UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 1:20-MJ-03251-BECERRA

IN RE: SEALED CRIMINAL COMPLAINT

_____/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? _ Yes X No

2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? _ Yes X No

3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? _ Yes X No

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

BY: _____

MICHAEL B. HOMER
Assistant United States Attorney
Court ID No. A5502497
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel: (305) 961-9289
Michael.Homer@usdoj.gov

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.

JOEL BELLEGARDE,

Defendant(s)

Case No. 1:20-MJ-03251-BECERRA

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 September 2018 through June 2020 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1341	Mail fraud
18 U.S.C. § 1343	Wire fraud
18 U.S.C. § 1028A(a)(1)	Aggravated identity theft

This criminal complaint is based on these facts:

See Attached Affidavit.

☑ Continued on the attached sheet.

Complainant's signature

Julio Fuentes, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: July 25, 2020

Judge's signature

City and state: Miami, Florida

Hon. Jacqueline Becerra, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Julio Fuentes, first being duly sworn, depose and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 2008. I am assigned to the FBI Miami Division's Homestead Resident Agency. During my career, I have participated in numerous investigations involving various types of fraud, including wire fraud, access device fraud, and aggravated identity theft. As a result of my training and experience, I am familiar with the tactics, methods, and techniques used by individuals who commit various types of fraud in violation of federal law.

2. This Affidavit is submitted in support of a criminal complaint charging JOEL BELLEGARDE with violations of 18 U.S.C. § 1341, that is, mail fraud; 18 U.S.C. § 1343, that is, wire fraud; and 18 U.S.C. § 1028A(a)(1), that is, aggravated identity theft.

3. This Affidavit is based on my own personal knowledge, training, and experience, as well as information provided to me by other law enforcement officers and witnesses, and my review of documents, reports, and records during the course of this investigation.

4. I have not included in this Affidavit each and every fact known to me about this investigation. Rather, I have included only enough facts sufficient to establish probable cause for the issuance of a criminal complaint charging JOEL BELLEGARDE with the above-described criminal offenses.

PROBABLE CAUSE

Fraudulent Account Takeover Scheme

5. In or around November 2018, Transamerica Retirement Solutions ("TRS"), a company headquartered in Cedar Rapids, Iowa, contacted law enforcement to report a fraudulent

scheme being perpetrated against TRS. In sum, TRS reported that an unknown suspect was making telephonic calls to the TRS customer service line and using social engineering to gain access to TRS customers' accounts, and then subsequently withdrawing funds from those accounts without the permission of the TRS customers.

6. In these calls, the suspect impersonated legitimate account holders by providing personal identifying information ("PII") such as social security numbers, mailing addresses, and mothers' maiden names, in order to successfully answer security questions posed by TRS customer service representatives and thereby pass TRS security protocols. Once the TRS security protocols were met, the suspect began a process that enabled him to withdraw funds from the customer account. This process typically proceeded as follows.

7. First, the suspect requested to change the account's designated email address, mailing address, and telephone number. Then, once these changes were made, the suspect requested a withdrawal request form, which TRS customer service representatives emailed to the new email address provided by the suspect. The suspect then completed the withdrawal request form and faxed it back to TRS. Furthermore, because TRS requires a notarized affidavit for any address change requests, the suspect also faxed TRS a purportedly notarized affidavit indicating a new physical address for the account.

8. In receipt of the completed withdrawal request form and notarized change-of-address affidavit, TRS then mailed a check to the new address provided by the suspect. The suspect or an accomplice then deposited the check into their own bank accounts.

9. As a result of this conduct, numerous TRS account holders suffered significant losses to their retirement accounts, with some account holders suffering complete depletions of their retirement funds.

Victim Accounts

10. In or around September 2018, following the process described above, the suspect changed the mailing address for the TRS account belonging to victim A.T., who resided in Ohio, to a residence located on Southwest 304th Street, Homestead, Florida 33033 (the "304th Street Address"). The suspect also changed the email address for the TRS account belonging to victim A.T. to haitiforeternity@gmail.com. The suspect called TRS from telephone numbers 786-494-9292 (the "9292 Phone Number") and 786-214-2719 (the "2719 Phone Number"). At the suspect's request, TRS mailed a check for $23,956.57 to the 304th Street Address.

