
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

CHRISTOPHER VALERIO,
YANIRA ABREU, and
JOSE TAVARES

Hon. Michael A. Hammer

Mag. No. 21-10437

CRIMINAL COMPLAINT

Filed Under Seal


I, Christopher B. Moriarty, 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 United States Department of Homeland Security — Homeland Security Investigations ("HSI"), and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof



Christopher B. Moriarty, Special Agent

Department of Homeland Security
Homeland Security Investigations

Sworn to before me by telephone
pursuant to F.R.C.P. 4.1(b)(2)(A) on December , 2021.

Honorable MICHAEL A. HAMMER
United States Magistrate Judge

S/ for Michael A. Hammer

Signature of Judicial Officer



ATTACHMENT A

**(Conspiracy to Commit Wire Fraud)
(18 U.S.C. § 1349)**

From in or about July 2020 through in or about February 2021, in the District of New Jersey and elsewhere, defendants

**YANIRA ABREU
CHRISTOPHER VALERIO
JOSE TAVARES**

did knowingly and intentionally conspire and agree with each other and with others 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 such scheme and artifice to defraud, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, and sounds, including, but not limited to, a wire communication from a location in New Jersey to a location outside of New Jersey, contrary to Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Section 1349:

ATTACHMENT B

I, Christopher Moriarty, a Special Agent with the Department of Homeland Security – Homeland Security Investigations, having conducted an investigation and having discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts. Because this Complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all dates described in this affidavit are approximate and all statements or representations described in this affidavit are related in substance and in part

The Defendants and Relevant Entities

1. At all times relevant to this Complaint:
 - a. Defendant Yanira Abreu ("ABREU") was a resident of Roselle, New Jersey.
 - b. Defendant Christopher Valerio ("VALERIO") was a resident of Perth Amboy, New Jersey.
 - c. Defendant Jose Tavares ("TAVARES") was a resident of Bronx County, New York and New York, New York.
 - d. "Lender-1" was a private financial institution insured by the Federal Deposit Insurance Corporation ("FDIC") headquartered in Cleveland, Ohio.

Overview of the Scheme

2. From at least as early as in or about July 2020 through in or about February 2021, defendants ABREU, VALERIO, TAVARES, and others (the "Co-conspirators") conspired to defraud the New York Department of Labor (the "NYDOL") and Lender-1. Specifically, the Co-Conspirators fraudulently applied for and secured unemployment insurance benefits ("Unemployment Benefits") by wrongfully utilizing the personal identifying information ("Victim PII") of at least a dozen individual victims (the "Victims") to create fictitious user profiles of individuals seeking unemployment benefits from the NYDOL. The Victims' PII included names, dates of birth, social security numbers and other false information related to the Victims' respective occupations and identities. The fictitious user profiles that the Co-Conspirators created also included email addresses, phone numbers, and mailing addresses that ostensibly belonged to the Victims but in fact were controlled by the Co-Conspirators in order to execute the scheme.

3. Once the NYDOL processed and approved the fraudulent Unemployment Benefits applications (the "Falsified Applications"), Lender-1 transferred funds to debit cards (the "Fraudulent Debit Cards") in the names associated with the fictitious user profiles created by the Co-Conspirators. Lender-1 then mailed the Fraudulent Debit Cards to the mailing addresses associated with the fictitious profiles.

4. ABREU and VALERIO retrieved or directed others, including TAVARES, to retrieve the Fraudulent Debit Cards from the mail and withdrew funds from various ATM locations throughout New Jersey and New York using the Fraudulent Debit Cards.

5. ABREU, VALERIO, and TAVARES frequently communicated via text and voice messages in order to orchestrate the scheme to defraud the NYDOL and Lender-1.

