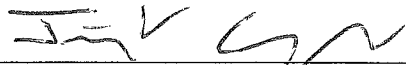


Approved: 

TIMOTHY V. CAPOZZI  
Assistant United States Attorney

16 MAG 6663

Before: HONORABLE HENRY B. PITMAN  
United States Magistrate Judge  
Southern District of New York

----- X  
: SEALED COMPLAINT  
UNITED STATES OF AMERICA :  
: Violations of  
- v. - : 18 U.S.C. §§ 1349,  
: 1341 & 2  
MYONG HWAN HAN, :  
a/k/a "David Han," : COUNTY OF OFFENSE:  
: NEW YORK  
Defendant. :  
: :  
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

KATHRYN M. SEARLES, being duly sworn, deposes and says that she is a Postal Inspector with the United States Postal Inspection Service, and charges as follows:

COUNT ONE  
(Conspiracy to Commit Mail Fraud)

1. From at least in or about April 2016, up to and including at least in or about September 2016, in the Southern District of New York and elsewhere, MYONG HWAN HAN, a/k/a "David Han," the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit mail fraud, in violation of Title 18, United States Code, Section 1341.

2. It was a part and object of the conspiracy that MYONG HWAN HAN, a/k/a "David Han," the defendant, and others known and unknown, willfully and 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, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would and did cause to be delivered by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Mail Fraud)

3. From at least in or about April 2016, up to and including at least in or about September 2016, in the Southern District of New York and elsewhere, MYONG HWAN HAN, a/k/a "David Han," the defendant, and others known and unknown, willfully and 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, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail and such carriers, according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, to wit, HAN and others known and unknown transmitted by United States mail fraudulent notices of violation and thereby induced victims to transmit by United

States mail checks and money orders addressed to a fraudulent entity created by HAN and others known and unknown.

(Title 18, United States Code, Sections 1341 and 2.)

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

4. I am a United States Postal Inspector with the United States Postal Inspection Service. 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 officials 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 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

5. Based on my investigation of this matter, and as set forth more fully below, from in or about April 2016, up to and including at least in or about September 2016, MYONG HWAN HAN, a/k/a "David Han," the defendant, and at least one co-conspirator ("CC-1") appear to have planned and executed a fraudulent scheme whereby HAN and CC-1 created and mailed purported notices of violation to thousands of victims, including victims who resided in or owned property located in the Bronx and Manhattan, New York. The notices of violation, which purported to be official communications from New York City, related to alleged vermin control violations and demanded immediate payments to a sham entity created by HAN and CC-1 in furtherance of their scheme. In response, victims mailed checks and money orders to the sham entity based on their mistaken belief that the notices of violation were legitimate.

#### The Investigation

6. Based on my conversations with a print shop operator ("Witness-1"), I have learned, among other things, the following:

a. Until in or around August 2016, Witness-1 operated a print shop (the "First Print Shop") at a particular

address in the Whitestone neighborhood in Queens, New York (the "First Print Shop Address"). The First Print Shop, among other services, offered printing services and leased post office boxes to its customers.

b. From in or around 2012 to in or around August 2016, CC-1 leased a post office box (the "P.O. Box") at the First Print Shop. During this period, Witness-1 interacted with CC-1 several times. Witness-1 had a particular phone number as a contact number for CC-1 (the "Phone Number").

c. In or around April 2016, CC-1 hired the First Print Shop to print approximately 10,000 copies each of a mailing envelope (the "Mailing Envelope"), a return envelope (the "Return Envelope"), and a flyer, which, based on my investigation, I understand to have been a purported notice of violation (the "Fraudulent Notice," and, with the Mailing Envelope and the Return Envelope, the "Fraudulent Mailing"). Witness-1 recalled that the Fraudulent Mailing related to vermin.

d. The First Print Shop printed approximately 10,000 copies of the Mailing Envelope and approximately 10,000 copies of the Return Envelope.

e. The First Print Shop outsourced printing of the Fraudulent Notice to another print shop (the "Second Print Shop").

f. In or around April or May 2016, CC-1 told Witness-1 to expect a large amount of mail for CC-1.

g. On or about September 12, 2016, I showed Witness-1 a photograph depicting CC-1, and Witness-1 identified the individual in the photograph as CC-1.

7. Based on my conversations with an employee of the Second Print Shop ("Witness-2"), and my review of records from the Second Print Shop, in or around April 2016, the Second Print Shop printed approximately 10,000 copies of the Fraudulent Notice at the direction of the First Print Shop. Witness-2 recalled that the Fraudulent Notice related to pest control violations in New York City.

8. Based on my review of the Fraudulent Mailing, I have learned the following:

a. The Fraudulent Mailing purported to be from an entity called "Vermin Control of New York."

b. Printed on the Mailing Envelope as a return address for Vermin Control of New York was 12 Eagle Street in Albany, New York (the "Return Address").

c. Printed on the Return Envelope as a mailing address for Vermin Control of New York was the First Print Shop Address.

d. The Fraudulent Notice included a New York City Department of Health and Mental Hygiene ("NYC Health") logo (the "Logo").

e. The Fraudulent Notice was purportedly signed by the Commissioner of the New York City Department of Buildings ("NYC Buildings").

f. The Fraudulent Notice listed a contact phone number (the "Contact Number") and a partial website address (the "Partial Website Address").

g. The Fraudulent Notice directed immediate payment of \$120 to the Vermin Control Board of New York at the First Print Shop Address and stated, in part:

i. "Please fill out the following form with your property information and return a check or money order in the enclosed envelope;"

ii. "Failure to remit Payment will result in the following: Additional Fees, Surcharges and Lein [sic] on property;"

iii. "This violation cannot be contested or challenged;" and

iv. "Failure to comply will result in a property lein [sic], in Addition owner will incur a New York City Department of Buildings Fine with Interest and an appearance to appear before a judge on an ordered court date."

