

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America

v.

Bogdan Viorel Rusu

Defendant(s)

Case No. 16mj 3078 (KAR)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 23, 2014 in the county of Hampden in the

District of Massachusetts, the defendant(s) violated:

Code Section

18 USC § 1344

Offense Description

Bank Fraud

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Thomas Roldan, Department of Homeland Security

Continued on the attached sheet.

Thomas Roldan signature

Complainant's signature

Thomas Roldan, Special Agent, DHS-HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/29/2015

Katherine Robertson signature

Judge's signature

City and state: Springfield, MA

Katherine A. Robertson, U.S. Magistrate Judge

Printed name and title

I, Thomas Roldan, being duly sworn, depose and say:

INTRODUCTION

1. I am a Special Agent with the United States Immigration and Customs Enforcement (“ICE”) Homeland Security Investigations (“HSI”), within the United States Department of Homeland Security (“DHS”). I have been employed with HSI since December 2008, and am currently assigned to the Newark, New Jersey office. While employed by HSI, I have investigated various criminal violations, including wire fraud, bank fraud, money laundering, identity theft and document fraud and narcotics distribution. I have gained experience through training with HSI, the Federal Law Enforcement Training Center in Glynco, Georgia, advanced Financial Investigations training and Worksite Enforcement training among others, and through everyday work relating to conducting these types of investigations. I have received training in the areas of financial investigations, fraudulent documents, narcotics, gangs, commercial fraud, counter proliferation and alien smuggling. While at HSI, I have conducted numerous investigations, search warrants, and arrests.

2. This affidavit is submitted in support of a Criminal Complaint alleging that on or about August 23, 2014, within the District of Massachusetts, the defendant Bogdan Viorel Rusu (“Rusu”) committed Bank Fraud, in violation of 18 U.S.C. § 1344 (the “Subject Offense”).

3. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with agents and officers of DHS, United States Secret Service, and other law enforcement agents; from discussions with witnesses; and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another HSI officer or law enforcement

officer involved in this investigation or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated

4. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested Criminal Complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested Criminal Complaint.

Relevant Statutes

5. Title 18, United States Code, Section 1344 provides in pertinent part: “Whoever knowingly executes, or attempts to execute, a scheme or artifice - (1) to defraud a financial institution . . . shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.” 18 U.S.C. § 1344.

PROBABLE CAUSE

ATM Skimming

6. Based upon my training and experience, ATM skimming involves criminal organizations that focus on defrauding financial institutions and their customers by placing devices on Automated Teller Machines (“ATMs”). ATM skimming generally operates in the following manner.

7. Customers access their bank accounts through an ATM by means of an ATM card issued by banks that has been encoded with the customer’s account information as well as a Personal Identification Number (“PIN”). Individuals involved in ATM skimming install pinhole cameras on bank ATMs in order to record the keystrokes of bank customers as customers enter

their PIN numbers to access their bank accounts. Sometimes, the pinhole cameras are mounted on "PIN Camera Panels" that are affixed to the target ATM.

8. Banks often place ATMs in vestibules that can be accessed by customers when the bank branches are otherwise closed. In order to enter the vestibule, a customer swipes an ATM card into a card reader located at the entrance to the ATM vestibule. Individuals engaged in ATM skimming sometimes install electronic devices onto the card reader that surreptitiously record customers' bank account information ("skimming devices"). Other times, individuals engaged in ATM skimming install the skimming devices onto the actual ATM card reader.

9. Individuals engaged in ATM skimming then transfer the information illegally obtained from the pinhole cameras and skimming devices to counterfeit bank cards, thereby creating fraudulent ATM cards. This transfer generally occurs shortly after obtaining stolen card data, because those individuals want to quickly use the newly-created fraudulent ATM cards to obtain money and property from the stolen bank accounts before the bank becomes aware of the illicit conduct and blocks the accounts.

