

FILED BY _____ D.C.
DEC 20 2019
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **19-20850** **OCR-ALTONAGA**

18 U.S.C. § 1343
18 U.S.C. § 1029(a)(2)
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 981(a)(1)(C)
18 U.S.C. § 1029(c)(1)
18 U.S.C. § 982(a)(2)(B)

/GOODMAN

UNITED STATES OF AMERICA

v.

RANDY PEREZ,

Defendant.

_____ /

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. Company 1 was a legal recruiting firm doing business in Miami, Florida, and elsewhere.
2. S.P., a resident of Miami, Florida, was the sole owner and president of Company 1.
3. S.P. had a personal checking account and a checking account for Company 1. S.P. also had a credit card that she used for her own personal expenses and a number of different credit cards that she used for the business expenses of Company 1.
4. Defendant **RANDY PEREZ**, a resident of Miami, Florida, was S.P.'s administrative assistant at Company 1, from in or around September 2011, until in or around December 2016.

COUNTS 1-4
Wire Fraud
(18 U.S.C. § 1343)

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as fully set forth herein.

2. From in or around January 2015, and continuing through on or about May 2018, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RANDY PEREZ,

did knowingly, with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose for executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for **RANDY PEREZ** and his accomplices to unjustly enrich themselves by using stolen identities and fraudulently obtained credit card account information, and personal and corporate bank account information, to purchase goods and services for their and others personal use and benefit.

SCHEME AND ARTIFICE

The manner and means by which **RANDY PEREZ** and his accomplices sought to accomplish the purpose and object of the scheme and artifice included, among other things, the following:

4. In or around September 2011, **RANDY PEREZ** was hired by S.P. to be the administrative assistant for Company 1.

5. As part of his employment as S.P.'s administrative assistant at Company 1, **RANDY PEREZ** had access to S.P.'s personal and corporate bank account information, and was authorized to use that information to pay for S.P.'s expenses. **RANDY PEREZ** also had access to S.P.'s name, social security, and date of birth, address, and income, which was contained on her bank accounts and tax returns.

6. Company 1 paid **RANDY PEREZ** a salary for his administrative assistant duties. S.P. never authorized **RANDY PEREZ** to use her credit cards, bank accounts, name, social security number, date of birth, address, and income, to open up credit cards or lines of credit for his benefit and use.

7. Beginning in or around January 2015, while **RANDY PEREZ** was still working for Company 1, **RANDY PEREZ** used his access to S.P.'s credit cards to make purchases for the benefit of himself and his accomplices, including flights, hotel rooms, tabs at night clubs on Miami Beach, gym memberships, and presents from the Apple store, without S.P.'s authorization or authority. Some of these bookings and purchases were completed using interstate wires.

8. **RANDY PEREZ** and his accomplices used S.P.'s name, social security number, and date of birth, to take out two loans to buy a French bulldog, without S.P.'s authorization or authority.

9. **RANDY PEREZ** used email messages and websites to access S.P.'s accounts and falsely and fraudulently represented that he was authorized to use her bank accounts and credit card numbers to make purchases or open up credit cards in his own name. These false and fraudulent communications were transmitted through the use of interstate wires.

10. **RANDY PEREZ** used S.P.'s checking accounts to pay credit card charges he incurred on S.P.'s credit cards for the benefit of himself and his accomplices, and to transfer money

into his own checking account, without S.P.'s authorization or authority. Some of these payments were completed using interstate wires.

11. **RANDY PEREZ** made the aforementioned false and fraudulent representations for the purpose of obtaining goods and services for his own use and benefit, and for the use and benefit of others.

12. When **RANDY PEREZ** stopped working for Company 1 in or around December 2016, he offered to keep helping S.P. with her bills and S.P. agreed. **RANDY PEREZ** continued using his access to S.P.'s bank accounts and credit cards for the benefit of himself and his accomplices.

USE OF WIRES

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, **RANDY PEREZ**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as specified in each count below:

Count	Approx. Date	Description of Wire
1	January 30, 2017	Unauthorized wire payment of \$3,500 sent by RANDY PEREZ in Miami-Dade County, in the Southern District of Florida, from S.P.'s Northern Trust checking account to Citibank, using Northern Trust's server in Illinois.
2	February 3, 2017	Unauthorized wire payment of \$9,130.00 sent by RANDY PEREZ in Miami-Dade County, in the Southern District of Florida, from S.P.'s Northern Trust checking account to Barclay, using Northern Trust's server in Illinois.

Count	Approx. Date	Description of Wire
3	April 24, 2017	Unauthorized wire payment of \$295.89 sent by RANDY PEREZ in Miami-Dade County, in the Southern District of Florida, from S.P.'s Northern Trust checking account to Easy Pay Finance, using Northern Trust's server in Illinois.
4	November 13, 2017	Unauthorized wire payment of \$1,500.00 sent by RANDY PEREZ to S.P.'s checking account at Company 1, based in Miami-Dade County, in the Southern District of Florida, to fund a \$1,400.00 bank transfer to RANDY PEREZ 's personal checking account.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 5
Use of Unauthorized Access Devices
(18 U.S.C. § 1029(a)(2))

From in or around December 2016, and continuing through on or about December 2017, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RANDY PEREZ,

did knowingly, and with the intent to defraud, use one or more unauthorized access devices, that is, credit card numbers issued to other persons, during any one-year period, and by such conduct did obtain anything of value aggregating \$1,000 or more during that period, said conduct affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNTS 6-7
Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

On or about the dates specified in each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RANDY PEREZ,

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, knowingly, with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud,

and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose for executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, as charged in Counts 1 through 4 of this Indictment, did knowingly transfer, possess and use, without lawful authority, the means of another person, as specific in each count below:

Count	Approx. Date	Means of Identification
6	March 22, 2017	Name, date of birth, and social security number, belonging to S.P.
7	March 30, 2017	Name, date of birth, and social security number, belonging to S.P.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging criminal forfeiture to the United States of America of certain property in which the defendant, **RANDY PEREZ**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1343, as alleged in this Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), any property, real or personal, which constitutes or is derived from proceeds traceable to such violation.

3. Upon conviction of a violation of Title 18, United States Code, Section 1029, as alleged in this Indictment, the defendant shall forfeit to the United States of America all of his right, title and interest in any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violation, pursuant to Title 18, United States Code, Section 982(a)(2)(B), and in any personal property used or intended to be used to commit such violation, pursuant to Title 18, United States Code, Section 1029(c)(1)(C).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B) and 1029(c)(1)(C) and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Sections 982(b)(1) and 1029(c)(2).

A TRUE BILL

FOREPERSON

Ariana Fajardo Orshan

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

Elizabeth Young

ELIZABETH YOUNG
SPECIAL ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

v.

CERTIFICATE OF TRIAL ATTORNEY*

RANDY PEREZ,

Defendant

Superseding Case Information:

Court Division: (Select One)
 Miami Key West
 FTL WPB FTP

New defendant(s) Yes No
 Number of new defendants _____
 Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) No
 List language and/or dialect _____
4. This case will take 3-4 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	0 to 5 days <input checked="" type="checkbox"/>	Petty <input type="checkbox"/>
II	6 to 10 days <input type="checkbox"/>	Minor <input type="checkbox"/>
III	11 to 20 days <input type="checkbox"/>	Misdem. <input type="checkbox"/>
IV	21 to 60 days <input type="checkbox"/>	Felony <input checked="" type="checkbox"/>
V	61 days and over <input type="checkbox"/>	


6. Has this case previously been filed in this District Court? (Yes or No) No
 If yes: Judge _____ Case No. _____
 (Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No
 If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____
 Defendant(s) in federal custody as of _____
 Defendant(s) in state custody as of _____
 Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? Yes No
8. Does this case originate from a matter pending in the Northern Region U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes No


 ELIZABETH YOUNG
 Special Assistant United States Attorney
 Court ID A5501858

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RANDY PEREZ

Case No: _____

Counts #: 1-4

Wire Fraud

Title 18, United States Code, Section 1343

*Max. Penalty: Twenty (20) Years' Imprisonment

Count #: 5

Use of Unauthorized Access Devices

Title 18, United States Code, Section 1029(a)(2)

*Max. Penalty: Ten (10) Years' Imprisonment

Counts #: 6-7

Aggravated Identity Theft

Title 18, United States Code, Section 1028A(a)(1)

*Mandatory Min. Penalty: Consecutive Mandatory Minimum Two (2) Years' Imprisonment

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.