

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) Criminal Action No. 19-75  
)  
MARK CLARK )  
)  
Defendant. )

**SEALED**

**REDACTED**

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U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

INDICTMENT

The Grand Jury for the District of Delaware charges that:

COUNT ONE  
(Bank Fraud Involving WSFS Account)

*Introduction*

1. At all times relevant to this Indictment, Wilmington Savings Fund Society, FSB (“WSFS”) and TD Bank, N.A. (“TD Bank”) were federally insured financial institutions, the deposits of which are insured by the Federal Deposit Insurance Corporation.

*Scheme and Artifice to Defraud*

2. The defendant, **MARK CLARK** (“**CLARK**”), devised a scheme and artifice to defraud federally insured financial institutions by (i) fraudulently opening and controlling multiple bank accounts in the name of third parties, including deceased individuals; (ii) depositing checks he knew to be fraudulent into those bank accounts and others that he controlled; and (iii) withdrawing, or attempting to withdraw, funds from those accounts before the relevant financial institution was able to identify the fraudulent check deposit.

3. Between in or around December 2017 and in or around October 2018, **CLARK** opened approximately ten WSFS bank accounts. While he opened two of those accounts using his

own name, he opened the remaining accounts in the names of other people, including four individuals who were deceased at the time of account opening.

4. On or about April 26, 2018, **CLARK** opened a TD Bank account in the name of a deceased individual, A.J. (“the A.J. TD Account”), Acct. # XXXXXX2820, with a \$25 deposit. That \$25 deposit was the account’s only transaction before it was closed on or about June 29, 2018.

5. On or about September 12, 2018, **CLARK** submitted an online application to open a WSFS bank account in the name of A.H. (“the A.H. WSFS Account”). The A.H. WSFS Account – Acct. # XXXXXX0618 – was opened with a \$100 transfer from a Dexsta Federal Credit Union bank account in the name of F.T.

6. On or about September 23, 2018, **CLARK** deposited multiple checks into the A.H. WSFS Account through a drive-thru ATM machine. Among the checks deposited by **CLARK** on September 23, 2018, was an \$1,800 check drawn on the closed A.J. TD Account. Also among the checks deposited by **CLARK** on September 23, 2018, was a \$3,400 check drawn on a non-existent Discover Bank account, written in the name M.E.

7. The same day, on or about September 23, 2018, **CLARK** attempted to withdraw \$500 ATM from the A.H. WSFS Account through an ATM machine. The following day, on or about September 24, 2018, **CLARK** again attempted to withdraw \$500 from the A.H. WSFS Account through an ATM machine.

***Charging Paragraph***

8. From on or about April 26, 2018, through on or about September 24, 2018, in the District of Delaware and elsewhere, the defendant, **MARK CLARK**, did knowingly execute and attempt to execute a scheme and artifice to defraud TD Bank and WSFS, federally insured financial institutions, and to obtain moneys, funds, and other property under the custody and control of

WSFS, by means of material false and fraudulent pretenses, representations, and promises, as described more fully in paragraphs 1 through 7 above, incorporated herein by reference.

All in violation of Title 18, United States Code, Section 1344.

**COUNT TWO**  
**(Aggravated Identity Theft Involving M.E.)**

9. Paragraphs 1 through 8 are fully incorporated herein.

10. On or about September 23, 2018, the defendant, **MARK CLARK**, in the District of Delaware and elsewhere, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person, specifically, the name of M.E., during and in relation to the felony violation set forth in Count One, specifically bank fraud.

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5) and 2.

**COUNT THREE**  
**(Wire Fraud on E.W. Account)**

***Scheme and Artifice to Defraud***

11. In addition to the scheme set forth in Count One, from in or around June 2018 through in or around July 2018, in the District of Delaware and elsewhere, **CLARK** and other individuals unknown to the grand jury engaged in a scheme and artifice to defraud E.W., and to obtain money and property by means of materially false and fraudulent pretenses, representation and promises, whereby those other individuals, without authorization, caused the transfer of money from E.W.'s JP Morgan bank account in Georgia – Acct. # XXXXX1108 – into a bank account controlled by **CLARK**, as more fully described below.

12. On or about February 27, 2018, **CLARK** opened an M&T Bank account – Acct. # XXXXXXX5489 – in the name of a deceased individual, S.B. (“the S.B. M&T Account”).

