UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA v. DANIELLE MILLER, Defendant	Criminal No. 21cr10228 Violations: <u>Counts One – Three</u>: Wire Fraud (18 U.S.C. § 1343) <u>Counts Four – Five</u>: Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1)) <u>Forfeiture Allegation</u>: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

<u>INDICTMENT</u>

At all times relevant to this Indictment:

<u>General Allegations</u>

1. The defendant, Danielle Miller ("MILLER"), resided in or around Miami, Florida.

2. Person 1 was a resident of Massachusetts.

3. Person 2 was a resident of Wisconsin.

4. Person 3 was a resident of Texas.

5. Person 4 was a resident of Texas.

6. Person 5 was a resident of North Carolina.

7. The United States Small Business Administration ("SBA") was an agency of the executive branch of the United States government. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters. As part of this effort,

the SBA enabled and provided for loans, guaranteed by the government, through banks, credit unions, and other lenders.

8. The Massachusetts Department of Unemployment Assistance ("DUA") was a state agency headquartered in Boston, Massachusetts.

9. The Massachusetts Registry of Motor Vehicles ("RMV") was a state agency headquartered in Boston, Massachusetts.

10. The RMV operated and maintained myRMV, an online tool for Massachusetts identification holders to access and update their license, permit, identification card, or vehicle information.

11. Zipcar was a car-sharing company headquartered in Boston, Massachusetts.

The CARES Act

A. The Economic Injury Disaster Loan Program

12. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in March 2020 to provide emergency financial assistance to Americans suffering the economic effects of the COVID-19 pandemic. Among other things, the CARES Act expanded the SBA's Economic Injury Disaster Loan ("EIDL") program to provide loans of up to $2 million to small businesses that suffered "substantial economic injury" from COVID-19. The EIDL program required recipients to use EIDL funds only on certain business expenses, including payments of fixed business debts and payroll.

13. EIDL funds were issued directly from the United States Treasury. Applicants applied through the SBA via an online portal. The EIDL application process required applicants to provide information concerning the affected business, including the number of employees, gross

revenues, and costs of goods sold in the 12 months prior to January 31, 2020, as well as information about the business owner. Applicants electronically certified that the information provided was accurate.

14. The SBA relied on the information provided by the applicant to determine how much money the small business was eligible to receive in the form of EIDL funds. Additionally, by checking a box in the online EIDL application, an applicant could request and receive $1,000 per employee, up to $10,000, in an EIDL Cash Advance Grant. The applicant was not required to repay an EIDL Cash Advance Grant, even if (i) the SBA ultimately denied the EIDL application or (ii) the applicant ultimately declined the loan.

B. Pandemic Unemployment Assistance

15. The CARES Act also created a temporary federal unemployment insurance program called Pandemic Unemployment Assistance ("PUA"). PUA provided unemployment benefits for individuals who were not eligible for other types of unemployment benefits, including those who were self-employed, independent contractors, or gig economy workers.

16. DUA administered and managed PUA in Massachusetts. In Massachusetts, weekly benefits for PUA recipients ranged between $267 and $855.

17. The CARES Act also created a temporary federal program called Federal Pandemic Unemployment Compensation ("FPUC") that operated between March 29, 2020 and July 25, 2020 and provided an additional $600 weekly benefit to PUA recipients.

18. Between August 1, 2020 and September 5, 2020, PUA claimants were eligible to receive an additional $300 per week in Federal Lost Wage Assistance ("FLWA") funded by the Federal Emergency Management Agency ("FEMA").

19. The PUA claim process required a claimant to provide his or her first and last name, Social Security number, date of birth, and a residential and/or mailing address. The claim process also required the claimant to provide a phone number and an email address to be used by DUA to provide updates, contact the claimant, and/or authenticate claim information. Additionally, the claim process required a claimant to verify his or her identity through a combination of personal identifying information, internet protocol addresses, email and/or bank account information, and other proof of identification. PUA claims submitted to the DUA online were processed via a server located in Colorado.

20. To be eligible to receive PUA benefits, a claimant was required to submit a weekly certification indicating whether the claimant had worked and/or received any income during the identified week. The certification required the claimant to acknowledge, among other things, that it was illegal to collect unemployment while working and/or to fail to report all income to the DUA.

The Scheme to Defraud

21. Beginning in or around July 2020, and continuing until at least in or around May 2021, MILLER devised and executed a scheme to fraudulently obtain pandemic-related relief funds—including EIDL funds and PUA and related unemployment benefits— and to obtain other goods and services by impersonating Person 1, Person 2, Person 3, Person 4, Person 5, and others, including to apply for bank accounts, loans, and unemployment benefits.

Impersonation of Person 1

22. On or about August 1, 2020, the online myRMV account associated with Person 1 was accessed via an internet connection in Miami, Florida.

23. On or about August 1, 2020, TD Bank received an account application under the name of Person 1, specifying various personal identifying information ("PII") of Person 1. TD Bank opened an account in the name of Person 1.

24. On or about August 1, 2020, the SBA received an EIDL application in the name of Person 1, which specified account information for the TD Bank account in the name of Person 1.

25. On or about August 6, 2020, the SBA deposited approximately $102,000 into the TD Bank account in the name of Person 1, which was controlled by MILLER.

26. On or about September 9, 2020, a Gulfstream jet traveled via private charter from Fort Lauderdale, Florida to Van Nuys, California. Charter company records list Person 1 as one of the passengers, and include the image of a fraudulent Massachusetts driver's license in the name of Person 1, but with a photograph depicting MILLER.

27. On or about October 19, 2020, DUA received an application for PUA benefits in the name of Person 1.

28. On or about October 22, 2020, DUA received an upload of identity verification documents in connection with the claim for PUA benefits in the name of Person 1. These included the image of a fraudulent Massachusetts driver's license in the name of Person 1, but with a photograph depicting MILLER. These also included a "selfie" photograph of MILLER holding this fraudulent driver's license.

29. On or about May 11, 2021, MILLER possessed a fraudulent Massachusetts driver's license in the name of Person 1, but with a photograph depicting MILLER, which was located in the luxury apartment in Miami, Florida where she was residing.

30. Also on or about May 11, 2021, MILLER possessed a TD Bank card for the account in the name of Person 1, which was also located in the luxury apartment in Miami, Florida where MILLER was residing.

Impersonation of Person 2

31. On or about July 23, 2020, TD Bank received an account application under the name of Person 2, specifying various PII of Person 2. TD Bank opened an account in the name of Person 2.

32. On or about July 21, 2020, the SBA received an EIDL application in the name of "[Person 2] Gems and Jewels LLC," which specified account information for the TD Bank account in the name of Person 2.

33. On or about August 7, 2020, the SBA deposited approximately $62,400 into the TD Bank account in the name of Person 2.

34. Between August 11, 2020 and September 8, 2020, more than $22,000 in Western Union money orders were purchased in Miami, Florida using the TD Bank account in the name of Person 1; many of these money orders were made out to a company named "[Person 2] Gems and Jewels."

35. Between August 26, 2020 and September 15, 2020, the State of Arizona deposited approximately $6,200 in benefit payments into the TD Bank account in the name of Person 2.

36. In or around September 2020, a luxury apartment in Miami, Florida was rented in the name of Person 2. The renter provided a fraudulent Wisconsin driver's license in the name of Person 2, but with a photograph depicting MILLER.

37. On or about November 12, 2020, a Honda Civic was rented via Zipcar from Miami Florida, with a pickup date of November 13, 2020 and a return date of November 15, 2020. The car was rented in the name of Person 2. The renter provided a fraudulent Wisconsin driver's license in the name of Person 2, but with a photograph depicting MILLER. The renter also provided a standalone photograph of MILLER. The car was never returned to Zipcar.

38. On or about May 11, 2021, MILLER possessed a fraudulent Wisconsin driver's license in the name of Person 2, but with a photograph depicting MILLER, which was located on her person when she was encountered outside the luxury apartment in Miami, Florida where she was residing.

39. Also on or about May 11, 2021, MILLER possessed a fraudulent U.S. Passport Card in the name of Person 2, but with a photograph depicting MILLER, which was located in the luxury apartment in Miami, Florida where she was residing.

40. Also on or about May 11, 2021, MILLER possessed a TD Bank card for the account in the name of Person 2, which was also located in the luxury apartment in Miami, Florida where MILLER was residing.

Impersonation of Person 3

41. On or around February 11, 2021, TD Bank received an account application under the name of Person 3, specifying various PII of Person 3. TD Bank opened an account in the name of Person 3.

42. On or about February 8, 2021, the SBA received an EIDL application in the name of Person 3, which specified account information for the TD Bank account in the name of Person 3.

43. On or about February 16, 2021, the SBA deposited approximately $149,900 into the TD Bank account in the name of Person 3.

44. On or about May 11, 2021, MILLER possessed a fraudulent Texas driver's license in the name of Person 3, but with a photograph depicting MILLER, which was located in the luxury apartment in Miami, Florida where she was residing.

45. Also on or about May 11, 2021, MILLER possessed a TD Bank card for the account in the name of Person 3, which was also located in the luxury apartment in Miami, Florida where MILLER was residing.

Impersonation of Person 4

46. On or around April 1, 2021, TD Bank received a business account application under the name of a supposed consulting company. The application listed Person 4 as the consulting company's authorized representative, specifying various PII of Person 4. TD Bank opened an account in the name of the consulting company.

47. On or about April 7, 2021, the SBA received an EIDL application in the name of the consulting company, which specified account information for the TD Bank account in the name of the consulting company.

48. On or about April 27, 2021, the SBA deposited approximately $499,900 into the TD Bank account in the name of the consulting company.

49. On or about May 11, 2021, MILLER possessed a fraudulent Texas driver's license in the name of Person 4, but with a photograph depicting MILLER, which was located in the luxury apartment in Miami, Florida where she was residing.

50. Also on or about May 11, 2021, MILLER possessed a TD Bank card for the account in the name of Person 4 as well as a TD Bank card in the name of "[Person 4] Consulting," which was also located in the luxury apartment in Miami, Florida where MILLER was residing.

Impersonation of Person 5

51. On or about July 16, 2020, Chime Financial received an account application under the name of Person 5, specifying various PII of Person 5. Chime Financial opened an account in the name of Person 5.

52. On or about July 17, 2020, the SBA received an EIDL application in the name of Person 5, which specified account information for the Chime Financial account in the name of Person 5.

53. On or about July 21, 2020, the SBA deposited approximately $124,900 into the Chime Financial account in the name of Person 5.

54. Between August 26, 2020 and September 15, 2020, the State of Arizona deposited approximately $6,200 in benefit payments in the name of Person 5 into the TD Bank account in the name of Person 2.

55. On or about May 11, 2021, MILLER possessed an iPhone XS Max, which was located in the luxury apartment in Miami, Florida where MILLER was residing. The iPhone contained numerous email communications between Chime Financial and an email address in the name of Person 5, including communications in which the individual purporting to be Person 5 stated her money was being held hostage and that she was "extremely angry and in tears" over her money. There were attachments to the email that included a fraudulent North Carolina driver's license in the name of Person 5, but with a photograph depicting MILLER.

COUNTS ONE THROUGH THREE
Wire Fraud
(18 U.S.C. § 1343)

The Grand Jury charges:

56. The Grand Jury re-alleges and incorporates by reference paragraphs 1-55 of this Indictment.

57. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

DANIELLE MILLER,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, as set forth below:

Count	Approximate Date	Description
1	August 1, 2020	Online access of the myRMV account in the name of Person 1 via IP address in Florida
2	October 19, 2020	PUA claim electronically submitted in the name of Person 1 to the DUA via servers in Colorado
3	November 12, 2020	Zipcar reservation in the name of Person 2, processed via Zipcar servers in Massachusetts

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

COUNTS FOUR AND FIVE
Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

The Grand Jury further charges:

58. The Grand Jury re-alleges and incorporates by reference paragraphs 1-55 of this Indictment.

59. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

DANIELLE MILLER,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), that is, wire fraud, in violation of Title 18, United States Code, Section 1343, as follows:

Count	Approximate Date	Identity Used	Felony Violation as Charged In
4	August 1, 2020	Person 1	Count 1
5	November 12, 2020	Person 2	Count 3

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

<u>FORFEITURE ALLEGATION</u>
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

The Grand Jury further finds:

60. Upon conviction of one or more of the offenses in violation of Title 18, United States Code, Section 1343, set forth in Counts One through Three, the defendant,

DANIELLE MILLER,

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(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following assets:

a. Approximately $467,977.74 seized from TD Bank accounts on or about June 9, 2021;
b. Approximately $104,535.79 seized from Chime Financial/Stride Bank accounts on or about June 3, 2021;
c. Approximately $4,441 seized from residence in Miami, FL, on or about May 11, 2021;
d. Approximately $27,615.85 in Money Orders seized from residence in Miami, FL on or about May 11, 2021; and
e. an Order of Forfeiture (Money Judgment) equal to the amount of proceeds the defendant obtained, directly or indirectly, as a result of the offenses.

61. If any of the property described in Paragraph ~~64~~ 60, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), 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 party;

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;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph ~~64~~ 60 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

____
FOREPERSON

____
WILLIAM F. ABELY
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: JULY 27, 2021
Returned into the District Court by the Grand Jurors and filed.

Thomas F. Quinn 7/27/21 @ 3:40pm
DEPUTY CLERK