Background on Federal Unemployment Insurance Benefits

6. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") was signed into law. The CARES Act created a new temporary federal unemployment insurance program called Pandemic Unemployment Assistance. Pandemic Unemployment Assistance provides Unemployment Benefits for individuals who are not eligible for other types of unemployment (e.g., self-employed, independent contractors, or gig economy workers). The CARES Act also created a new temporary federal program called Federal Pandemic Unemployment Assistance that provided an additional weekly benefit to those eligible for Pandemic Unemployment Assistance and regular Unemployment Benefits.

7. The NYDOL offers an online website (the "NYDOL Website") through which applicants can apply for Unemployment Benefits and verify the applicant's unemployment status. Applicants must complete and submit an online application that includes, among other things, the applicant's name, date of birth, social security number, and address. In addition, the applicant can direct that the NYDOL send any approved funds to a specific bank account or debit card. Lender-1 is a financial institution that issues debit cards in connection with Unemployment Benefits from the NYDOL.

8. When an individual files an Unemployment Benefits claim online, the NYDOL typically maintains certain information regarding the filing of the claim, including, the date and time the claim was submitted; the name of the person for whom the claim was filed; and the Internet Protocol ("IP") address of the computer or internet service provider account used to file the claim. An IP address consists of a unique numerical label that identifies each device (e.g., computer or smartphone) that uses the IP to communicate via the internet or computer network.

The Co-Conspirators' Communications in Furtherance of the Scheme

9. VALERIO and ABREU often utilized WhatsApp, an encrypted text and voice messaging application, to orchestrate the submission of the Falsified Applications.

10. A review of lawfully obtained communications between ABREU and VALERIO, via WhatsApp, revealed that ABREU and VALERIO sent each other photographs of the Fraudulent Debit Cards with the Victims' names printed on them; photographs of NYDOL envelopes with Victims' names printed on them; and screenshots from Lender-1's online portal with Victims' names shown on the user profiles associated with the Falsified Applications. Additionally, ABREU and VALERIO sent each other handwritten notes, spreadsheets, and ledgers of NYDOL Website user profiles associated with the Falsified Applications. The Victims' PII also appeared on these handwritten notes, spreadsheets, and ledgers exchanged between ABREU and VALERIO.

11. Similarly, VALERIO and TAVARES utilized WhatsApp to exchange photographs of Fraudulent Debit Cards with the Victims' names printed on them, photographs of NYDOL envelopes with Victims' names printed on them, and screenshots from Lender-1's online portal with Victims' names shown on the user profiles associated with the Falsified Applications. VALERIO and TAVARES also sent each other handwritten notes and ledgers of NYDOL Website user profiles associated with the Falsified Applications. The Victims' PII also appeared on these handwritten notes and ledgers exchanged between VALERIO and TAVARES.

The Falsified Unemployment Benefit Applications

12. The investigation revealed that VALERIO's IP address was associated with multiple Falsified Applications. Specifically, multiple NYDOL Website accounts based outside of New Jersey associated with the Falsified Applications were accessed from VALERIO's IP address in New Jersey within minutes of each other. Moreover, the same identifiers, such as telephone numbers and mailing addresses, were listed on more than one Falsified Application. As described below, lawfully obtained communications between VALERIO, ABREU, and TAVARES¹; Victim and witness

¹ On or about February 16, 2021, law enforcement stopped VALERIO at Newark International Airport while he was en route to the Dominican Republic. VALERIO voluntarily provided law enforcement with the passcode to his phone which law enforcement seized in connection with the investigation.

On or about March 8, 2021, law enforcement stopped ABREU at Newark International Airport upon her arrival from the Dominican Republic. ABREU voluntarily provided law enforcement with the passcode to her phone which law enforcement seized in connection with the investigation.

interviews; and admissions from TAVARES reveal the fraudulent nature of the Falsified Applications.

Falsified Application-1 Associated with Victim-1

13. Falsified Application-1 associated with Victim-1 was submitted to the NYDOL Website, based outside of New Jersey, on or about August 18, 2020 via an IP address associated with VALERIO's residence in New Jersey. That same day, ABREU sent VALERIO a voice memo that stated, "ok I did [Victim-1]...and I forget the other one."

