

Approved:


JERRY J. FANG
Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

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	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
	:	Violations of 18 U.S.C. §§ 1343 and
- v. -	:	2
	:	
DONNA MURRAY,	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendant.	:	
	:	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTINE ATWOOD, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE
(Wire Fraud)

1. From at least in or about October 2019 through at least in or about March 2021, in the Southern District of New York and elsewhere, DONNA MURRAY, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, MURRAY, while employed as a finance director by a non-profit financial services trade association located in Manhattan, New York, embezzled funds from her employer by initiating unauthorized wire transfers of approximately \$490,000 from a bank account held by her employer to a personal bank account held by MURRAY.

(Title 18, United States Code, Section 1343 and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement agents, witnesses, and others, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

3. As described further below, DONNA MURRAY, the defendant, was a finance director at a non-profit financial services trade association located in Manhattan, New York ("Company-1"). From at least in or about October 2019 through at least in or about March 2021, while serving as a finance director for Company-1, MURRAY embezzled funds from Company-1 by misappropriating approximately \$490,000 from an account held by Company-1 (the "Company-1 Account") at a financial institution ("Bank-1"). Specifically, MURRAY caused these funds to be transferred using more than 100 wire transfers (the "Fraudulent Wire Transfers") from the Company-1 Account to a personal bank account (the "Murray Account") that MURRAY had with another financial institution ("Bank-2").

4. Once DONNA MURRAY, the defendant, transferred Company-1's funds from the Company-1 Account to the Murray Account, she withdrew more than \$400,000 in cash in total on more than 300 occasions, from in or about October 2019 through in or about March 2021, and used the remainder of the stolen funds for personal expenses. To conceal her misappropriation of funds from the Company-1 Account, MURRAY fabricated the names of the recipients and invoice numbers associated with the Fraudulent Wire Transfers in Company-1's general ledger to falsely show that those wire transfers were made for legitimate purposes, whereas they had in fact been sent to MURRAY without Company-1's knowledge or authorization. In addition, at least on one occasion, MURRAY altered a Company-1 Account statement sent to Company-1's deputy general counsel for approval to misrepresent that a wire transfer had been received by a legitimate recipient, whereas it had in fact been received by MURRAY.

The Embezzlement Scheme

5. Based on my conversations with other law enforcement officers and employees of Company-1, my review of law enforcement records and information provided by employees of Company-1 and others, and my review of open-source information, I have learned the following, in substance and in part:

a. Company-1 is a non-profit trade association based in Manhattan, New York, employing approximately 14-16 employees during the relevant time period. Incorporated in the mid-1990s, Company-1 serves as a trade association for the U.S. syndicated lending market and has more than 600 institutional members, including buy-side firms, sell-side

firms, and other service providers, such as law firms, accounting firms, and consulting firms. Company-1's activities include promoting industry thought leadership, participating in advocacy work to maintain the fairness and efficiency of the industry, educating members and other stakeholders, and establishing industry standards and best practices.

b. In or about December 2017, DONNA MURRAY, the defendant, began employment at Company-1 as the Director of Finance, reporting directly to the executive director of Company-1. As the sole finance department employee at Company-1, MURRAY maintained the books for Company-1 and handled membership dues, accounts payable, reimbursements, payroll, in addition to assisting with information technology and employee benefits. MURRAY was also responsible for providing Company-1's financial statements to its outside auditors. To carry out her duties, MURRAY was given access to the Company-1 Account. At no time during her employment as Director of Finance did MURRAY have authorization to transfer money from the Company-1 Account to her personal bank account.

c. MURRAY abruptly resigned without explanation in or about August 2022. Following MURRAY's unexpected departure, Company-1 requested the assistance of a consulting and accounting firm ("Accounting Firm-1") to review and audit Company-1's financial and accounting records for 2020, 2021, and 2022.

d. During the course of Accounting Firm-1's work, it discovered irregularities with respect to the Company-1 Account. Specifically, Accounting Firm-1 noticed suspicious wire transfers from the Company-1 Account, purportedly to an information technology consulting firm that was a client of Company-1 ("Client-1"), which Accounting Firm-1 could not reconcile based on the invoice numbers that appeared to be associated with those transactions. Accounting Firm-1 alerted Company-1's executive director to the potential fraud. After reviewing the invoices, Client-1's head of finance informed Accounting Firm-1 and Company-1's executive director that while the invoice numbers resembled ones that Client-1 would use, those numbers did not follow Client-1's invoice numbering sequence. Client-1 also confirmed that it never received any payments from Company-1 that matched the suspicious transactions.

e. Upon further investigation, Company-1's executive director and Accounting Firm-1 discovered that the suspicious wire transfers went to the Murray Account, held with Bank-2. Accounting Firm-1 found additional wire transfers from the Company-1 Account to the Murray Account that dated back to late 2019, which appeared to end in or about March 2021. After reviewing Company-1's ADP account, Company-1's executive director and Accounting Firm-1 realized that the account number for the Murray Account, where the suspicious wire transfers ended up, matched MURRAY's direct deposit account that MURRAY used to receive her Company-1 salary.