11. In or around October 2018, following the process described above, the suspect changed the mailing address for the TRS account belonging to victim J.M.S., who resided in Georgia, to a residence located on Northeast 12th Avenue, Homestead, Florida 33030 (the "12th Avenue Address"). The suspect called TRS from the 9292 Phone Number and the 2719 Phone Number. At the suspect's request, TRS mailed a check for $40,000.23 to the 12th Avenue Address. Similarly, in or around November 2018, the suspect submitted a second withdrawal request, asking TRS to mail a withdrawal check in the amount of $51,865.23 to the 12th Avenue Address. This withdrawal request was identified by TRS as fraudulent, and TRS did not mail the requested withdrawal check.

12. In or around November 2018, following the process described above, the suspect changed the mailing address for the TRS account belonging to victim J.R.S., who resided in Pennsylvania, to the 304th Street Address. The suspect called TRS from the 9292 Phone Number and telephone number 718-864-7499 (the "7499 Phone Number"). At the suspect's request, TRS mailed a check for $68,000.00 to the 304th Street Address. Similarly, at the suspect's request, TRS subsequently mailed a second check for $79,985.00 to the 304th Street Address.

13. In or around December 2018, following the process described above, the suspect changed the mailing address for the TRS account belonging to victim J.R.W., who resided in Pennsylvania, to a residence located on Southwest 269th Terrace, Homestead, Florida 33032 (the "269th Terrace Address"). The suspect called TRS from the 7499 Phone Number. At the suspect's request, TRS mailed a check for $94,999.97 to the 269th Terrace Address.

14. In or around March 2019, following the process described above, the suspect changed the mailing address for the TRS account belonging to victim S.R., who resided in Nevada, to a residence located on Midland Avenue, Garfield, New Jersey 07026 (the "Midland Avenue Address"). The suspect called TRS from the 7499 Phone Number. At the suspect's request, TRS mailed a check for $93,984.66 to the Midland Avenue Address.

15. In order to effectuate each of the fraudulent account takeovers detailed above, the suspect faxed documents from Miami-Dade County, Florida, to Linn County, Iowa, thereby transmitting wire communications in interstate commerce.

16. The FBI interviewed all of the above victims, all of whom confirmed they did not authorize anyone to make any changes to their respective TRS accounts.

17. TRS also identified several other accounts that appeared to be targeted by the same perpetrators, but TRS was able to identify and decline the attempted fraudulent withdrawal requests before the withdrawal checks were issued.

Identification of JOEL BELLEGARDE

18. Law enforcement requested subscriber records for the telephone numbers referenced above that the suspect had used to call TRS and compromise the TRS accounts. These records revealed that the 2719 Phone Number and the 7499 Phone Number were both subscribed to JOEL BELLEGARDE.

19. As described above, during the compromise of the TRS account belonging to victim A.T., the suspect changed the email address on the account to haitiforeternity@gmail.com. According to information provided by Google LLC ("Google"), that email address was associated with a recovery email address[1] of juelz320@gmail.com.

20. JOEL BELLEGARDE listed the email address juelz320@gmail.com on his customer profile at Regions Bank, where he held personal and business bank accounts.

21. As described above, during the compromise of the TRS account belonging to victim J.M.S, the suspect changed the mailing address on the account to the 12th Avenue Address. A public records search of the 12th Avenue Address revealed that address was listed as the address for Diamondbacks Blue Corp. with the Florida Division of Corporations.

22. JOEL BELLEGARDE was listed as the President of Diamondbacks Blue Corp. with the Florida Division of Corporations.

23. As described above, during the compromise of the TRS account belonging to victim J.R.S., the suspect changed the mailing address on the account to the 304th Street Address, and TRS mailed two withdrawal checks to that address. TRS provided law enforcement with the FedEx tracking number for the package containing the second withdrawal check. According to information provided by FedEx, before this package was delivered to the 304th Street Address, an individual impersonating victim J.R.S. called FedEx and asked for the package to be held at a nearby FedEx retail store for pickup.

