
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Mark Falk
	:	
v.	:	Mag. No. 16-3647
	:	
BOGDAN VIOREL RUSU,	:	
MARCEL PECKHAM,	:	CRIMINAL COMPLAINT
a/k/a "Marcel Enescu Cismas,"	:	
CATALIN MIHAI DRAGOMIR,	:	
EDUARD VASILICA TICU,	:	
FNU LNU,	:	
a/k/a Zoltan Nagy,	:	
GABRIEL MARES,	:	
FLORIN MARES,	:	
SILVESTER FLORENTIN PAPP,	:	
JOEL ABEL GARCIA,	:	
STEFAN DUMITRU, and	:	
FLORIAN CALIN CRAINIC	:	

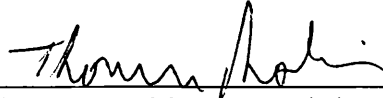
I, Thomas Roldan, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Homeland Security Investigations, and that this complaint is based on the following facts:

SEE ATTACHMENT B

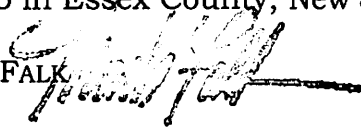
continued on the attached page and made a part hereof.



Thomas Roldan, Special Agent
Homeland Security Investigations

Sworn to before me and subscribed in my presence,
November 4, 2016 in Essex County, New Jersey

HONORABLE MARK FALK



UNITED STATES MAGISTRATE JUDGE
Signature of Judicial Officer

ATTACHMENT A

**Count 1
(Conspiracy to Commit Bank Fraud)**

From in or about March 2015 through in or about July 2016, in the District of New Jersey, and elsewhere, defendants

BOGDAN VIOREL RUSU,
MARCEL PECKHAM, a/k/a "Marcel Enescu Cismas,"
CATALIN MIHAI DRAGOMIR,
EDUARD VASILICA TICU,
FNU LNU, a/k/a Zoltan Nagy,
GABRIEL MARES,
FLORIN MARES,
SILVESTER FLORENTIN PAPP,
JOEL ABEL GARCIA,
STEFAN DUMITRU, and
FLORIAN CALIN CRAINIC

did knowingly and intentionally conspire and agree with others to execute a scheme and artifice to defraud a financial institution, as defined in Title 18, United States Code, Section 20, namely, Bank of America and TD Bank, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institution, by means of false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

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

ATTACHMENT B

I, Thomas Roldan, am a Special Agent with the Immigration and Customs Enforcement ("ICE") Homeland Security Investigations ("HSI"), within the United States Department of Homeland Security ("DHS"). I have knowledge about the facts set forth below from my involvement in the investigation, my review of reports, documents, pictures, witness interviews, and discussions with other law enforcement officials. The affidavit is submitted for a limited purpose, and I have not set forth each and every fact that I know concerning this investigation. All statements described herein are relayed in substance and in part.

Background

1. The United States Secret Service and Homeland Security Investigations have been investigating the theft of banking and credit card information through the use of equipment affixed to Automated Teller Machines ("ATMs") and ATM vestibules that records unwitting customers' banking data. This type of illegal conduct is often referred to as "ATM skimming." Individuals engaged in ATM skimming typically install electronic devices capable of recording bank customer information encoded on credit and debit cards ("Skimming Devices"), either on or in the ATMs themselves or on the card readers located next to ATM vestibule doors. In addition to installing Skimming Devices, individuals engaged in ATM skimming regularly install pinhole cameras ("Pinhole Cameras") on or around bank ATMs in order to record the keystrokes of bank customers as they enter their Personal Identification Numbers ("PINs") during ATM transactions. Once they obtain the stolen card data, individuals engaged in ATM skimming transfer the stolen card data to counterfeit bank cards and use those counterfeit bank cards and the associated customer PINs to withdraw money from customer bank accounts. The use of the counterfeit bank cards to obtain money from stolen bank accounts is more commonly referred to as "cash-outs."

2. In this ATM skimming scheme, various individuals performed different tasks necessary to carry out the scheme. Sometimes the same individual would perform multiple tasks in the scheme, while other times multiple groups of individuals each would be charged with a different task. The individuals involved in this scheme did not have set roles and, instead, their roles were determined prior to each skimming incident. Nevertheless, the tasks involved in the scheme generally were as follows: installation and subsequent removal of Skimming Devices and Pinhole Cameras (collectively, "Skimming Equipment"); transfer of the stolen card data to counterfeit bank cards; and use of the counterfeit bank cards at ATMs to steal money from customer bank accounts.

ATM Skimming Scheme

3. Between in or about March 2015 through in or about July 2016, defendants BOGDAN VIOREL RUSU, MARCEL PECKHAM, a/k/a "Marcel Enescu Cismas," CATALIN MIHAI DRAGOMIR, EDUARD VASILICA TICU, FNU LNU, a/k/a Zoltan Nagy (hereinafter, "NAGY"), GABRIEL MARES, FLORIN MARES, SILVESTER FLORENTIN PAPP, JOEL ABEL GARCIA, STEFAN DUMITRU, FLORIAN CALIN CRAINIC, R.M.¹, and others ("Co-Conspirators") executed an ATM skimming scheme to defraud Bank of America and PNC Bank.

4. RUSU was the leader of the scheme and was responsible for, among other things, manufacturing and installing Skimming Equipment. For example, ATM security cameras captured RUSU installing Skimming Equipment on Bank of America ATMs on multiple dates, including but not limited to approximately seven installations between in or about May 2015 and in or about July 2015, and additional installations in or about December 2015, February 2016, May 2016, and July 2016.

5. For example, on or about July 30, 2016, RUSU was captured on bank security cameras installing a Pinhole Camera on a Bank of America ATM in Allendale, New Jersey. Court-authorized GPS tracking data for a vehicle registered to PECKHAM showed that PECKHAM's vehicle was located in the vicinity of the bank at the time of the skimming incident. On or about the same day, law enforcement recovered the plastic molding containing the Pinhole Camera from the ATM and also a Skimming Device from the ATM vestibule door.

6. Other Co-Conspirators also were involved in the installation and/or retrieval of Skimming Equipment. For example, from in or about May 2015 through in or about July 2015, NAGY was captured on ATM security cameras retrieving Skimming Equipment that previously had been placed by RUSU on multiple Bank of America ATM machines in New Jersey. Subsequently, from in or about December 2015 through in or about February 2016, TICU was captured on security cameras both installing and retrieving Skimming Equipment at various Bank of America ATM machines.

7. Additionally, after customers' bank information and PIN numbers were stolen through the use of the Skimming Equipment, TICU and others, including DRAGOMIR, PAPP, GARCIA, DUMITRU, GABRIEL MARES, FLORIN MARES, CRAINIC, and R.M., used counterfeit ATM cards encoded with the stolen bank account information to withdraw money from the compromised Bank of America accounts. Sometimes a group of individuals would conduct the cash-outs at the same ATM location or locations in close succession to one another, while other times cash-outs were conducted by one individual traveling to multiple ATM locations during a single day.

¹ R.M. has been charged separately.

8. For example, on or about May 31, 2015, DRAGOMIR, TICU, R.M., and PAPP were captured on bank security cameras withdrawing money using counterfeit ATM cards encoded with stolen Bank of America bank account information at a single Bank of America ATM location in Florham Park, New Jersey over an approximately thirty-minute period.

9. In addition, on or about June 21, 2015, PAPP, DRAGOMIR, and DUMITRU were captured on bank security cameras withdrawing money using counterfeit ATM cards encoded with stolen Bank of America bank account information at a Bank of America ATM location in Springfield, New Jersey over an approximately fifteen-minute time period.

10. Subsequently, on or about August 1, 2015, DRAGOMIR, DUMITRU, and PAPP conducted cash-outs at a Bank of America ATM location in New Providence, New Jersey over an approximately thirty-five-minute period. On or about the same day at a different Bank of America ATM location in Piscataway, New Jersey, bank security cameras also captured TICU, GARCIA, and an unidentified male conducting cash-outs.

11. On or about January 12, 2016, bank security cameras captured FLORIN MARES and GABRIEL MARES at a Bank of America ATM in Piscataway, New Jersey withdrawing money using counterfeit ATM cards encoded with stolen Bank of America account information. While these cash-outs were being conducted, law enforcement observed RUSU sitting in a vehicle in the parking lot. In addition, prior to the cash-outs, law enforcement had observed RUSU driving this vehicle and traveling together with a vehicle driven by FLORIN MARES (who had GABRIEL MARES as a passenger) to this Bank of America ATM location from a different Bank of America ATM location.

12. Furthermore, on or about January 14, 2016, GARCIA was captured on bank security cameras at approximately four different Bank of America ATM locations in New Jersey withdrawing money using counterfeit ATM cards encoded with stolen Bank of America bank account information.

13. On or about May 29, 2016, CRAINIC and an unidentified male ("UM-1") were captured on bank security cameras at approximately three Bank of America ATM locations in New Jersey conducting cash-outs. Prior to the cash-outs, surveillance video showed CRAINIC, TICU, UM-1, and another unidentified male entering and/or leaving PECKHAM's residence. CRAINIC was captured wearing the same clothing that he was later seen wearing on the ATM security footage while conducting cash-outs. After the cash-outs, CRAINIC, RUSU, and UM-1 were seen entering PECKHAM's residence and then subsequently leaving and traveling to RUSU's residence. RUSU was holding what appeared to be an envelope as he was leaving PECKHAM's residence, and he appeared to be holding the same object when he returned to his own residence.

14. In or about July 2016, RUSU also was captured on security cameras installing Skimming Equipment at a PNC Bank ATM location in Sayerville, New Jersey on approximately three occasions.

15. GPS tracking data for PECKHAM's vehicle showed that PECKHAM's vehicle was in the vicinity of the PNC Bank ATM location at or about the time of these installations, including on or about July 9, 2016. Moreover, on or about July 9, 2016, surveillance video showed PECKHAM getting into his vehicle and driving away from his residence approximately seven hours before RUSU was seen installing Skimming Equipment on a PNC Bank ATM. GPS tracking data showed that, after PECKHAM left his residence, he drove to RUSU's residence and then drove to the PNC Bank ATM location where, later in the day, RUSU installed the Skimming Equipment.

16. On or about July 10, 2016, surveillance video captured TICU and PECKHAM leaving PECKHAM's residence. At the time, PECKHAM was holding a black baseball cap with a white logo and a black jacket as he left his residence. Approximately thirty minutes later, PECKHAM returned, wearing a black jacket, and entered and exited his vehicle. Approximately three hours later, bank security cameras captured a man matching PECKHAM's build, wearing a black hat with a white logo and a black jacket inspecting Skimming Equipment on the PNC Bank ATM machine where RUSU had installed Skimming Equipment on or about the previous day.

17. During the course of the conspiracy, the Co-Conspirators stole at least approximately \$428,581 from Bank of America.

18. At all times relevant to this Complaint, Bank of America and PNC Bank were federally insured financial institutions as that term is defined in 18 U.S.C. § 20.