13. On or about June 6, 2018, **CLARK** opened a WSFS bank account – Acct. # XXXXX0225 – in the name of a deceased individual, A.J. (“the A.J. WSFS Account”). The A.J. WSFS Account was funded with a \$100 transfer from the S.B. M&T Account.

14. On or about June 21, 2018, though on or about July 9, 2018, the A.J. WSFS Account received wire transfers totaling over \$24,000 from E.W.’s JP Morgan bank account. Apart from the initial \$100 deposit, those deposits from E.W. were the only deposits received by the A.J. WSFS Account.

15. Shortly after receiving those deposits, on or about June 25, 2018, through on or about July 6, 2018, in the District of Delaware and elsewhere, **CLARK** used or withdrew over \$3,000 from the A.J. WSFS Account through various ATM withdrawals and retail purchases.

***Charging Paragraph***

16. From on or about June 6, 2018, through on or about July 9, 2018, in the District of Delaware and elsewhere, the defendant, **MARK CLARK**, having devised and intended to devise and aided and abetted a scheme and artifice to defraud, as described in paragraphs 11 through 15 above, incorporated herein by reference, did knowingly transmit or cause to be transmitted by means of a wire communication in interstate commerce, as set forth below, electronic funds transfer requests from E.W.’s bank account in Georgia, to the A.J. WSFS Account, including the following requests:

<b>Date of Wire Transmission</b>	<b>Amount of Wire Transmission</b>
June 21, 2018	\$1,874
June 27, 2018	\$1,384
July 3, 2018	\$5,000
July 3, 2018	\$1,384
July 6, 2018	\$6,000
July 9, 2018	\$5,000
July 9, 2018	\$4,000

All in violation of Title 18, United States Code, Sections 1343 and 2(a).

**COUNT FOUR**  
**(Aggravated Identity Theft Involving A.J.)**

17. Paragraphs 1 through 16 are fully incorporated herein.

18. From on or about April 26, 2018, through on or about September 23, 2018, the defendant, **MARK CLARK**, in the District of Delaware and elsewhere, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person, specifically, the name and social security number of A.J., during and in relation to the felony violations set forth in Counts One and Three, specifically bank fraud and wire fraud.

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and (c)(5) and 2.

**COUNT FIVE**  
**(Wire Fraud Involving Internet Scams)**

***Scheme and Artifice to Defraud***

19. In addition to the schemes set out in Counts One and Three, from on or about September 18, 2017, through on or about December 12, 2017, in the District of Delaware and elsewhere, **CLARK** and other individuals unknown to the grand jury engaged in a scheme and artifice to defraud A.D., S.G., and P.H., and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises. It was part of the scheme that those other individuals, by means of false or fraudulent pretenses, representations, or promises, caused the transfer of money from third-party bank accounts into accounts controlled by **CLARK**, specifically: (i) A.D.'s Fifth Third bank account in Ohio into **CLARK**'s Bank of America account, Acct. # XXXXXXXXX8026; (ii) S.G.'s Southwest Missouri Bank account in Missouri into **CLARK**'s Bank of America account, Acct. # XXXXXXXXX8013; and (iii) from P.H.'s Republic

Bank and Trust Co. bank account in Kentucky into **CLARK**'s Bank of America account, Acct. # XXXXXXXXX8026; as more fully described below.

20. Other individuals communicated with A.D., S.G., and P.H. over the Internet. In each situation the other individual purported to be in need of financial assistance, and requested that A.D., S.G., and P.H. wire money into one of **CLARK**'s Bank of America accounts under false or fraudulent pretenses.

21. Rather than use those funds for their stated purpose, following **CLARK**'s receipt of those illicitly obtained funds, **CLARK** would quickly wire somewhere between 80-90% of those funds to Stanbic Bank Ghana Limited in Ghana.