14. On that same day, VALERIO also sent ABREU a text message containing a picture of handwritten notes that included Victim-1 PII submitted with Falsified Application-1. After ABREU sent the message containing the handwritten notes, VALERIO responded "ok tomorrow I will add to my applications."

15. During the course of the investigation, law enforcement interviewed Victim-1. Victim-1 advised law enforcement that Victim-1 had not provided anyone with Victim-1's PII for the purpose of filing for Unemployment Benefits on Victim-1's behalf, nor did Victim-1 make or authorize the claim submitted on or about August 18, 2020. Victim-1 also advised law enforcement that Victim-1 never visited, resided in, or worked in New Jersey or New York, nor had Victim-1 ever received any Fraudulent Debit Cards associated with Lender-1.

16. Based upon misrepresentations contained in Falsified Application-1, the NYDOL processed and approved Falsified Application-1 and Lender-1 issued a Fraudulent Debit Card in Victim-1's name.

17. On or about September 22, 2020, at approximately 9:04 p.m., VALERIO messaged ABREU a photograph of a Fraudulent Debit Card that bore Victim-1's name. The background of the message included an image of a commercial bank branch ("Bank-1"). Lender-1's records from revealed that a withdrawal in the amount of approximately \$1,003 in cash was made from the Fraudulent Debit Card associated with Falsified Application-1 at approximately 9:03 p.m. at a Bank-1—approximately one minute before VALERIO messaged ABREU a photograph of the Fraudulent Debit Card associated with Falsified Application-1.

18. Lender-1's records indicate a total of approximately \$14,986 was funded to the Fraudulent Debit Card associated with Falsified Application-1.

On or about May 30, 2021, law enforcement stopped TAVARES at John F. Kennedy International Airport in New York upon his arrival from Turkey. TAVARES, after being advised of and waiving his *Miranda* rights, voluntarily provided a statement to law enforcement and consented to having law enforcement review the contents of his phone.

Falsified Application-2 Associated with Victim-2

19. On or about September 11, 2020, VALERIO sent TAVARES, via text message, Victim-2's full name, date of birth, and social security number. TAVARES then sent VALERIO an image of a handwritten note with the fictitious NYDOL claim profile information associated with Falsified Application-2.

20. During TAVARES's interview with law enforcement on or about May 30, 2021, after being advised of and waiving his *Miranda* rights, law enforcement obtained from TAVARES's phone a photograph of a profile information sheet containing the Victim PII belonging to Victim-2, associated with Falsified Application-2. The profile information sheet associated with Falsified Application-2 had handwritten information including email addresses, a pin number, username, pet name (likely used for verification purposes), and employer and wage information related to the NYDOL Website account associated with Falsified Application-2. The profile information sheet also had "9-13-2020" written at the top of the page and a note—"Call-Called 9-14-2020."

21. During TAVARES's interview, TAVARES admitted that VALERIO asked TAVARES to use his address to send and receive mail associated with numerous Falsified Applications.

22. NYDOL records show that Falsified Application-2 was submitted to the NYDOL Website on or about September 14, 2020 and listed TAVARES's residence in the Bronx, New York as the mailing address.

23. Based upon misrepresentations contained in Falsified Application-2, the NYDOL processed and approved Falsified Application-2 and Lender-1 issued a Fraudulent Debit Card in Victim-2's name.

24. During the course of the investigation, law enforcement interviewed Victim-2 who advised law enforcement that Victim-2 had not provided anyone with Victim-2's PII for the purpose of filing for Unemployment Benefits on Victim-2's behalf, nor did Victim-2 make or authorize the claim submitted on or about September 14, 2020. Victim-2 also advised law enforcement that Victim-2 never received Fraudulent Debit Cards associated with Lender-1 and was also unfamiliar with the mailing addresses, phone numbers, and email addresses associated with the Falsified Application-2.

25. Lender-1's records indicate a total of approximately \$12,768 was funded to the Fraudulent Debit Card associated with Falsified Application-2.