

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 22-
	:	
OLADAPO SUNDAY OGUNBIYI	:	<u>Count 1</u>
	:	18 U.S.C. § 1956(h)
	:	(Conspiracy to Commit Money
	:	Laundering)
	:	
	:	<u>Counts 2 - 3</u>
	:	18 U.S.C. § 1956(a) & § 2
	:	(Money Laundering)
	:	
	:	<u>Counts 4 - 5</u>
	:	18 U.S.C. § 1957(a) & § 2
	:	(Monetary Transactions Involving
	:	Criminally Derived Property)

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting in Newark,
charges:

COUNT 1

(Conspiracy to Commit Money Laundering)

1. At all times relevant to this Indictment:

Individuals and Entities

a. Defendant OLADAPO SUNDAY OGUNBIYI (“OGUNBIYI”) was
a resident of Maryland and a native of Lagos, Nigeria.

b. OGUNBIYI was the owner and registered agent of DapDavis
Global Resources, LLC, a Maryland Limited Liability Company, and maintained

a bank account ending in -7066 under the name DapDavis Global Resources at Bank-1 (the “DapDavis Bank-1 Account”).

c. OGUNBIYI maintained a bank account ending in -8117 under the business name “Dap Ogunbiyi” at Bank-2 (the “Dap Ogunbiyi Bank-2 Account”).

d. Individual-1 was a resident of Massachusetts.

e. Victim-1 was a resident of Florida.

f. Company-1 was an employee benefit and payroll management company with headquarters in New Jersey.

g. Bank-1 and Bank-2 were domestic financial institutions within the meaning of Title 31, United States Code, Sections 5312 and 5313(a), and the regulations issued thereunder.

The Conspiracy

2. From in or around June 2018 through in or around September 2018, in Somerset County, in the District of New Jersey, and elsewhere, the defendant,

OLADAPO SUNDAY OGUNBIYI,

did knowingly and intentionally conspire and agree with others:

a. to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which transactions involved the proceeds of specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the transactions were designed in whole and in part to conceal and disguise the

nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(B)(i); and

b. to knowingly engage and attempt to engage, in monetary transactions by, through, and to a financial institution, in and affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343, contrary to Title 18, United States Code, Section 1957(a).

Goal of the Conspiracy

3. The goal of the conspiracy was for OGUNBIYI and others to conduct financial transactions involving money obtained from a fraud scheme (the “fraud proceeds”), to conceal and disguise the nature, source, and ownership of the funds.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. Co-conspirators obtained unauthorized access to a 401k account held for the benefit of Victim-1 at Company-1 in New Jersey (the “Victim-1 401k Account”).

b. Co-conspirators added a bank account belonging to Individual-1 (the “Individual-1 Bank Account”) to the Victim-1 401k Account

without Victim-1's knowledge or authorization. The Individual-1 bank account was designated to receive withdrawals from the Victim-1 401k account.

c. Co-conspirators caused or attempted to cause approximately \$246,390 to be transferred from the Victim-1 401k Account to the Individual-1 Bank Account without Victim-1's knowledge or authorization.

d. OGUNBIYI and others directed Individual-1 to convert the fraud proceeds transferred from the Victim-1 401k Account into cashier's checks and money orders.

e. At OGUNBIYI's direction, Individual-1 provided the cashier's checks and money orders to OGUNBIYI.

f. OGUNBIYI deposited the cashier's checks and money orders into bank accounts under his control, including the DapDavis Bank-1 Account and the Dap Ogunbiyi Bank-2 Account (the "OGUNBIYI Bank Accounts").

g. OGUNBIYI conducted a series of withdrawals and transfers from the OGUNBIYI Bank Accounts to conceal the source of the fraud proceeds and used other portions of the fraud proceeds to pay for his daily living expenses and other personal expenditures.

In violation of Title 18, United States Code, Section 1956(h).

COUNTS 2 - 3
(Money Laundering)

1. The allegations contained in paragraphs 1 and 3-4 of Count 1 of this Indictment are realleged here.

2. On or about the dates set forth below, in Somerset County, in the District of New Jersey and elsewhere, the defendant,

OLADAPO SUNDAY OGUNBIYI,

did knowingly conduct and attempt to conduct the following financial transactions affecting interstate and foreign commerce, which in fact involved the proceeds of specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity and that the property involved in the financial transactions represented the proceeds of some form of unlawful activity:

COUNT	DATE	TRANSACTION	APPROX. AMOUNT
2	7/13/18	Ogunbiyi deposited a cashier's check into the Dap Ogunbiyi Bank-2 Account	\$38,000
3	7/16/18	Ogunbiyi deposited a cashier's check into the DapDavis Bank-1 Account	\$39,250

In violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

COUNTS 4 - 5

(Monetary Transactions in Criminally Derived Property)

1. The allegations contained in paragraphs 1 and 3-4 of Count 1 of this Indictment are realleged here.

2. On or about the dates set forth below, in Somerset County, in the District of New Jersey and elsewhere, the defendant,

OLADAPO SUNDAY OGUNBIYI,

did knowingly engage and attempt to engage in the monetary transactions set forth below, by, through, and to a financial institution, in and affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, derived from a specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343.

COUNT	DATE	TRANSACTION	APPROX. AMOUNT
4	7/13/18	Ogunbiyi deposited a cashier's check into the Dap Ogunbiyi Bank-2 Account	\$38,000
5	7/16/18	Ogunbiyi deposited a cashier's check into the DapDavis Bank-1 Account	\$39,250

In violation of Title 18, United States Code, Section 1957(a) and Section

2.

Forfeiture Allegations

1. The allegations in Counts 1-5 are realleged here for the purpose of noticing forfeiture.

2. Upon conviction of the money laundering offenses in violation of Title 18, United States Code, Sections 1956 and 1957 alleged in Counts 1-5 of this Indictment, defendant OLADAPO SUNDAY OGUNBIYI shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in the money laundering offenses, and all property traceable to such property.

Substitute Assets Provision

3. If any of the property described above as being subject to forfeiture, as result of any act or omission of OGUNBIYI:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred 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 divided,

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

A TRUE BILL



FOREPERSON

A handwritten signature in cursive script, appearing to read "Philip R. Sellinger".

PHILIP R. SELLINGER
United States Attorney