***Charging Paragraph***

22. From on or about September 18, 2017, through December 12, 2017, in the District of Delaware and elsewhere, the defendant, **MARK CLARK**, having devised and intended to devise and aided and abetted a scheme and artifice to defraud, as described in paragraphs 19 through 21 above, incorporated herein by reference, did knowingly transmit or cause to be transmitted by means of a wire communication in interstate commerce, as set forth below, electronic funds transfer requests (i) from A.D.'s Fifth Third bank account to **CLARK**'s Bank of America account ending in 8026 (ii) from S.G.'s Southwest Missouri bank account to **CLARK**'s Bank of America bank account ending in 8013, (iii) from P.H.'s Republic Bank and Trust Co. account to **CLARK**'s Bank of America bank account ending in 8026, (iv) from **CLARK**'s Bank of America account ending in 8026 to Ghana, and (v) from **CLARK**'s Bank of America account ending in 8013 to Ghana, including the following requests:

Date of Wire Transmission	Description of Wire Transmission	Amount of Wire Transmission
September 18, 2017	From A.D.'s Fifth Third Bank Account to <b>CLARK's</b> Bank of America Account ending in 8026	\$3,500
September 18, 2017	From <b>CLARK's</b> Bank of America Account ending in 8026 to Stanbic Bank Ghana Limited	\$3,098.95
November 27, 2017	From S.G.'s Southwest Missouri Bank account to <b>CLARK's</b> Bank of America Account ending in 8013	\$1,350
November 28, 2017	From P.H.'s Republic Bank and Trust Co. account to <b>CLARK's</b> Bank of America Account ending in 8026	\$10,400
November 29, 2017	From <b>CLARK's</b> Bank of America Account ending in 8026 to Stanbic Bank Ghana Limited	\$8,285
December 1, 2017	From P.H.'s Republic Bank and Trust Co. account to <b>CLARK's</b> Bank of America Account ending in 8026	\$10,000
December 4, 2017	From <b>CLARK's</b> Bank of America Account ending in 8026 to Stanbic Bank Ghana Limited	\$7,965
December 11, 2017	From S.G.'s Southwest Missouri Bank account to <b>CLARK's</b> Bank of America Account ending in 8013	\$1,175
December 12, 2017	From <b>CLARK's</b> Bank of America Account ending in 8013 to Stanbic Bank Ghana Limited	\$905

All in violation of Title 18, United States Code, Section 1343 and 2(a).

**COUNT SIX**  
**(Wire Fraud Involving COMPANY A)**

***Scheme and Artifice to Defraud***

23. From on or about July 5, 2017, through on or about August 7, 2017, in the District of Delaware and elsewhere, **CLARK** and other individuals unknown to the grand jury engaged in a scheme and artifice to defraud COMPANY A, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, whereby those other individuals would, by means of false or fraudulent pretenses, representations, or promises, cause the transfer of money from COMPANY A's bank account into a business bank account controlled by **CLARK**, as more fully described below.

24. On or about May 1, 2017, **CLARK** opened a business bank account – Acct. #XXXXXXXXXX7672 – with SunTrust Bank in the name of Fabrice Group Roadside Assistance (“the Fabrice SunTrust Account”).

25. On or about July 5, 2017, other individuals caused COMPANY A, an insurance company based in Michigan, through false or fraudulent pretenses, to transfer over \$143,000 in insurance proceeds into the Fabrice SunTrust Account. Neither the other individuals, **CLARK**, nor Fabrice Group Roadside Assistance were the intended beneficiaries of the insurance proceeds.

26. From on or about July 6, 2017, through on or about July 12, 2017, **CLARK** used or withdrew over \$7,000 from the Fabrice SunTrust Account through various ATM withdrawals and retail purchases.

27. On or about July 12, 2017, SunTrust Bank froze the funds remaining in the Fabrice SunTrust Account.

28. On or about August 7, 2017, after SunTrust Bank froze the Fabrice SunTrust Account's funds, **CLARK** attempted to deposit a \$6,995 check into his Bank of America Account

ending in 8013 that was drawn on the Fabrice SunTrust Account. That check was returned as unpayable two days later.

***Charging Paragraph***

29. From on or about July 5, 2017, through on or about August 7, 2017, in the District of Delaware and elsewhere, the defendant, **MARK CLARK**, having devised and intended to devise and aided and abetted a scheme and artifice to defraud, as described in paragraphs 23 through 28 above, incorporated herein by reference, and for the purposes of executing such scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, did knowingly transmit or cause to be transmitted by means of a wire communication in interstate commerce, as set forth below, an electronic funds transfer request from COMPANY A’s bank account to the Fabrice SunTrust Account:

<b>Date of Wire Transmission</b>	<b>Description of Wire Transmission</b>	<b>Amount of Wire Transmission</b>
July 5, 2017	From COMPANY A to the Fabrice SunTrust Account	\$143,860

All in violation of Title 18, United States Code, Sections 1343 and 2(a).

