
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joseph A. Dickson
:
v. : Mag. No. 20-8284
:
KETAN GHUTADARIA : **CRIMINAL COMPLAINT**
:

I, Wilson A. Rodriguez, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Postal Inspector with the United States Postal Inspection Service, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Wilson A. Rodriguez, Postal Inspector
United States Postal Inspection Service

PI Rodriguez attested to this Complaint by telephone,
pursuant to F.R.C.P. 4.1(b)(2)(A)
on the 12 day of August 2020 in the District of New Jersey

HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

Count One
(Wire Fraud)

On or about June 28, 2018, in the District of New Jersey, and elsewhere,
defendant,

KETAN GHUTADARIA,

knowingly and intentionally devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, the following writings, signs, signals, pictures, and sounds, to wit, GHUTADARIA used an interstate telephone communication to authorize an ACH debit transaction for approximately \$53,505.98 from the Victim Company's bank account in New York.

In violation of Title 18, United States Code, Section 1343.

Count Two
(Wire Fraud)

On or about July 20, 2018, in the District of New Jersey, and elsewhere,
defendant,

KETAN GHUTADARIA,

knowingly and intentionally devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, the following writings, signs, signals, pictures, and sounds, to wit, GHUTADARIA used an interstate telephone communication to authorize an ACH debit transaction for approximately \$24,201.50 from the Victim Company's bank account in New York.

In violation of Title 18, United States Code, Section 1343.

ATTACHMENT B

I, Wilson A. Rodriguez, am a Postal Inspector with the United States Postal Inspection Service ("USPIS"). 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. 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. 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.

Relevant Entities and Individual

1. At all times relevant to this criminal complaint:
 - a. Defendant Ketan GHUTADARIA ("GHUTADARIA") was a resident of Johnson City, Tennessee.
 - b. The "Victim Company" is a corporation headquartered in Secaucus, New Jersey.
 - c. The Victim Company maintains a business checking account with "Bank 1," a financial institution.
 - d. "Company 1" is a motor vehicle dealership located in North Carolina.
 - e. "Company 2" is corporation that manages automobile loans and is headquartered in Illinois.
 - f. "Company 3" is financial institution that issues automobile loans and is headquartered in North Carolina.
 - g. "Company 4" is a debt collection agency with a call center located in New Jersey.
 - h. GHUTADARIA owed financial debts to "Companies 2-18".

Overview of the Scheme

2. Beginning at least as early as in or around March 2018 through in or around September 2018 (the "relevant time period"), GHUTADARIA engaged in a fraudulent scheme whereby he contacted Companies 2-18 and used the Victim Company's bank account information to pay off GHUTADARIA's personal

financial debts, either in whole or in part, and without prior approval or authorization from the Victim Company's authorized holder(s).

3. GHUTADARIA authorized Companies 2-18 to initiate approximately thirty-one (31) fraudulent ACH debit transactions utilizing the Victim Company's bank account information, for approximately \$211,743.75.¹

4. Specifically, GHUTADARIA authorized Companies 2-18 to submit Automated Clearing House ("ACH")² debit transactions for bill payments, which were processed by Bank 1 and deducted from the Victim Company's bank account in New York. During many of these transactions, GHUTADARIA falsely represented that he was the authorized account holder for the Victim Company's bank account.

5. During the relevant time period, GHUTADARIA utilized mobile telephone number ending in 5593 (the "GHUTADARIA Cell Phone") to contact Company 2, Company 3, and Company 4, in furtherance of his fraudulent activity. Based on the investigation, law enforcement confirmed that these calls were placed from Tennessee to the above-referenced companies, and that GHUTADARIA is the subscriber for the GHUTADARIA Cell Phone.

6. In total, GHUTADARIA fraudulently obtained approximately \$164,109.03 from the Victim Company.

Fraudulent Wire Transactions

(Company 2)

7. On or about November 5, 2016, GHUTADARIA purchased a new 2017 Audi A6³ from Company 1 for approximately \$83,944.85. GHUTADARIA used Company 2 to finance this purchase.

8. Between in or around May 2018 through in or around September 2018, GHUTADARIA contacted Company 2 using the GHUTADARIA Cell Phone and authorized approximately five (5) ACH debit transactions using the Victim

¹ Three (3) of the fraudulent ACH debit transactions were attempted by GHUTADARIA, but ultimately blocked by Bank 1. Those transactions totaled approximately \$22,634.72. A fourth fraudulent ACH debit transaction was attempted by GHUTADARIA in the amount of \$25,000.00. That transaction was debited from the Victim Company's bank account, but subsequently refunded to the Victim Company's bank account after the transaction was disputed.

² An ACH transfer is an electronic, bank-to-bank transfer processed by the ACH Network.

³ The Vehicle Identification Number ended in 5385.

Company's bank account information to make payments for the 2017 Audi A6. These payments totaled approximately \$74,141.50. For example:

- a. On or about July 20, 2018, GHUTADARIA called Company 2 using the GHUTADARIA Cell Phone to authorize an ACH debit transaction for approximately \$24,201.50 using the Victim Company's bank account information.
- b. On or about July 27, 2018, GHUTADARIA contacted Company 2 using the GHUTADARIA Cell Phone to authorize an ACH debit transaction for approximately \$25,000.00 using the Victim Company's bank account information.⁴
- c. On or about September 19, 2018, GHUTADARIA contacted Company 2 using the GHUTADARIA Cell Phone to authorize an ACH debit transaction for approximately \$20,732.50 using the Victim Company's bank account information.⁵

(Company 3)

9. On or about May 17, 2016, GHUTADARIA purchased a new 2017 Audi Q7⁶ from Company 1 for approximately \$76,556.64. GHUTADARIA used Company 3 to finance this purchase and established a loan account ending in number 6877.

10. Between in or around April 2018 through in or around June 2018, GHUTADARIA contacted Company 3 using the GHUTADARIA Cell Phone and authorized approximately three (3) ACH debit transactions using the Victim Company's bank account information to make payments for the 2017 Audi Q7. These payments totaled approximately \$57,485.80.

- a. On or about April 30, 2018, GHUTADARIA contacted Company 3 using the GHUTADARIA Cell Phone to authorize an ACH debit transaction for approximately \$2,479.82 using the Victim Company's bank account information.
- b. On or about June 1, 2018, GHUTADARIA contacted Company 3 using the GHUTADARIA cell phone to authorize an ACH debit transaction for approximately \$1,500.00 using the Victim Company's bank account information.

⁴ As referenced above, Bank 1 subsequently refunded this ACH debit transaction to the Victim Company.

⁵ As referenced above, Bank 1 subsequently blocked this ACH debit transaction upon the Victim Company's request.

⁶ The Vehicle Identification Number ended in 4326.

- c. On or about June 29, 2018, GHUTADARIA contacted Company 3 using the GHUTADARIA Cell Phone to authorize an ACH debit transaction for approximately \$53,505.98 using the Victim Company's bank account information. This ACH debit transaction covered the remaining balance of the loan account ending in 6877.

(Company 4)

11. On or about June 4, 2018, GHUTADARIA called Company 4 and identified himself by name, address, and social security number. The call originated from the GHUTADARIA Cell Phone and was recorded on a monitored line. During the call, GHUTADARIA explained that he wanted to pay off the balances on three accounts. GHUTADARIA then provided the representative for Company 4 with the Victim Company's bank account information. GHUTADARIA also indicated that he was an authorized signer and verbally confirmed his own address as the Victim Company's bank account address.⁷

12. The representative for Company 4 then submitted GHUTADARIA's request and explained to him that each payment would be processed on three (3) consecutive dates. Each payment listed below was debited from the Victim Company's bank account:

- a. On or about June 4, 2018, an ACH debit transaction was processed in the amount of \$5,398.43.
- b. On or about June 5, 2018, an ACH debit transaction was processed in the amount of \$7,565.12.
- c. On or about June 6, 2018, an ACH debit transaction was processed in the amount of \$2,392.70.

⁷ The investigation revealed that these recordings match GHUTADARIA's voice, which is known to law enforcement.