[1] Internet providers such as Google often request that subscribers of an email account provide a "recovery email address," i.e. a second email address which the provider can use to email password reset or recovery instructions for the primary email address if the subscriber becomes unable to access the primary email address.

24. I have reviewed video surveillance from this FedEx retail store, which shows JOEL BELLEGARDE arriving at the FedEx store and picking up the package addressed to victim J.R.S. containing the TRS withdrawal check.

25. In or around November 2018, I reviewed the publicly available Facebook profile for JOEL BELLEGARDE. The Facebook profile features photographs depicting large sums of cash. One such photograph included the caption, "Understand I only work a 9-5 cause I chose to, and the jobs I go for pay me very well, but a real zoe gon hustle in many ways. Just a lil sumthing I made in less than 30 minutes, not bad for a Sunday..might just spoil myself and somebody daughter today..#Zoemoneybaby #wewinning."

26. A query of the Florida Department of Economic Opportunity revealed that JOEL BELLEGARDE was not employed during 2018.

FBI Controlled Delivery

27. In or around February 2019, TRS identified that the TRS account belonging to victim A.S. was being targeted per the fraudulent scheme described above. TRS notified the FBI that the suspect had called TRS from the 7499 Phone Number, requested that the address on the account be changed to the 12th Avenue Address, and requested a withdrawal check be mailed to the 12th Avenue Address.

28. At the FBI's direction, TRS agreed to issue and mail the requested withdrawal check so that the FBI could conduct a controlled delivery of the check. Accordingly, TRS issued a check made out to victim A.S., in the amount of $51,212.34, and mailed the check to the 12th Avenue Address via FedEx. I then worked with FedEx security specialists to arrange for the package containing the check to be held at a local FedEx retail store for pickup, rather than delivered to the 12th Avenue Address. TRS provided the suspect with a FedEx tracking number

for the package containing the check, which would have allowed the suspect to learn, once he accessed the FedEx website and entered the tracking number, that the package was being held for pickup at the FedEx store, rather than being delivered to the 12th Avenue Address.

29. On or about February 13, 2019, at approximately 1:10 p.m., FBI surveillance units observed JOEL BELLEGARDE arrive by vehicle at the 12th Avenue Address.

30. Later that same day, at approximately 02:41 p.m., FBI surveillance units observed a female entering the FedEx store where the package from TRS was being held for pickup. This female requested to pick up the package for A.S., on behalf of her purported boyfriend. The female provided a Florida Driver License to the FedEx employee operating the counter at the store. That license depicted the 12th Avenue Address, and the name R.J. The FedEx employee took a photograph of the license, and notified R.J. that A.S. needed to retrieve the package himself.

31. Later that same day, at approximately 06:40 p.m., FBI surveillance units observed JOEL BELLEGARDE arrive at and enter the FedEx store. JOEL BELLEGARDE requested to pick up the package for A.S., and provided a Florida Driver License to the FedEx employee operating the counter at the store. That license depicted the 12th Avenue Address, the name of victim A.S., and a photograph of JOEL BELLEGARDE. The FedEx employee took a photograph of the license, and released the package to JOEL BELLEGARDE. JOEL BELLEGARDE then left the store with the package addressed to victim A.S. containing the check from TRS.

32. Victim A.S. was interviewed by the FBI and confirmed that he did not know JOEL BELLEGARDE and that he had not authorized anyone to make any changes to his TRS account.

Fraudulent Credit Card Application Scheme

33. In or around March 2020, Capital One Financial Corp. ("Capital One") contacted law enforcement to report a fraudulent scheme that was being perpetrated against Capital One. In

sum, Capital One reported that an unknown suspect was using stolen PII to fraudulently apply for Capital One credit cards. Capital One identified twenty-two fraudulent applications, submitted from in or around September 2019 through in or around March 2020, which were linked by mailing addresses, Internet Protocol (IP) addresses, telephone numbers, and email addresses. Capital One approved five of the twenty-two fraudulent applications, resulting in Capital One suffering a financial loss.

