

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

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

COUNT 1, 18 U.S.C. § 1349, Conspiracy to Engage in Wire Fraud; COUNTS 6, 8-9, 18 U.S.C. §§1343 and 2, Wire Fraud; COUNTS 12-14, 18 U.S.C. §§ 1028A and 2, Aggravated Identity Theft

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

Ct 1, 6, 8-9 - 20 yrs imprisonment, greater of \$250,000 fine or twice the gross gain/loss, 3 yrs SR, \$100 SA, Restitution; Ct 12-14 - 2 yrs mandatory imprisonment, consecutive to underlying felony conviction; \$250,000 fine; 1 yr SR; \$100 SA; Restitution

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 Federal Bureau of Investigation, SA Leland Castro

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

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

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

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

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

SHOW
DOCKET NO.

MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

Melinda Haag

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

Denise Marie Barton

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

HONG LEE WONG, a/k/a William Wong

DISTRICT COURT NUMBER

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

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 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
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COUNT 1, 18 U.S.C. § 1349, Conspiracy to Engage in Wire Fraud; COUNTS 2-9, 18 U.S.C. §§ 1343 and 2, Wire Fraud; COUNTS 10-14, 18 U.S.C. §§ 1028A and 2, Aggravated Identity Theft

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

Ct 1, 2-9 - 20 yrs imprisonment, greater of \$250,000 fine or twice the gross gain/loss, 3 yrs SR, \$100 SA, Restitution; Ct 10-14 - 2 yrs mandatory imprisonment, consecutive to underlying felony conviction; \$250,000 fine; 1 yr SR; \$100 SA; Restitution

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 Federal Bureau of Investigation, SA Leland Castro

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 Name and Office of Person
 Furnishing Information on
 THIS FORM

Melinda Haag

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Denise Marie Barton

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

NGOC DUONG, a/k/a Danny Duong

DISTRICT COURT NUMBER

12

578

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

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Has detainer been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

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*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

MELINDA HAAG (CABN 132612)
United States Attorney

SEALED
BY COURT ORDER

FILED
JUL 20 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NGOC DUONG,
a/k/a Danny Duong, and
HONG LEE WONG,
a/k/a William Wong,

Defendants.

CR 12 578

VIOLATIONS: 18 U.S.C. § 1349 —
Conspiracy to Commit Wire Fraud; 18
U.S.C. § 1343 — Wire Fraud; 18 U.S.C.
§ 1028A(a)(1) — Aggravated Identity Theft;
18 U.S.C. § 2 — Aiding and Abetting; 18
U.S.C. §§ 981(a)(1)(C) & 28 U.S.C.
§ 2461(c) — Criminal Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

Introductory Allegations

1. NGOC DUONG, also known as Danny DUONG (DUONG), resided in Fountain Valley, California. DUONG was a partner in Incom Trading Corporation, Inc., which has its principal place of business in Fountain Valley, California. DUONG used email accounts ngoc#####@yahoo.com, ngoc#####@incomtrading.com, ngoc#####@gmail.com, the servers of which were located in Sunnyvale and Mountain View, California.

INDICTMENT

1 2. HONG LEE WONG, also know as William WONG (WONG), resided in
2 Torrance, California. WONG used an email account, Pw#####@aol.com, the server for which is
3 located in Virginia. WONG was a principal in two businesses, Powell Trading, Inc. and Powell
4 Commodity, Inc., both of which had their principal places of business in Torrance, California.

5 3. Cheery Way, Inc. ("Cheery Way") was a business located in the Northern District
6 of California that purchased and resold scrap metal. E.C. was the owner of Cheery Way. E.C.'s
7 sons B.C. and J.C, W.S, and J.L. were employees of Cheery Way. Cheery Way engaged in
8 business transactions with Zheijang Metals and Materials and Zheijang Concentrating
9 (collectively referred to as "Zheijang"), both of which were located in China, relating to scrap
10 metal transactions. Zheijang was owned by T.S, a relative of E.C.

11 4. Beginning no later than April 2009 and continuing until at least August 2011,
12 DUONG and WONG worked with Cheery Way and Zheijang on several business projects
13 throughout the United States, including the resale of scrap metal acquired by DUONG and
14 WONG.

15 Scheme and Artifice to Defraud

16 5. Beginning not later than July 2010, and continuing through at least August 2011,
17 both dates being approximate and inclusive, DUONG and WONG falsely represented to
18 representatives of Cheery Way and Zheijang that they had an agreement with the City of New
19 Orleans, Louisiana, to demolish a site that previously operated as a Six Flags amusement park in
20 New Orleans and to salvage scrap metal from that location ("Six Flags Project"). The defendants
21 also knowingly created false and fraudulent documents to induce Cheery Way and Zheijang to
22 make payments to the defendants for the Six Flags project and to induce Cheery Way and
23 Zheijang to continue ongoing work with them on other unrelated projects.

