LAZARRE stated he was Victim-3 and proceeded to open a checking account in Victim-3's name ("Fraudulent Account-3"). As part of opening Fraudulent Account-3, LAZARRE funded the account with a United States Treasury check for approximately \$10,165.25. The check had been issued on or about June 6, 2022, and was payable to Victim-3. Approximately two days later, approximately \$4,000 was withdrawn from Fraudulent Account-3, and the remaining funds were withdrawn in the following days.

11. Victim-3 has stated, in substance and in part, that s/he did not authorize LAZARRE to open Fraudulent Account-3, deposit the \$10,165.25 check that rightfully belonged to Victim-3 into Fraudulent Account-3, or withdraw money from Fraudulent Account-3.

12. Surveillance footage obtained from Financial Institution-3 shows LAZARRE entering Branch-3 on or about June 27, 2022 and conducting business with bank personnel. Additionally, location information reveals that Telephone-1 was in the vicinity of Branch-3 at or about the time that LAZARRE was in Branch-3 for the opening of Account-3.

Victim-4

13. On or about September 30, 2022, an individual believed to be LAZARRE entered a branch of Financial Institution-4 in New York, New York ("Branch 4"), claiming to be Victim-4. LAZARRE attempted to withdraw funds from Victim-4's checking account with Financial Institution-4. Bank personnel, though, became suspicious and declined LAZARRE's request to withdraw the money.

14. Victim-4 has stated in substance and in part, that s/he did not authorize LAZARRE to withdraw money from her/his checking account with Financial Institution-4.

15. Location information reveals that Telephone-1 was in the vicinity of Branch-4 on September 30, 2022, at or about the time that the individual believed to be LAZARRE was in Branch-4. Additionally, license plate reader data shows LAZARRE's vehicle traveling into New York, New York just hours before the incident at Branch-4 and exiting New York, New York less than one hour after. Moreover, LAZARRE is believed to have previously victimized Victim-4, as LAZARRE was previously found in possession of fraudulent documents purporting to belong to Victim-4.

Victim-5 and Victim-6

16. On or about November 5, 2021, a bank account was opened at Financial Institution-5 in Victim-5's name ("Fraudulent Account-4"). On or about November 15, 2021, LAZARRE used Telephone-1 to contact customer service at Financial Institution-5 by telephone regarding Fraudulent Account-4. A recording of this the ensuing call reveals that at the start of the call LAZARRE stated, in substance and in part, that his name was Marc Lazarre but later claimed to be Victim-5. LAZARRE then terminated the call when the bank personnel seemed suspicious. As stated above, Victim-5 has been deceased since in or around 2013.

17. On or about June 9, 2022, LAZARRE, claiming to be Victim-6, opened a business checking account at Financial Institution-6 ("Fraudulent Account-5"). LAZARRE utilized a fraudulent driver's license in Victim-6's name to open the account. Law enforcement has obtained a copy of the driver's license, which bears LAZARRE's photograph. After opening the account, LAZARRE deposited a \$8,181.61 check into the fraudulent account. As stated above, Victim-6 had been deceased since in or around 1988.

18. The investigation has revealed that through the above and other similar acts between in and about September 2021 and October 2022, LAZARRE has obtained and caused losses of more than \$1,000,000 to numerous individual victims and financial institutions.