34. Capital One reported that the majority of these twenty-two fraudulent applications listed the same mailing address—8830 Northwest 36th Street, Apartment 1305, Doral, Florida 33178.

35. A public records search reveals that, from in or around September 2019 through in or around March 2020, JOEL BELLEGARDE resided at 8830 Northwest 36th Street, Apartment 1305, Doral, Florida 33178.

36. Capital One further reported that the majority of these fraudulent applications were submitted from IP address 108.226.110.82 (the "Suspect IP Address").

37. Records provided by Citibank, N.A. ("Citibank") indicate that the Suspect IP Address was previously used to access JOEL BELLEGARDE's Citibank online banking account.

38. Similarly, records provided by Regions Bank indicate that the Suspect IP Address was previously used to access JOEL BELLEGARDE's Regions Bank online banking account.

39. Furthermore, records provided by FedEx indicate that the Suspect IP Address was used to check the tracking information for the package sent by TRS as part of the FBI controlled delivery described above in Paragraphs 27 through 32.

40. Records provided by the internet service provider that leased the Suspect IP Address revealed that at various times from on or about December 1, 2018, through on or about

June 28, 2020, the Suspect IP Address was assigned to JOEL BELLEGARDE and the address 8830 Northwest 36th Street, Apartment 1305, Doral, Florida 33178, i.e. JOEL BELLEGARDE's residence.

Fraudulent CARES Act Scheme

41. The Social Security Act of 1935 established the unemployment insurance ("UI") system. The UI system is designed to provide benefits to persons out of work due to no fault of their own, and is administered for the federal government by the various state employment offices.

42. In the State of Oklahoma, the state agency responsible for administering the UI system is known as the Oklahoma Employment Security Commission (the "Oklahoma ESC").

43. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed by Congress and signed into law on or about March 27, 2020, provided protections to the American people from the public health and economic impacts of COVID-19.

44. Among other things, the CARES Act expanded unemployment benefits to people affected by COVID-19 by expanding eligibility for the UI system and increasing the dollar amount of UI benefit payments.

45. In or around June 2020, the State of Oklahoma notified law enforcement that the Oklahoma ESC had received numerous fraudulent UI claims which had been filed using the Suspect IP Address. Specifically, State of Oklahoma records reflect that from on or about April 23, 2020, through on or about June 23, 2020, the Suspect IP Address accessed the Oklahoma ESC website over 100 times in an attempt to file at least twenty-two unique and fraudulent State of Oklahoma UI claims.

46. All of these fraudulent UI claims were accessed online using the Suspect IP Address while the Suspect IP Address was assigned to JOEL BELLEGARDE and the address 8830

Northwest 36th Street, Apartment 1305, Doral, Florida 33178, i.e. JOEL BELLEGARDE's address.

47. The Oklahoma ESC ultimately approved and paid six of the fraudulent unemployed UI claims. The Oklahoma ESC distributed the approved UI benefit funds in the form of direct deposits onto prepaid debit cards, which were subsequently mailed to addresses provided by the claimant.

48. The mailing address provided by the claimant for two of these UI prepaid debit cards was 8830 Northwest 36th Street, Apartment 1305, Doral, Florida 33178, i.e. JOEL BELLEGARDE's address.

CONCLUSION

49. Based on the foregoing, I respectfully submit there is probable cause to believe that JOEL BELLEGARDE did commit violations of 18 U.S.C. § 1341, that is, mail fraud; 18 U.S.C. § 1343, that is, wire fraud; and 18 U.S.C. § 1028A(a)(1), that is, aggravated identity theft.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

JULIO FUENTES
FBI SPECIAL AGENT

Attested to in accordance with the requirements
of Fed. R. Crim. P. 4.1 by telephone
this 25 day of July, 2020.

HONORABLE JACQUELINE BECERRA
UNITED STATES MAGISTRATE JUDGE