

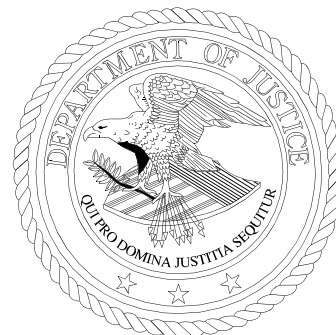
# NEWS

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United States Department of Justice  
U.S. Attorney, District of New Jersey  
402 East State Street, Room 430  
Trenton, New Jersey 08608

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**Ralph J. Marra, Jr., Acting U.S. Attorney**

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**More Information?** Contact the Assistant U.S. Attorney or other contact listed below to see if more information is available.

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sack1008.rel

FOR IMMEDIATE RELEASE

Oct. 8, 2009

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Florida Man and Driver Charged in Superseding Indictment for Their Roles  
In a \$30 Million International Bank Fraud and Identity Theft Ring

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(More)

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TRENTON – A Miami Beach, Fla., man and his driver were charged today in a Superseding Indictment for their roles in a telemarketing fraud and identity theft scheme that attempted to defraud financial institutions and their account holders throughout the United States of millions of dollars through the unauthorized and fraudulent debit of customer bank accounts, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

Robert Sacks, 49, and his driver, Diego Hernandez, 31, a Venezuelan citizen residing in Miami, who both were arrested on Dec. 10, 2008, along with seven additional defendants, will be arraigned on a 42-count Superseding Indictment before U.S. District Judge Garrett E. Brown, Jr., on Oct. 13 and Oct. 8, respectively.

A trial for the two defendants is schedule to begin on Nov. 10, 2009. Sacks and Hernandez are the final two remaining defendants out of 17 charged in connection with an international bank fraud ring busted for attempting to debit well over 100,000 customer accounts for more than \$30 million. The other 15 co-conspirators from Canada, New Jersey, Florida, Colorado and Michigan have already pleaded guilty for their participation in the conspiracy.

The Superseding Indictment, which was returned by a federal grand jury today, describes a scheme in which the two defendants and other co-conspirators pretended to operate a telemarketing business, but instead simply withdrew or attempted to withdraw funds from over 100,000 bank accounts throughout the United States without the authorization or knowledge of account holders. Thousands of these victims, many of whom are elderly and infirm, reside in New Jersey.

According to the Superseding Indictment, Postal Inspectors began conducting an investigation into an elaborate trans-border fraud scheme in which the co-conspirators allegedly obtained lists of individuals' names and bank account information. Then, under the pretense that these individuals had purchased items through a telemarketing business, drew money out of the victims' bank accounts, or attempted to do so. According to the Indictment, Siamak Saleki, 43, and Jan Ludvik, 25, a.k.a. "Thomas Palmer," both of Montreal, were responsible for collecting and providing the names and personal banking account information of unsuspecting consumers to their co-conspirators in the United States. Allegedly, the defendants then charged the accounts of these unwitting victims using false and fraudulent demand drafts (checks not actually written by the customers, but instead generated by the co-conspirators), or Account Clearinghouse ("ACH") debits (electronic withdrawals). The majority of these fraudulent transactions subsequently were reversed through the banking system because they were drawn upon accounts that were nonexistent, closed, contained insufficient funds, or because customers alerted their bank in time to reverse the transaction. A smaller yet still significant percentage of the debits and withdrawals were not returned to the bank because the victim did not alert the bank in time to reverse the transaction.

An original 24-count Indictment, which was returned on Sept. 10, 2008, and unsealed with the arrests made on Dec. 10, 2008, charged a total of nine defendants, including Sacks and Hernandez. Eight other co-conspirators were charged in separately filed criminal Informations. That Indictment charged both Sacks and Hernandez with one count each of

conspiracy to commit mail and wire fraud and conspiracy to commit bank fraud. In addition, Sack was charged with eight counts of wire fraud, four counts of mail fraud and eight counts of aggravated identify theft.

The Superseding Indictment charges Sacks with conspiracy to commit mail and wire fraud and conspiracy to commit bank fraud as well as 18 counts of substantive wire fraud, four counts of mail fraud and 18 counts of aggravated identity theft. The Superseding Indictment continues to charge Hernandez with one count each of aggravated identify theft and wire fraud, in addition to the aforementioned conspiracy counts.

In addition, the Superseding Indictment contains a forfeiture allegation that was part of the original Indictment, which seeks the forfeiture of cash, bank account assets and property in a sum equal to \$7 million, which represents the total amount of proceeds illegally gained through the defendants' scheme.

The count of conspiracy to commit mail and wire fraud carries a maximum statutory penalty of 20 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. The count of conspiracy to commit bank fraud carries a maximum statutory penalty of 30 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. Each count of mail and wire fraud carries a maximum statutory penalty of 20 years in prison and a fine of \$1 million or twice the aggregate loss to the victims or gain to the defendants. Each count of aggravated identity theft carries a statutorily mandated penalty of 2 years in prison, plus a fine of \$250,000.

Despite indictment, each of the defendants is presumed innocent unless proven guilty beyond a reasonable doubt.

Marra credited Postal Inspectors with the Newark Division of the U.S. Postal Inspection Service, under the direction of Inspector in Charge David Collins, and Postal Inspectors with the Denver Division, under the direction of Postal Inspector in Charge Shawn Tiller; Secret Service Agents in Miami, Fla., under the direction of Special Agent in Charge Michael K. Fithen, with the investigation leading to the Indictment.

Marra gave special thanks to the Assistant U.S. Attorneys in the Southern District of Florida, under the direction of U.S. Attorney Jeffrey H. Sloman; the Middle District of Florida, under the direction of U.S. Attorney G. F. Pete Peterman, III; and the District of Colorado, under the direction of U.S. Attorney David M. Gaouette, for their fine work on the case.

The government is represented by Assistant U.S. Attorneys John J. Hoffman and Peter Katz of the Criminal Division in Trenton.

– end –

Defense Attorneys:

Sacks - Edward Sapone, Esq. New York, NY

Hernandez - Robert Haney, Esq. Princeton, NJ