6. Based on my review of bank records, records from other entities, as well as my conversations with employees of Company-1 and Accounting Firm-1, I know that DONNA MURRAY, the defendant, misappropriated approximately \$490,000 from the Company-1 Account the Fraudulent Wire Transfers from the Company-1 Account to the Murray Account for her own benefit, falsified Company-1's general ledger to conceal her unlawful activities, and falsely altered at least one Company-1 Account statement to evade detection by Company-1. Specifically, I have

learned the following, in substance and in part:

a. During all relevant times, MURRAY had control over and access to Company-1's financial accounts,¹ including the Company-1 Account—indeed, MURRAY was the only employee at Company-1 who handled Company-1's financial matters, was the only employee at Company-1 with access to Company-1's online banking accounts, and was the only employee who had the ability to make wire transfers for Company-1.

b. Prior to the COVID-19 pandemic, Company-1's executive director also reviewed invoices and checks that MURRAY prepared approximately twice a month. With respect to the Company-1 Account, Company-1's deputy general counsel received paper statements for the Company-1 Account by mail to review.

c. In or about October 2019, MURRAY began wiring money from the Company-1 Account to the Murray Account, usually on a weekly basis. These transactions typically ranged between \$1,000 to \$5,000. In Bank-1's online payment portal—to which MURRAY had access—the beneficiary of the transactions was generally entered as “Donna Murray,” even though Company-1's general ledger—which MURRAY was responsible for updating—falsely listed those transactions as being associated with legitimate vendors of Company-1, misrepresented them as being for plausible business expenses, and listed fake invoice numbers for the transactions.²

d. During the pandemic, Company-1 closed its offices from in or about March 2020 through late spring of 2021. During this time, Bank-1 sent paper copies of the Company-1 Account statements, initially, to MURRAY's home address at MURRAY's suggestion, and subsequently, to Company-1's office address, where MURRAY retrieved them. Although MURRAY was supposed to mail a hard copy or email a scanned copy of the statements to Company-1's deputy general counsel, MURRAY often failed to do so or did so in an untimely fashion.

e. In or about December 2020, Company-1's deputy general counsel requested that MURRAY mail her the outstanding unopened Company-1 Account statements for review. MURRAY advised that she would send the statements she had, but that she had not yet received the November 2020 statement. On or about April 21, 2021, Company-1's deputy general counsel reached out again to MURRAY to ask for the November 2020 and December 2020 statements. On or about April 26, 2021, MURRAY finally sent the November 2020 statement to Company-1's deputy general counsel. Based on my comparison of the version of the November 2020 statement that MURRAY sent to Company-1's deputy general counsel with the version of

¹ Although Company-1's general counsel—in addition to MURRAY—was also a signatory for the Company-1 Account, the general counsel did not access the account.

² For example, the general ledger entries for the Fraudulent Transactions misrepresented that they went to various law firms, consulting firms, and financial institutions, among other recipients, for various purported business purposes, such as retainer fees, payments for office equipment, and payments for vendor services.

the November 2020 statement provided by Bank-1, I have learned that MURRAY altered the memo line for one of the wire transfers from the Company-1 Account in order to further conceal her unlawful conduct. In particular, the altered memo line falsely indicated that the purpose of the wire transfer was to fund an employer-funded group health plan, whereas the actual memo line read “WIRE TO Donna Murray.”

f. As MURRAY’s embezzlement continued, the Fraudulent Wire Transfers increased in amount, generally ranging between \$4,000 and \$10,000. For example, in or about August 31, 2020, MURRAY transferred \$9,905.63 from the Company-1 Account to the Murray Account. Although no individual wire transfer exceeded \$10,000, MURRAY often made wire transfers on consecutive days that, in the aggregate, exceeded \$10,000. On August 6, 2020, for instance, MURRAY transferred \$6,932.61 from the Company-1 Account to the Murray Account, followed by \$7,342.06 the following day. Similarly, on August 25, 2020, MURRAY transferred \$4,833.53 from the Company-1 Account to the Murray Account, followed by \$8,921.90 the day after.

g. By April 2021, MURRAY stopped making entries to Company-1’s general ledger. By this time, Company-1 had also begun to move its operational accounts from Bank-1 to another bank, and MURRAY stopped transferring money from the Company-1 Account to the Murray Account. In total, MURRAY misappropriated approximately \$490,000 from the Company-1 Account to the Murray Account from in or about October 2019 through in or about March 2021.³ At no point during this timeframe did MURRAY have authorization to transfer or wire money belonging to Company-1 to her personal account.

h. Based on my review of bank records, I have learned that MURRAY withdrew approximately \$400,000 in cash from the Murray Account on more than 300 occasions between October 2019 and March 2021. These withdrawals—which typically occurred multiple times a week, and in some instances, multiple times per day—generally ranged between a few hundred dollars to approximately \$5,000. Although MURRAY cashed out the vast majority of the funds that she misappropriated with the Fraudulent Wire Transfers, she also used the funds for peer-to-peer online money transfers and various personal expenses, such as loan payments, as well as consumer and luxury items, including Yves Saint Laurent and Michael Kors designer apparel; beauty, wellness, and skincare products and services; home furnishings and décor; Amazon Prime Video, Netflix, and Sirius XM purchases; hundreds of Amazon orders; smoke shop purchases; and a treadmill for cats.

7. Based on my conversations with other law enforcement officers, who have spoken with representatives of Bank-1, I have learned that Bank-1 processes outgoing wire transactions through its servers, which are located in Ohio and Texas.

8. Based on my conversations with other law enforcement officers, who have

³ Based on my review of bank records and information provided by Company-1, I have learned that at least some of the Fraudulent Wire Transfers prior to the COVID-19 pandemic were made during normal business hours and that employees of Company-1 were generally required to be in the office prior to the pandemic.

spoken with representatives of Bank-2, I have learned that Bank-2 processes incoming wire transactions through its servers, which are located in Delaware, Illinois, Michigan, and New Jersey.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of DONNA MURRAY, the defendant, and that she be arrested, and imprisoned or bailed, as the case may be.

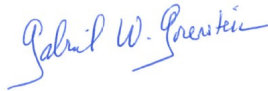
/s/ sworn telephonically

JUSTINE ATWOOD

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint
by reliable electronic means, pursuant to Federal Rules of
Criminal Procedure 41(d)(3) and 4.1, this 8 day of March, 2023



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK