ALB:TBM
F. #2020R00998

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

UNITED STATES OF AMERICA

- against -

BRYAN ABRAHAM,
ANGEL CABRERA,
ARMANI MILLER,
ANDRE RUDDOCK,
GIANNI STEWART and
CARLOS VAZQUEZ,

Defendants.

- X

I N D I C T M E N T

Cr. No. **1:21-cr-00411(WFK)(RER)**
(T. 18, U.S.C., §§ 982(a)(2)(B), 982(b)(1), 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 1029(a)(5), 1029(b)(2), 1029(c)(1)(A)(ii), 1029(c)(1)(C), 1029(c)(2), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p))

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The New York State Unemployment System and Pandemic Unemployment Assistance

1. The United States Social Security Act established a federal and state unemployment insurance ("UI") system designed to provide benefits to unemployed people. In New York, the New York State Department of Labor ("NYSDOL") operated the unemployment system and distributed UI benefits through the New York State Unemployment Insurance Fund ("NYSUIF").

2. On March 13, 2020, the President of the United States declared that the ongoing Coronavirus Disease 2019 ("COVID-19") pandemic was of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes and territories, and the

District of Columbia, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act").

3. On March 18, 2020, the President of the United States signed the Families First Coronavirus Response Act ("FFCRA") into law. The FFCRA provided additional flexibility for state UI agencies and additional administrative funding to respond to the COVID-19 pandemic. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was signed into law on March 27, 2020. It expanded states' ability to provide UI for many workers impacted by COVID-19, including for workers who were not ordinarily eligible for UI benefits. The CARES Act provided for three new UI programs, including, as relevant herein, Pandemic Unemployment Assistance ("PUA") and Federal Pandemic Unemployment Compensation ("FPUC").

4. PUA provided for up to 39 weeks of benefits to individuals who were self-employed, seeking part-time employment, or who otherwise would not qualify for regular UI or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation ("PEUC") under Section 2107 of the CARES Act. Coverage included individuals who had exhausted all rights to regular UI or extended benefits under state or federal law or PEUC. Under the PUA provisions of the CARES Act, a person who was a business owner, self-employed worker, independent contractor or "gig" worker could qualify for PUA benefits administered by NYSDOL if he or she previously performed such work in New York and was unemployed, partially unemployed, unable to work or unavailable to work due to a COVID-19-related reason. A PUA claimant was required to answer various questions to establish eligibility for PUA benefits. Claimants were required to provide their name, date of birth, Social Security number and mailing address. Claimants were also required to identify a

qualifying occupational status and COVID-19-related reason for being out of work. The eligible timeframe to receive PUA was from weeks of unemployment beginning on or after January 27, 2020 through December 31, 2020.

5. FPUC provided individuals who were collecting UI or PUA benefits, among other forms of benefits, with an additional $600 per week. In New York, the eligible timeframe to receive FPUC was from weeks of unemployment beginning on or about April 5, 2020 through July 26, 2020.

6. On August 8, 2020, the President of the United States signed a Presidential Memorandum authorizing the Federal Emergency Management Agency ("FEMA") to use disaster relief funds pursuant to Section 408 of the Stafford Act to provide supplemental payments for lost wages and to help ease the financial burden on individuals unemployed as a result of COVID-19. These supplemental payments were administered through the Lost Wages Assistance Program ("LWAP"), which served as a temporary measure to provide an additional $300 per week through a total of $44 billion in FEMA funds. LWAP was available from on or about August 1, 2020 through December 27, 2020.

7. On December 27, 2020, the President of the United States signed the Consolidated Appropriations Act, 2021, into law, which included the Continued Assistance for Unemployed Workers Act of 2020 (the "Continued Assistance Act"). The Continued Assistance Act extended PUA benefits to March 14, 2021 and reauthorized and modified FPUC to provide supplemental payments of $300 per week for the period between on or about December 26, 2020 through May 14, 2021.

8. There were two primary methods for filing for NYSUIF benefits: online through the NYSDOL website and by telephone through a NYSDOL call center. If the claim

was accepted, the claimant was required to establish, on a weekly basis, his or her continued eligibility for UI benefits. The claimant could complete this recertification by answering a series of questions on the NYSDOL website or through a NYSDOL call center.