24 Manner and Means

25 6. In furtherance of the scheme to defraud, between approximately September 20,
26 2010, and October 8, 2010, DUONG and WONG falsely represented that they had obtained
27 insurance for the Six Flags project on behalf of Cheery Way and Zheijang and requested payment
28 from Cheery Way and Zheijang for that insurance.

1 7. In furtherance of the scheme to defraud, DUONG and WONG entered into a
2 contract dated on or about October 1, 2010, with CHEERY WAY, in which the defendants
3 falsely represented that they had the right to sell, dismantle, and demolish the Six Flags
4 amusement park pursuant to an agreement with the City of New Orleans.

5 8. In furtherance of the scheme to defraud, DUONG and WONG falsely represented
6 that they had been awarded a contract by the City of New Orleans for the Six Flags Project and,
7 on or about October 21, 2010, sent representatives of Cheery Way and Zheijang a fraudulent
8 contract that purported to be a Services Agreement between the City of New Orleans Department
9 of Property Management and Incom Trading Corporation, Inc. for work at the Six Flags site.

10 9. In furtherance of the scheme to defraud, between approximately September 1,
11 2010, and August 18, 2011, DUONG and WONG created false and fraudulent documents that
12 purported to be from representatives of the City of New Orleans and the Office of the Inspector
13 General of the City of New Orleans and, at various times, sent those documents to Cheery Way
14 and Zheijang.

15 COUNT ONE: 18 U.S.C. § 1349 — Conspiracy to Commit Wire Fraud

16 10. The factual allegations of paragraphs 1 through 9 of this Indictment are re-alleged
17 and incorporated herein as if set forth in full.

18 11. Beginning on a date unknown to the Grand Jury, but no later than in or about July
19 2010, and continuing until at least August 23, 2011, both dates being approximate and inclusive,
20 within the Northern District of California and elsewhere, the defendants,

21 NGOC DUONG,
22 a/k/a Danny Duong,
23 and
24 HONG LEE WONG,
25 a/k/a William Wong,

26 did knowingly and willfully conspire and agree to devise and participate in a material scheme and
27 artifice to defraud, and to obtain money and property by means of materially false and fraudulent
28 pretenses, representations, and promises, and, for the purpose of executing and attempting to
execute such scheme and artifice, did knowingly and intentionally cause to be transmitted, in

interstate commerce, by means of a wire communication, certain writings, signs, and signals, in violation of Title 18, United States Code, Section 1343.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO - NINE: 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 2 – Aiding and Abetting

12. The factual allegations of paragraphs 1 through 9 of this Indictment are re-alleged and incorporated herein as if set forth in full.

13. On or about the dates set forth below, within the Northern District of California and elsewhere, the defendants named below, for the purpose of executing and attempting to execute the material scheme and artifice to defraud Cheery Way and Zheijang, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted the following wire communications in interstate commerce:

COUNT	DEFENDANT	DATE OF WIRE	NATURE OF WIRE COMMUNICATION
2	NGOC DUONG, a/k/a Danny Duong	9/20/2010	Email from DUONG to WONG and W.S. titled "Re: Insurance Certificate"
3	NGOC DUONG, a/k/a Danny Duong	10/21/2010	Email from DUONG to WONG and W.S. titled "Six Flag Contract" with attachment titled "Services Agreement"
4	NGOC DUONG, a/k/a Danny Duong	12/17/2010	Email from DUONG to WONG and W.S. titled "Letter for six flags assist clean-up"
5	NGOC DUONG, a/k/a Danny Duong	1/4/2011	Email from DUONG to W.S. and J.C. titled "Delay for six flags assist clean-up"
6	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	1/27/2011	Email from WONG to T.S, W.S., and J.C. forwarding 1/27/2011 emails from DUONG to WONG titled "Request for Independent Inspector"
7	NGOC DUONG, a/k/a Danny Duong	2/7/2011	Emails from DUONG to WONG, W.S., and J.C. titled "Six flags clean-up Schedule"
8	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	5/17/2011	Email from WONG to T.S., J.C., and W.S. forwarding 5/16/2011 email from DUONG to WONG titled "The (Jazz Land) Six Flags Theme Park Proposal Up-Dated"

9	NGOC DUONG, a/k/a Danny Duong, and HONG LEE WONG, a/k/a William Wong	8/18/2011	Email from WONG to T.S., W.S., and J.C. forwarding Email from DUONG titled "Schedule to Proceed - New Orleans East Redevelopment Opportunity"
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All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft

14. The factual allegations of paragraphs 1 through 9 of this Indictment are re-alleged and incorporated herein as if set forth in full.

15. On or about September 1, 2010, in the Northern District of California and elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c)(5),

NGOC DUONG,
a/k/a Danny Duong,

did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, that is, the defendant used the name of a real person, Brian F., in a letter sent to Cheery Way, to commit a violation of 18 U.S.C. § 1349, as charged in Count One of this Indictment.

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

COUNT ELEVEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft

16. The factual allegations of paragraphs 1 through 9 of this Indictment, and the transaction alleged in Count 3, are re-alleged and incorporated herein as if set forth in full.