Rusu's TD Bank Skimming Activity

10. TD Bank is a financial institution, the accounts of which are insured by the Federal Deposit Insurance Corporation.

The Chicopee Skimming

11. On or about August 23, 2014 at approximately 4:26 p.m, at the TD Bank branch located at 153 Meadow Street in Chicopee, Massachusetts, bank video surveillance cameras captured an individual installing a pinhole camera and a skimmer device on a bank ATM machine. I have reviewed the surveillance footage and identified the individual as Rusu based upon photographs that he submitted in support of an asylum application to United States

Citizenship and Immigration Services of DHS as well as physical surveillance that I have conducted of Rusu. At approximately 8:01 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 85 customers used the ATM machine during this interval, and 12 customers later reported losses from unauthorized use of their accounts totaling \$8,399.43.

12. On or about August 24, 2014 at approximately 4:43 p.m, at the TD Bank branch located at 153 Meadow Street in Chicopee, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 10:00 p.m., Rusu removed the pinhole camera and skimming device. According to bank records, approximately 55 customers used the ATM machine during this interval, and 12 customers later reported losses from unauthorized use of their accounts totaling \$9,823.50.

13. On or about August 25, 2014 at approximately 7:24 p.m., at the TD Bank branch located at 153 Meadow Street in Chicopee, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 10:37 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 38 customers used the ATM machine during this interval, and 7 customers later reported losses from unauthorized use of their accounts totaling \$8,736.50.

The Ludlow Skimming

14. On or about August 30, 2014 at approximately 6:26 p.m., at the TD Bank branch located at 549 Center Street in Ludlow, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 11:19 p.m., another individual removed the pinhole camera and skimming device.

According to bank records, approximately 46 customers used the ATM machine during this interval, and 9 customers later reported losses from unauthorized use of their accounts totaling \$10,980.04.

15. On or about August 31, 2014 at approximately 4:06 p.m., at the TD Bank branch located at 549 Center Street in Ludlow, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 6:49 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 20 customers used the ATM machine during this interval, and 8 customers later reported losses from unauthorized use of their accounts totaling \$6,989.00.

16. On or about September 1, 2014 at approximately 9:35 a.m., at the TD Bank branch located at 549 Center Street in Ludlow, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 8:41 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 77 customers used the ATM machine during this interval, and 27 customers later reported losses from unauthorized use of their accounts totaling \$28,442.50.

The Allston Skimming

17. On or about October 4, 2014 at approximately 5:19 p.m., at the TD Bank branch located at 1228-1230 Commonwealth Avenue in Allston, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 10:42 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 45 customers used the ATM

machine during this interval, and 14 customers later reported losses from unauthorized use of their accounts totaling \$9,257.43.

18. On or about October 18, 2014 at approximately 4:02 p.m., at the TD Bank branch located at 1228-1230 Commonwealth Avenue in Allston, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 10:43 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 76 customers used the ATM machine during this interval, and 19 customers later reported losses from unauthorized use of their accounts totaling \$18,003.23.

19. On or about October 19, 2014 at approximately 4:51 p.m., at the TD Bank branch located at 1228-1230 Commonwealth Avenue in Allston, Massachusetts, bank video surveillance cameras captured Rusu installing a pinhole camera and a skimmer device on a bank ATM machine. At approximately 9:22 p.m., another individual removed the pinhole camera and skimming device. According to bank records, approximately 23 customers used the ATM machine during this interval, and 7 customers later reported losses from unauthorized use of their accounts totaling \$6,446.05.

CONCLUSION

20. Based upon the foregoing, I respectfully submit that there is probable cause to believe that on or about August 23, 2014, in Chicopee, Massachusetts, Bogdan Viorel Rusu, did knowingly execute to execute a scheme and artifice to defraud a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation, to wit: TD Bank, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of materially false and fraudulent

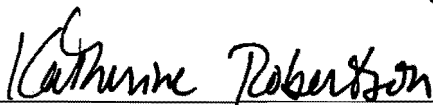
pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Respectfully submitted,



Thomas Roldan
Special Agent
Homeland Security Investigations

Sworn and subscribed before this 29th day of April, 2016.



Katherine A. Robertson
United States Magistrate Judge