

2015R00407/CF

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OCT 18 2016

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

UNITED STATES OF AMERICA : Criminal No. 16- 485 (mca)
v. :
: 18 U.S.C. § 1343
: 18 U.S.C. § 981(a)(1)(C)
LISA POPEWINY, : 18 U.S.C. § 2
ANGEL D. VIDAL, and : 28 U.S.C. § 2461(c)
ANGEL GABRIEL VIDAL :
:

INDICTMENT

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

COUNTS ONE TO FOUR
(Wire Fraud)

1. At all times relevant to this Indictment:

A. Defendant LISA POPEWINY ("defendant POPEWINY") was employed by Clifford B. Finkle, Jr. Inc. as a payroll clerk. Clifford B. Finkle, Jr. Inc. and its related entities (collectively, the "Company") provided transportation and freight services to various public and private entities located in New Jersey, New York, and elsewhere. The Company was headquartered in Clifton, New Jersey. Defendant POPEWINY's duties included processing payroll, maintaining employee files, processing truck driver applications, requesting motor vehicle checks on the drivers, and organizing random drug screenings for the Company's drivers.

B. Defendants ANGEL D. VIDAL ("defendant ANGEL D."),

ANGEL GABRIEL VIDAL (“defendant ANGEL GABRIEL”), and Co-schemer 1 were residents of Passaic County. They were not employed by the Company during the time period when they were issued fraudulent paychecks as set forth in this Indictment.

C. The Company used a third-party payroll service provider (the “Payroll Company”) to generate payroll checks. Defendant POPEWINY was responsible for submitting the employees’ payroll information via the Payroll Company’s online payroll management system, and either picking up, or accepting delivery of, the payroll checks from the Payroll Company. Defendant POPEWINY also was responsible for distributing the paychecks at the Company.

The Scheme to Defraud

2. From in or about June 2012 to in or about April 2015, in the District of New Jersey, and elsewhere, defendants

LISA POPEWINY,
ANGEL D. VIDAL, and
ANGEL GABRIEL VIDAL,

and others did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

Object of the Scheme to Defraud

3. The object of the scheme and artifice to defraud was for defendant POPEWINY to add non-existent employees and former employees who were not then employed by the Company, including defendant ANGEL GABRIEL, defendant ANGEL D., and Co-schemer 1, to the Company’s payroll in order to

generate approximately \$920,379.72 in fraudulent paychecks (the "Fraudulent Paychecks"); for defendant ANGEL D., defendant ANGEL GABRIEL, and Co-schemer 1 to convert the Fraudulent Paychecks, many of which were deposited into their bank accounts, and share a substantial amount of the proceeds with defendant POPEWINY; and for defendant POPEWINY and the other co-schemers to use and cause the use of interstate wire transmissions to facilitate this scheme and artifice to defraud the Company.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme and artifice to defraud that:

A. Co-schemer 1 recruited individuals to provide their personal identifying information so that defendant POPEWINY could add them to the Company payroll. The payees were to be compensated for the use of their personal identifying information by defendant POPEWINY facilitating their ability to file for unemployment benefits accrued as a result of being on the Company payroll.

B. To generate the Fraudulent Paychecks, defendant POPEWINY accessed the Payroll Company's payroll management system from Clifton and entered fictitious work hours for the payees, including defendant ANGEL D., defendant ANGEL GABRIEL, and Co-schemer 1, which were digitally transmitted to the Payroll Company via one of the Payroll's Company's two servers located in South Dakota and Georgia. Between in or about June 2012 and in or about April 2015, defendant POPEWINY caused the Company to issue Fraudulent Paychecks to the listed payees in the following total amounts:

Payee	Date Range of Subject Paychecks (Approximately)	Total Subject Paychecks Issued (Approximately)
Payee 1	8/7/2014 – 4/16/2015	\$ 39,080.38
Payee 2	4/4/2013 – 8/7/2014	\$ 78,940.04
Payee 3	10/2/2014 – 4/16/2015	\$ 38,308.93
Payee 4	6/26/2014 – 4/16/2015	\$ 54,016.60
Payee 5	7/24/2014 – 4/2/2015	\$ 43,777.10
Payee 6	6/27/2013 – 6/26/2014	\$ 57,413.04
Payee 7	3/20/2014 – 4/2/2015	\$ 45,955.91
Payee 8	8/8/2013 – 4/16/2015	\$ 118,788.73
ANGEL GABRIEL	11/27/2013 – 4/16/2015	\$ 92,808.60
ANGEL D.	7/11/2013 – 4/16/2015	\$ 94,885.21
Payee 11	3/6/2014 – 4/16/2015	\$ 71,616.80
Co-schemer 1	6/14/2012 – 4/16/2015	\$ 184,788.38

C. In an effort to conceal the scheme, defendant POPEWINY created and used false files and documents (in some instances, with the assistance of Co-schemer 1) to create the false pretense that the payees were working for the Company when, in fact, they were not. In one instance, as the scheme was being investigated by officers at the Company, defendant POPEWINY asked a supervisor at the Company to assist her in falsifying trip sheets, the forms that the Company used to keep track of drivers' hours. On or about April 17, 2015,

defendant POPEWINY sent the supervisor a text message, stating "Can I tell you the hours and names and u create a trip sheet? Sorry to get you involved."

5. For the purposes of executing and attempting to execute this scheme and artifice to defraud, on or about the dates set forth below, in the District of New Jersey and elsewhere, defendants as set forth below, knowingly and intentionally did transmit and cause to be transmitted by means of wire, radio and television communication, in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as described below:

<u>Count</u>	<u>Approximate Date</u>	<u>Defendants</u>	<u>Wire Communication</u>
One	Between November 24, 2013 and November 27, 2013	LISA POPEWINY ANGEL D. VIDAL ANGEL GABRIEL VIDAL	Defendant POPEWINY, using a computer in Clifton, entered on the Payroll Company's payroll management system fictitious work hours for certain payees, which were digitally transmitted to the Payroll Company via the Payroll Company's servers located outside of the State of New Jersey.
Two	Between October 26, 2014 and October 30, 2014	LISA POPEWINY ANGEL D. VIDAL ANGEL GABRIEL VIDAL	Defendant POPEWINY, using a computer in Clifton, entered on the Payroll Company's payroll management system fictitious work hours for certain payees, which were digitally transmitted to the Payroll Company via the Payroll Company's servers located outside of the State of New Jersey.
Three	April 17, 2015	LISA POPEWINY ANGEL D. VIDAL	Defendant POPEWINY sent from New Jersey a text message to a Company

			supervisor in New York, stating "Can I tell you the hours and names and u create a trip sheet? Sorry to get you involved."
Four	Between April 16, 2015 and April 26, 2015	LISA POPEWINY ANGEL D. VIDAL	Co-Schemer 1, in New Jersey, made a telephone call to Payee 11, in the Dominican Republic, to request documents for defendant POPEWINY to use in a fake employee file.

In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to defendants POPEWINY, ANGEL D. and ANGEL GABRIEL that, upon conviction of the wire fraud offenses charged in this Indictment, the government will seek forfeiture, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real and personal, that constituted and was derived from proceeds traceable to the violations of Title 18, United States Code, Section 1343, including, but not limited to, a sum of money equal to at least \$920,379.72 in United States currency.

3. If by any act or omission of defendants POPEWINY, ANGEL D. and ANGEL GABRIEL any of the property subject to forfeiture herein:

- 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 without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

Paul J. Fishman/rah

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 16-485(mca)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**LISA POPEWINY, ANGEL D. VIDAL,
and ANGEL GABRIEL VIDAL**

INDICTMENT FOR

18 U.S.C. § 981(a)(1)(C)
18 U.S.C. § 1343
18 U.S.C. § 2
28 U.S.C. § 2461(c)

A True Bill,

PAUL J. FISHMAN
UNITED STATES ATTORNEY, NEWARK, NEW JERSEY

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