9. Based on my review of a website (the "Website") with a web address that included the Partial Website Address, I have learned the following:

a. The top of the Website stated "Vermin Control of New York."

b. The Website stated, among other things, "If you have received a notice . . . Follow the instructions in the letter . . . You should respond immediately . . . ."

c. Based on my review of an authentic NYC Health pamphlet related to vermin control ("the NYC Health Pamphlet"), much of the text on the Website appeared to have been copied from the NYC Health Pamphlet.

d. The Website listed the Return Address and the Contact Number - that is, the same address printed on the Mailing Envelope and the same contact phone number listed on the Fraudulent Notice.

10. Based on my conversations with a representative from NYC Health who reviewed the Fraudulent Notice, I have learned that the Fraudulent Notice is not a legitimate communication from NYC Health, and NYC Health did not approve use of the Logo on the Fraudulent Notice.

11. Based on my review of the website for New York City, the name appearing on the Fraudulent Notice as the NYC Buildings Commissioner is different from the name of the actual NYC Buildings Commissioner.

12. Based on my conversations with employees of the United States Post Office responsible for delivering mail to Eagle Street in Albany, New York, the Return Address does not exist.

13. Based on my conversations with employees of the United States Post Office located in the Whitestone neighborhood of Queens, New York (the "Whitestone Post Office"), on or about September 15, 2016, MYONG HWAN HAN, a/k/a "David Han," the defendant, appeared at the Whitestone Post Office, produced what appeared to be incorporation documents for Vermin Control of New York, and asked for any mail addressed to Vermin Control of New York. On the same date, another Postal Inspector and I interviewed HAN at the Whitestone Post Office. During that interview, HAN stated, in substance and in part:

a. HAN and CC-1 were business partners in a "pest control" business named Vermin Control of New York.

b. HAN opened a bank account on behalf of Vermin Control of New York.

c. CC-1 recently mailed "a little less than 10,000" copies of the Fraudulent Notice on behalf of Vermin Control of New York. In response, HAN and CC-1 expected to receive checks in the mail.

d. HAN and CC-1 had planned to receive the checks at the First Print Shop, but the First Print Shop had closed. As a result, HAN believed that the checks would be held at the Whitestone Post Office and therefore appeared at the Whitestone Post Office to pick up the checks.

e. HAN and CC-1 agreed to share the proceeds from the checks.

f. CC-1 used the Phone Number to communicate with HAN about the scheme.

14. Also on or about September 15, 2016, an individual who identified himself as CC-1 called me and stated, in substance and in part, that he had leased the P.O. Box at the First Print Shop.

15. Based on my conversations with a particular woman ("Victim-1"), I have learned the following:

a. Victim-1 received the Fraudulent Mailing in the mail at her house in Connecticut.

b. When Victim-1 received the Fraudulent Notice, she believed it was an official notice related to a property she owns in New York City.

c. Victim-1 repeatedly called the Contact Number but the number was always busy.

d. In order to avoid the purported consequences listed on the Fraudulent Notice of failing to make immediate payment, Victim-1 used the Return Envelope to mail a check for \$120 to the First Print Shop Address.

16. Based on my conversations with another woman ("Victim-2"), I have learned the following:

a. Victim-2 received the Fraudulent Mailing in the mail at her house in Florida.

b. When Victim-2 received the Fraudulent Notice, she believed it was an official notice related to a property in the Bronx, New York.

c. Victim-2 used the Return Envelope to mail a check for \$120 to the First Print Shop Address.

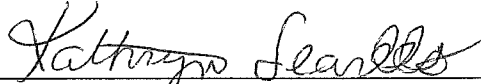
d. After she learned that the Fraudulent Notice was part of a fraudulent scheme, Victim-2 paid to have her check cancelled and changed her bank account number.

17. Based on my review of mail received by the Whitestone Post Office to date, approximately 101 victims have each mailed checks for at least \$120 to the First Print Shop Address in response to the Fraudulent Mailing. I have spoken with approximately 15 of these victims, each of whom mailed a check based on his or her mistaken belief that the Fraudulent Mailing was legitimate.

18. Based on my review of the postmarks on approximately 800 Fraudulent Mailings that were deemed by the United State Post Office as either undeliverable or return to sender, it appears that the Fraudulent Mailings were mailed from New York City on or about August 30, 2016 or on or about August 31, 2016.



WHEREFORE, I respectfully request that a warrant be issued for the arrest of MYONG HWAN HAN, a/k/a "David Han," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

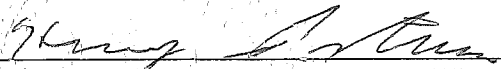


KATHRYN M. SEARLES

Postal Inspector

United States Postal Inspection Service

Sworn to before me this  
/8th day of October 2016



HONORABLE HENRY B. PITMAN

UNITED STATES MAGISTRATE JUDGE

SOUTHERN DISTRICT OF NEW YORK