PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☑ INDICTMENT

CASE NO. CR 13 444

USA vs.

Defendant: Adorean Bo[redacted]

Address:

RS

Matter Sealed: ☐ Juvenile ☑ Other than Juvenile

☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added

☐ Indictment ☐ Charges/Counts Added

☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT
DISTRICT OF Northern California

San Francisco
Divisional Office

Name and Office of Person Furnishing Information on THIS FORM: MELINDA HAAG

☐ U.S. Atty ☐ Other U.S. Agency

Phone No.

Name of Asst. U.S. Attorney (if assigned): Robert S. Leach

☐ Interpreter Required Dialect:

Birth Date

☐ Male ☐ Female

☐ Alien (if applicable)

Social Security Number

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court (give name of court)

☐ this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Atty ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

☐ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAG. JUDGE CASE NO.

Place of offense

County

DEFENDANT

Issue: ☑ Warrant ☐ Summons

Location Status:

Arrest Date ______ or Date Transferred to Federal Custody ______

☐ Currently in Federal Custody

☐ Currently in State Custody

☐ Writ Required

☐ Currently on bond

☐ Fugitive

Defense Counsel (if any):

☐ FPD ☐ CJA ☐ RET'D

☐ Appointed on Target Letter

☐ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 27

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
	PLEASE SEE ATTACHED FOR		
	PENALTIES		

PENALTY SHEET ATTACHMENT

Counts One Through Fourteen:

18 U.S.C. § 1344 – Bank Fraud

Maximum Penalties: 30 years imprisonment
$1,000,000 fine
5 years supervised release (18 U.S.C. §§ 3583(b)(1) & 3559(a)(2))
$100 special assessment (18 U.S.C. § 3013)

Counts Fifteen Through Eighteen:

18 U.S.C. § 1343 – Wire Fraud

Maximum Penalties: 30 years imprisonment
$1,000,000 fine
5 years supervised release (18 U.S.C. §§ 3583(b)(1) & 3559(a)(2))
$100 special assessment (18 U.S.C. § 3013)

Counts Nineteen Through Twenty-Three:

18 U.S.C. § 1957 – Money Laundering

Maximum Penalties: 10 years imprisonment
$250,000 fine or not more than twice the amount of the criminally derived property involved in the transaction (18 U.S.C. § 3571)
3 years supervised release (18 U.S.C. §§ 3583(b)(2) & 3559(a)(3))
$100 special assessment (18 U.S.C. § 3013)

Counts Twenty-Four Through Twenty-Seven:

18 U.S.C. § 1028A – Aggravated Identity Theft

Maximum Penalties: 2 years imprisonment (in addition to punishment provided for underlying felony)
$250,000 fine (18 U.S.C. § 3571)
1 year supervised release (18 U.S.C. §§ 3583(b)(3) & 3559(a)(5))
$100 special assessment (18 U.S.C. § 3013)

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FILED
2013 JUL -9 P 3:30

VENUE: SAN FRANCISCO

UNDER SEAL

UNITED STATES OF AMERICA,

V.

CR 13 444

ADOREAN BOLEANCU

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1344 - Bank Fraud
18 U.S.C. § 1343 - Wire Fraud
18 U.S.C. § 1957 - Money Laundering
18 U.S.C. § 1028A - Aggravated Identity Theft

A true bill.

J Schen
Foreman

Filed in open court this 9 day of

July 2013

Ada Means
Clerk

Bail, $ NO BAIL WARRANT

Jacqueline Scott Corley
United States Magistrate Judge

MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2013 JUL -9 P 3:30

[redacted]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ADOREAN BOLEANCU, Defendant.	CR 13 444 VIOLATIONS: 18 U.S.C. § 1344 – Bank Fraud; 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 1957 – Money Laundering; 18 U.S.C. § 1028A – Aggravated Identity Theft; Criminal Forfeiture – 18 U.S.C. §§ 981(a)(1)(C) & 982(a)(1) & 28 U.S.C. § 2461(c) SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. From in or about July 2004 to in or about February 2008, the defendant, ADOREAN BOLEANCU, worked for Morgan Stanley & Co., Inc. ("Morgan Stanley") and a predecessor firm in San Francisco, California, as Vice President, Financial Advisor, and in another position. Morgan Stanley was a broker-dealer registered with the Securities and Exchange Commission ("SEC").

2. From in or about February 2008 to in or about December 2011, BOLEANCU worked as Vice President, Senior Financial Consultant in the Wealth Management Group of Wells Fargo Advisors,

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LLC, and its predecessor, Wells Fargo Investments, LLC (collectively, "WFA") in San Francisco, California. WFA was also a broker-dealer registered with the SEC.

3. BOLEANCU was a registered representative with the Financial Industry Regulatory Authority ("FINRA"). BOLEANCU held Series 7 (General Securities Representative), Series 31 (Futures Managed Funds Exam), and Series 66 (Uniform Combined State Law Exam) securities licenses.

4. From in or about June 2007 through in or about November 2011, D.T. was a client of BOLEANCU, first at Morgan Stanley and then at WFA. D.T. was widowed in or about September 2006 and was approximately 77 years old when she became a client of BOLEANCU.

5. In or about June 2007, BOLEANCU caused D.T. to open a securities brokerage account with Morgan Stanley. The brokerage account included check writing privileges provided by JPMorgan Chase Bank, N.A. ("JPMorgan") and its agent First Data Resources, Inc. ("First Data").

6. JPMorgan was a financial institution within the meaning of 18 U.S.C. § 20, whose deposits were insured by the Federal Deposit Insurance Corporation.

7. In or about September and October 2007, BOLEANCU caused D.T. to establish two home equity lines of credit ("HELOCs") with Morgan Stanley Credit Corporation ("MSCC"). A HELOC is a revolving loan secured by a borrower's home in which the lender agrees to lend up to a specified amount and the borrower may draw on the loan at his or her discretion. One HELOC established by D.T. was secured by a condominium D.T. owned in California. The other was secured by real property in Colorado. MSCC permitted borrowers like D.T. to draw down on HELOCs by writing checks. Checks written on MSCC HELOCs were payable through Wells Fargo Bank, N.A. ("Wells Fargo"). The account numbers for checks written on D.T.'s HELOCs ended in -8877 and -7240.

8. Saxon Mortgage Services, Inc. ("Saxon"), was an affiliate of MSCC and Morgan Stanley that serviced HELOCs on behalf of MSCC.

<u>The Scheme to Defraud</u>

9. From approximately December 2007 and continuing until approximately December 2011, in the Northern District of California and elsewhere, the defendant,

ADOREAN BOLEANCU,

did knowingly and intentionally devise, and intend to devise, and execute a material scheme and artifice to defraud and to obtain money and property owned by, or under the custody or control of, a financial institution and others by means of materially false and fraudulent pretenses, representations, and promises, namely, by forging checks written on D.T.'s brokerage account and D.T.'s HELOC accounts for his personal benefit.

10. As part of the scheme to defraud, without D.T.'s knowledge or authorization, BOLEANCU wrote checks drawn on D.T.'s brokerage account and D.T.'s HELOC accounts payable to BOLEANCU's family members, his girlfriend, another female acquaintance, cash, and financial companies where BOLEANCU had credit card accounts.

11. As further part of the scheme to defraud, BOLEANCU forged the signature of D.T. on checks and other documents without D.T.'s knowledge or authorization.

12. As further part of the scheme to defraud, BOLEANCU presented and caused to be presented for payment checks bearing the forged signature of D.T. drawn on D.T.'s brokerage account to JPMorgan and First Data as follows:

CHECK NO.	DATE OF CHECK	DATE PAID	PAYEE	AMOUNT
253	12/12/2007	12/21/2007	R.G.	$6,000
255	12/12/2007	12/21/2007	R.G.	$6,000
252	12/20/2007	12/26/2007	C.J.	$6,000
256	12/20/2007	12/26/2007	C.J.	$6,000
257	12/20/2007	12/26/2007	M.J.	$6,000
258	12/20/2007	12/26/2007	M.J.	$6,000
260	1/22/2008	1/23/2008	R.G.	$12,000
261	1/22/2008	1/30/2008	M.J.	$7,000
263	1/22/2008	1/30/2008	C.J.	$8,000
267	1/22/2008	1/30/2008	M.J.	$5,000
268	1/22/2008	1/30/2008	C.J.	$4,000
298	2/25/2008	2/29/2008	Chase	$11,975
301	2/25/2008	3/3/2008	Citibank	$5,255
303	2/25/2008	3/3/2008	Chase	$19,000

13. As further part of the scheme to defraud, BOLEANCU presented and caused to be presented checks bearing the forged signature of D.T. drawn on D.T.'s HELOC accounts to Wells Fargo and MSCC for payment as follows:

ACCT.	CHECK NO.	DATE OF CHECK	DATE PAID	PAYEE	AMOUNT
-7240	126	4/12/2008	4/21/2008	Cash	$9,875
-7240	128	4/14/2008	4/21/2008	R.G.	$2,229.06
-7240	124	4/15/2008	4/22/2008	American Express	$29,985.15
-7240	125	4/15/2008	4/23/2008	Citibank	$7,880.04
-8877	101	10/20/2008	10/24/2008	S.A.	$750,000
-7240	130	5/25/2009	5/28/2009	S.A.	$600,000
-7240	131	1/12/2010	1/14/2010	R.G.	$100,000
-7240	132	1/12/2010	1/14/2010	R.G.	$200,000

14. BOLEANCU used Check Nos. 124 and 125 to pay his credit card accounts. He deposited Check No. 126, made out to "cash," in his own bank account.

15. On or about October 22, 2008, BOLEANCU faxed a letter bearing D.T.'s forged signature from San Francisco, California, to MSCC in Fort Worth, Texas, requesting that MSCC cease sending HELOC account statements to D.T.'s address.

16. On or about October 27, 2008, after depositing Check No. 101 for $750,000, S.A. obtained a $425,000 cashier's check payable to the order of BOLEANCU.

17. On or about October 27, 2008, BOLEANCU deposited that cashier's check into his Citibank checking account, and, on or about October 28, 2008, BOLEANCU withdrew $430,000 in cash from the account.

18. On or about June 3, 2009, after depositing Check No. 130 for $600,000, S.A. issued a $600,000 check payable to BOLEANCU.

19. On or about June 4, 2009, BOLEANCU deposited the $600,000 check from S.A. into his Citibank money market account. On or about June 10, 2009, BOLEANCU transferred $595,000 to his Citibank checking account, and, on or about June 16, 2009, he withdrew $550,000 in cash.

COUNTS ONE THROUGH FOURTEEN: (18 U.S.C. § 1344(2) – Bank Fraud)

20. The factual allegations in Paragraphs 1 through 19 are re-alleged and incorporated by reference.

21. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

ADOREAN BOLEANCU,

did knowingly execute, and attempt to execute, a scheme and artifice to obtain money, funds, credits, assets, securities, and other property owned by, and under the custody or control of, a financial institution, namely JPMorgan, by means of materially false and fraudulent pretenses, representations, and promises as follows:

COUNT	**CHECK NO.**	**DATE PAID**	**PAYEE**	**AMOUNT**
ONE	253	12/21/2007	R.G.	$6,000
TWO	255	12/21/2007	R.G.	$6,000
THREE	252	12/26/2007	C.J.	$6,000
FOUR	256	12/26/2007	C.J.	$6,000
FIVE	257	12/26/2007	M.J.	$6,000
SIX	258	12/26/2007	M.J.	$6,000
SEVEN	260	1/23/2008	R.G.	$12,000
EIGHT	261	1/30/2008	M.J.	$7,000
NINE	263	1/30/2008	C.J.	$8,000
TEN	267	1/30/2008	M.J.	$5,000
ELEVEN	268	1/30/2008	C.J.	$4,000
TWELVE	298	2/29/2008	Chase	$11,975
THIRTEEN	301	3/3/2008	Citibank	$5,255
FOURTEEN	303	3/3/2008	Chase	$19,000

All in violation of Title 18, United States Code, Section 1344(2).

COUNTS FIFTEEN THROUGH EIGHTEEN: (18 U.S.C. § 1343 – Wire Fraud)

22. The factual allegations in Paragraphs 1 through 21 are re-alleged and incorporated by reference.

23. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

ADOREAN BOLEANCU,

did knowingly devise, and intend to devise, a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises and, for the purpose of executing such scheme and artifice to defraud, did transmit, and cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, namely, the following wire communications:

COUNT	DATE	DESCRIPTION	FROM	TO
FIFTEEN	10/22/2008	Faxed letter bearing D.T.'s forged signature	Wells Fargo Bank in San Francisco, CA	MSCC in Fort Worth, TX
SIXTEEN	10/24/2008	Faxed Sharedraft Photo Request relating to HELOC Check 101	Saxon in Fort Worth, TX	Wells Fargo Bank in MN
SEVENTEEN	5/28/2009	Faxed Sharedraft Photo Request relating to HELOC Check 130	Saxon in Fort Worth, TX	Wells Fargo Bank in MN
EIGHTEEN	01/14/2010	Faxed Sharedraft Photo Request relating to HELOC Checks 131 and 132	Saxon in Fort Worth, TX	Wells Fargo Bank in MN

All in violation of Title 18, United States Code, Section § 1343.