9. KeyBank National Association ("KeyBank") was a bank headquartered in Cleveland, Ohio. The NYSDOL used KeyBank bank accounts to fund NYSUIF benefits. KeyBank issued some claimants debit cards to which NYSUIF benefit payments were credited. Other claimants acquired reloadable cards issued by different banks and provided the information for the reloadable cards through the NYSDOL website, which cards were then loaded with NYSUIF benefit payments. Other claimants had NYSUIF benefits directly deposited into personal bank accounts.

II. <u>The Fraudulent Scheme</u>

10. In or about and between June 2020 and April 2021, the defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ, together with others, submitted and caused to be submitted approximately 250 false and fraudulent claims (the "Fraudulent Claims") to the NYSDOL for NYSUIF benefits using the personal identifying information ("PII"), including names, dates of birth and Social Security numbers, of different, real individuals (the "Victims"), whose identities are known to the Grand Jury.

11. Using the Victims' PII, the defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ, together with others, created or caused to be created fraudulent NYSDOL UI benefits accounts in the Victims' names, and thereby caused NYSDOL to load benefit funds onto KeyBank debit cards in the names of the Victims. The addresses associated with the accounts,

which were provided by the defendants and their co-conspirators, were not the Victims' true addresses, but were instead addresses controlled by the defendants and their co-conspirators, including addresses in the Eastern District of New York and elsewhere. Therefore, KeyBank sent debit cards in the Victims' names, via the United States mail, to the defendants and their co-conspirators, rather than to the Victims.

12. The defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ, together with others, used the KeyBank debit cards bearing the names of the Victims to withdraw U.S. currency from ATM machines in the Eastern District of New York and elsewhere.

13. In furtherance of the conspiracy, the defendants BRYAN ABRAHAM, ANGEL CABRERA and CARLOS VAZQUEZ, together with others, also caused NYSDOL to directly deposit NYSUIF benefits fraudulently claimed in the names of the Victims into personal bank accounts owned or controlled by the defendants and their co-conspirators.

14. The fraudulent scheme resulted in an actual loss amount of approximately $2,000,000 in UI benefits distributed to the defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART, CARLOS VAZQUEZ, and to co-conspirators, between approximately June 2020 and April 2021.

COUNT ONE
(Conspiracy to Commit Access Device Fraud)

15. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between June 2020 and April 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE

RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ, together with others, did knowingly and with intent to defraud, conspire to use, and effect transactions with, one or more unauthorized access devices issued to one or more other persons, to wit: debit cards and Social Security numbers, in a manner affecting interstate commerce, and by such conduct obtained and received payments and things of value aggregating $1,000 or more during any one-year period, contrary to Title 18, United States Code, Sections 1029(a)(2) and 1029(a)(5).

17. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ, together with others, did commit and cause the commission of the following:

OVERT ACTS

(a) On or about August 1, 2020, RUDDOCK and VAZQUEZ made cash withdrawals totaling approximately $4,692 at a bank located at 2102 Ralph Avenue, Brooklyn, New York, using four KeyBank debit cards issued in the names of certain of the Victims.

(b) On or about August 2, 2020, RUDDOCK and VAZQUEZ made cash withdrawals totaling approximately $4,398 at a bank located at 2102 Ralph Avenue, Brooklyn, New York, using four KeyBank debit cards issued in the names of certain of the Victims.

(c) On or about September 1, 2020, ABRAHAM, VAZQUEZ and two co-conspirators made cash withdrawals totaling approximately $15,943 at a bank located at 146-21 Jamaica Avenue, Queens, New York using 13 KeyBank debit cards issued in the names of certain of the Victims.

(d) On or about September 3, 2020, ABRAHAM, STEWART and two co-conspirators made cash withdrawals totaling approximately $12,879 at a bank located at 516 5th Avenue, Brooklyn, New York using 10 KeyBank debit cards issued in the names of certain of the Victims.

(e) On or about September 5, 2020, ABRAHAM, CABRERA and MILLER made cash withdrawals totaling approximately $13,996 at a bank located at 114-19 Liberty Avenue, Queens, New York using 10 KeyBank debit cards issued in the names of certain of the Victims.

(f) On or about September 5, 2020, STEWART, VAZQUEZ and a co-conspirator made cash withdrawals totaling approximately $26,271 from three banks located at 75-21 Main Street, Queens, New York, 115-20 Jamaica Avenue, Queens, New York and 146-21 Jamaica Avenue, Queens, New York, using 18 KeyBank debit cards issued in the names of certain of the Victims.