17. On or about October 21, 2010, in the Northern District of California and elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c)(5),

NGOC DUONG,
a/k/a Danny Duong,

did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person, that is, the defendant used the name of a real person, George P., in a document titled "Services Agreement" that was attached to an email sent to WONG and W.S., to commit violations of 18 U.S.C. §§ 1349 and 1343, as charged in Counts One and Three of this

1 Indictment.

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

3 COUNT TWELVE: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
4 Aiding and Abetting

5 18. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
6 transactions alleged in Counts Four through Seven, are re-alleged and incorporated herein as if
7 set forth in full.

8 19. Between approximately December 17, 2010, and February 7, 2011, in the
9 Northern District of California and elsewhere, the defendants, during and in relation to a felony
10 violation enumerated in 18 U.S.C. § 1028A(c)(5),

11 NGOC DUONG,
12 a/k/a Danny Duong,
13 and
HONG LEE WONG,
a/k/a William Wong,

14 did knowingly transfer, possess, and use, without lawful authority, the means of identification of
15 another person, that is, the name of the real individual Edward Q., in letters that were attached to
16 emails sent by DUONG and WONG, to commit violations of 18 U.S.C. §§ 1349 and 1343, as
17 charged in Counts One and Four through Seven of this Indictment.

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

19 COUNT THIRTEEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
20 Aiding and Abetting

21 20. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
22 transactions alleged in Count Eight, are re-alleged and incorporated herein as if set forth in full.

23 21. Between approximately May 16, 2011, through May 17, 2011, in the Northern
24 District of California and elsewhere, the defendants, during and in relation to a felony violation
25 enumerated in 18 U.S.C. § 1028A(c)(5),

26 NGOC DUONG,
27 a/k/a Danny Duong,
28 and
HONG LEE WONG,
a/k/a William Wong,

1 knowingly transfer, possess, and use, without lawful authority, the means of identification of
2 another person, that is, the name and email address of the real individual Aimee Q. in emails and
3 a letter attached to the emails sent by DUONG and WONG, to commit violations of 18 U.S.C. §§
4 1349 and 1343, as charged in Counts One and Eight of this Indictment.

5 All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

6 COUNT FOURTEEN: 18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft; 18 U.S.C. § 2 –
7 Aiding and Abetting

8 22. The factual allegations of paragraphs 1 through 9 of this Indictment, and the
9 transactions alleged in Count Nine, are re-alleged and incorporated herein as if set forth in full.

10 23. On or about August 18, 2011, in the Northern District of California and
11 elsewhere, the defendant, during and in relation to a felony violation enumerated in 18 U.S.C. §
12 1028A(c)(5),

13 NGOC DUONG,
14 a/k/a Danny Duong,
15 and
16 HONG LEE WONG,
17 a/k/a William Wong,

18 did knowingly transfer, possess, and use, without lawful authority, the means of identification of
19 another person, that is, the name and email address of the real individual Nathaniel C., in emails
20 sent by DUONG and WONG, to commit violations of 18 U.S.C. §§ 1349 and 1343, as charged in
21 Counts One and Nine of this Indictment.

22 All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

23 FORFEITURE ALLEGATION: 18 U.S.C. §§ 981(a)(1)(C) & 28 U.S.C. § 2461(c) —
24 Criminal Forfeiture

25 24. All of the allegations contained in this Indictment are re-alleged and by this
26 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
27 provisions of Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States
28 Code, Section 2461(c).

29 25. Upon a conviction for the offenses alleged in Counts One through Nine, the
30 defendants,

NGOC DUONG,
a/k/a Danny Duong,
and
HONG LEE WONG,
a/k/a William Wong,

shall forfeit to the United States, all right, title and interest in property, real and personal, that constitutes or is derived from, directly or indirectly, gross proceeds traceable to the commission of the offense, including but not limited to a sum of money equal to the gross proceeds obtained as a result of the offense.

26. If any of the aforementioned property, as a result of any act or omission of the defendant —

- 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 that cannot be divided without difficulty,

any and all interest the defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to 21 U.S.C. § 853p, as incorporated by 28 U.S.C. § 2461(c).

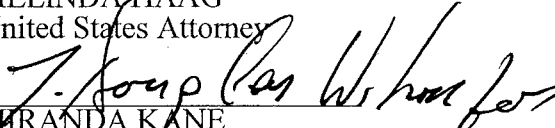
All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: July 19, 2012

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


MIRANDA KANE
Chief, Criminal Division

(Approved as to form: 
AUSA BARTON

United States District Court
Northern District of California

CRIMINAL COVER SHEET

FILED

JUL 20 2012

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. NGOC DUONG and HONG LEE WONG

Case Number:

CR 12 578 SI

Total Number of Defendants:

1 _____ 2-7 ☒ 8 or more _____

Is This Case Under Seal?

Yes ☒ No _____

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK _____ SJ _____

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No ☒

Assigned AUSA (Lead Attorney):

DENISE M. BARTON

Comments:

Date Submitted:

7/19/2012