COUNTS NINETEEN THROUGH TWENTY-THREE: (18 U.S.C. § 1957 – Money Laundering)

24. The factual allegations of Paragraphs 1 through 23 are re-alleged and incorporated by reference.

25. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

ADOREAN BOLEANCU,

did knowingly and intentionally engage and attempt to engage in monetary transactions in criminally derived property of a value greater than $10,000 as described below and derived from specified unlawful activity, namely property derived from wire fraud in violation of Title 18, United States Code, Section 1343:

COUNT	DATE	MONETARY TRANSACTION
NINETEEN	10/27/2008	$425,000 cashier's check deposit to Citibank Account No. -8503 in name of BOLEANCU
TWENTY	10/28/2008	$430,000 cash withdrawal from Citibank Account No. -8503 in name of BOLEANCU
TWENTY-ONE	6/4/2009	$600,000 check deposit to Citibank Account No. -9300 in name of BOLEANCU
TWENTY-TWO	6/10/2009	$595,000 transfer from Citibank Account No. -9300 in name of BOLEANCU to Citibank Account No. -8503 in name of BOLEANCU
TWENTY-THREE	6/16/2009	$550,000 cash withdrawal from Citibank Account No. -8503 in name of BOLEANCU

All in violation of Title 18, United States Code, Section 1957.

COUNTS TWENTY-FOUR THROUGH TWENTY-SEVEN: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

26. The factual allegations of Paragraphs 1 through 25 are re-alleged and incorporated by reference.

27. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

ADOREAN BOLEANCU,

did knowingly use, without lawful authority, a means of identification of another person, namely, the name and purported signature of D.T., during and in relation to a felony violation of Title 18, United States Code, Section 1343, as alleged in Counts Fifteen through Eighteen of this Indictment, as follows:

COUNT	WIRE FRAUD VIOLATION
TWENTY-FOUR	10/22/2008 faxed letter bearing D.T.'s name and forged signature, as alleged in Count Fifteen
TWENTY-FIVE	10/24/2008 faxed Sharedraft Photo Request relating to HELOC Check 101, bearing D.T.'s name and forged signature, as alleged in Count Sixteen
TWENTY-SIX	5/28/2009 faxed Sharedraft Photo Request relating to HELOC Check 130, bearing D.T.'s name and forged signature, as alleged in Count Seventeen
TWENTY-SEVEN	1/14/2010 faxed Sharedraft Photo Request relating to HELOC Checks 131 and 132, bearing D.T.'s name and forged signature, as alleged in Count Eighteen

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461 – Forfeiture of Fraud Proceeds)

28. The factual allegations in Paragraphs 1 through 25 are realleged and 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.

29. Upon conviction of any of the offenses alleged in Counts One through Eighteen, the defendant,

ADOREAN BOLEANCU,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any property, real and personal, which constitutes or is derived from proceeds traceable to said violations, including but not limited to a sum of not less than $1,808,199, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Eighteen.

SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture)

30. The factual allegations in Paragraphs 1 through 25 are realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

31. Upon conviction of any of the offenses alleged in Counts Nineteen through Twenty-Three, the defendant,

ADOREAN BOLEANCU,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real and personal, involved in said violations, including, but not limited to, a sum of not less than $1,025,000, representing the amount of funds involved in the offenses alleged in Counts Nineteen through Twenty-Three.

32. If, as a result of any act or omission of the defendant, any of said property

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to or deposited with a third person;

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;

any and all interest defendant has in any other property, up to the value of the property described in Paragraph 28-31 above, shall be forfeited to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461.

All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461.

DATED: July 9, 2013

A TRUE BILL

FOREPERSON

MELINDA HAAG
United States Attorney

J. Douglas Wilson

J. DOUGLAS WILSON
Chief, Criminal Division

(Approved as to form: Robert Leach)
AUSA ROBERT S. LEACH