(g) On or about September 15, 2021, MILLER, STEWART and a co-conspirator made cash withdrawals totaling approximately $9,901 from a bank located at 1223 Avenue J, Brooklyn, New York, using seven KeyBank debit cards issued in the names of certain of the Victims.

(Title 18, United States Code, Sections 1029(b)(2) and 3551 et seq.)

COUNT TWO
(Access Device Fraud)

18. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

19. In or about and between June 2020 and December 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant

BRYAN ABRAHAM, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT THREE
(Access Device Fraud)

20. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

21. In or about and between July 2020 and April 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANGEL CABRERA, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT FOUR
(Access Device Fraud)

22. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

23. In or about and between July 2020 and November 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARMANI MILLER, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT FIVE
(Access Device Fraud)

24. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

25. In or about and between August 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANDRE RUDDOCK, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT SIX
(Access Device Fraud)

26. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

27. In or about and between August 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GIANNI STEWART, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT SEVEN
(Access Device Fraud)

28. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

29. In or about and between July 2020 and March 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant CARLOS VAZQUEZ, together with others, did knowingly and with intent to defraud effect transactions, with one or more access devices, to wit: debit cards and Social Security numbers, issued to one or more other persons, in a manner affecting interstate commerce, and by such

conduct did receive payments and things of value aggregating $1,000 or more during any one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT EIGHT
(Aggravated Identity Theft)

30. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

31. In or about and between June 2020 and December 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRYAN ABRAHAM, together with others, during and in relation to the crimes charged in Counts One and Two, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

COUNT NINE
(Aggravated Identity Theft)

32. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

33. In or about and between July 2020 and April 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANGEL CABRERA, together with others, during and in relation to the crimes charged in Counts One and Three, did knowingly and intentionally transfer, possess and use, without lawful

authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

COUNT TEN
(Aggravated Identity Theft)

34. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

35. In or about and between July 2020 and November 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARMANI MILLER, together with others, during and in relation to the crimes charged in Counts One and Four, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

COUNT ELEVEN
(Aggravated Identity Theft)

36. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

37. In or about and between August 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANDRE RUDDOCK, together with others, during and in relation to the crimes charged in Counts One and Five, did knowingly and intentionally transfer, possess and use,

without lawful authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

COUNT TWELVE
(Aggravated Identity Theft)

38. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

39. In or about and between August 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GIANNI STEWART, together with others, during and in relation to the crimes charged in Counts One and Six, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

COUNT THIRTEEN
(Aggravated Identity Theft)

40. The allegations contained in paragraphs one through 14 are realleged and incorporated as if fully set forth in this paragraph.

41. In or about and between July 2020 and March 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant CARLOS VAZQUEZ, together with others, during and in relation to the crimes charged in Counts One and Seven, did knowingly and intentionally transfer, possess and use, without lawful

authority, one or more means of identification of one or more persons, knowing that the means of identification belonged to other persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH SEVEN

42. The United States hereby gives notice to the defendants charged in Counts One through Seven that upon their conviction of any of such offenses, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 982(a)(2)(B), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 1029(c)(1)(C), which requires any person convicted of such offenses to forfeit any personal property used or intended to be used to commit the offenses.

43. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(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 intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and1029(c)(2), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2)(B), 982(b)(1), 1029(c)(1)(C) and 1029(c)(2); Title 21, United States Code, Section 853(p))

A TRUE BILL

Scott Tijo Goldstein

FOREPERSON

JACQUELYN M. KASULIS
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. #2020R00998

FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

BRYAN ABRAHAM, ANGEL CABRERA, ARMANI MILLER, ANDRE RUDDOCK, GIANNI STEWART and CARLOS VAZQUEZ,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(2)(B), 982(b)(1), 1028A(a)(1), 1028A(b), 1028A(c)(4), 1028A(c)(5), 1029(a)(5), 1029(b)(2), 1029(c)(1)(A)(ii), 1029(c)(1)(C), 1029(c)(2), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

Scott Tirio Goldstein
Foreperson

Filed in open court this __________________ *day,*

of ____________ *A.D. 20* _____

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Clerk

Tara McGrath, Assistant U.S. Attorney (718) 254-6454