**COUNT SEVEN**  
**(Wire Fraud Involving Social Security Funds)**

***Scheme and Artifice to Defraud***

30. Paragraphs 23 through 29 are fully incorporated herein.

31. From on or about June 24, 2017, through on or about July 12, 2017, in the District of Delaware and elsewhere, **CLARK** and other individuals, unknown to the grand jury, engaged in a scheme and artifice to defraud, whereby those other individuals would, by means of false or fraudulent pretenses, representations, or promises, cause the transfer of money from the United

States Social Security Administration (“the SSA”) to business bank accounts controlled by **CLARK**, as more fully described below.

32. On or about June 24, 2017, **CLARK** opened a business bank account – Acct. #XXXXXXX7711 – with Citizens Bank in the name of Fabrice Group Roadside Assistance (“the Fabrice Citizens Account”).

33. Other individuals, unknown to the grand jury, submitted claims for social security benefits using the personal identifying information for A.H. and E.K. Those other individuals directed the SSA to transfer the social security funds to business bank accounts controlled by **CLARK**.

34. On or about July 6, 2017, the Fabrice Citizens Account received a \$22,023.20 transfer from a SSA Account in Jamaica, New York that was intended for A.H. From on or about July 6, 2017, through on or about July 7, 2017, **CLARK** withdrew approximately \$22,000 from the Fabrice Citizens Account through cash withdrawals and the issuance of official bank checks.

35. On or about July 7, 2017, the Fabrice SunTrust Account received a \$19,361 transfer from a SSA Account in Kansas City, Missouri that was intended for E.K. From on or about July 10, 2017, through on or about July 12, 2017 **CLARK** used or withdrew over \$6,000 from the Fabrice SunTrust Account through various ATM withdrawals and retail purchases.

### ***Charging Paragraph***

36. From on or about June 24, 2017, through on or about July 12, 2017, in the District of Delaware and elsewhere, the defendant, **MARK CLARK**, having devised and intended to devise and aided and abetted a scheme and artifice to defraud, as described in paragraphs 30 through 35 above, incorporated herein by reference, and for the purposes of executing such scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent

pretenses, representations, or promises, did knowingly transmit or cause to be transmitted by means of a wire communication in interstate commerce, as set forth below, electronic funds transfer requests from the SSA to the Fabrice SunTrust Account and the Fabrice Citizens Account:

Date of Wire Transmission	Description of Wire Transmission	Amount of Wire Transmission
July 6, 2017	From a SSA Account in Jamaica, New York to the Fabrice Citizens Account	\$22,023.20
July 7, 2017	From a SSA Account in Kansas City, Missouri to the Fabrice SunTrust Account	\$19,361

All in violation of Title 18, United States Code, Sections 1343 and 2(a).

#### NOTICE OF FORFEITURE

Upon conviction of any of the offenses alleged in Count One this Indictment, the defendant **MARK CLARK** shall forfeit to the United States pursuant to Title 18, United States Code, § 982(a)(2) any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations.

Upon conviction of any of the offenses alleged in Counts Three, Five, Six, and Seven of this Indictment, the defendant **MARK CLARK** shall forfeit to the United States pursuant to Title 18, United States Code, § 982(a)(1)(c) and Title 28, United States Code, § 2461 any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations.

Upon conviction of the offenses alleged in Counts Two and Four of the Indictment, the defendant **MARK CLARK** shall forfeit to the United States pursuant to Title 18, United States Code, § 1028(b) any property involved in such offenses or constituting or derived from proceeds obtained directly or indirectly as a result of the said violations.

If the above-described forfeitable property, 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 intent of the United States, pursuant to Title 21, United States Code, § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:

Foreperson \_\_\_\_\_

DAVID C. WEISS  
United States Attorney

BY: *J.S.W.*  
Jesse S. Wenger  
Assistant United States Attorney

Dated: May 28, 2019

**CERTIFIED:**  
**AS A TRUE COPY:**  
**ATTEST:**  
**JOHN A. CERINO, CLERK**  
 BY *J.A. Cerino*  
 Deputy Clerk 5/28/19

I, MARK CLARK having  
been presented with a copy of the  
Indictment, upon arraignment, I do  
hereby enter a plea of NOT guilty  
to the Indictment filed in this case.

Dated this 6<sup>th</sup> day of JUNE, 20 19

W. Clark  
Def.  
Deffan N. Harper  
Cnsl.