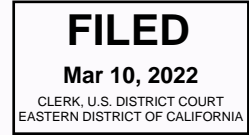


1 PHILLIP A. TALBERT
United States Attorney
2 LAURA D. WITHERS
JOSEPH BARTON
3 Assistant United States Attorneys
2500 Tulare Street, Suite 4401
4 Fresno, CA 93721
Telephone: (559) 497-4000
5 Facsimile: (559) 497-4099



6 Attorneys for Plaintiff
United States of America

SEALED

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 BRIAN KENNETH STOFFEL,

15 Defendant.

CASE NO. 1:22-cr-00073-JLT-SKO

VIOLATIONS: 18 U.S.C. § 1344 – Bank Fraud (3
Counts); 18 U.S.C. § 1029(a)(2) – Use of
Unauthorized Access Device (1 Count); 18 U.S.C.
§ 1028A(a)(1) – Aggravated Identity Theft (2
Counts); 18 U.S.C. § 1343 – Wire Fraud (1 Count); 18
U.S.C. §§ 982(a)(2) and 1029(c)(1)(C) – Criminal
Forfeiture

16
17 INDICTMENT

18 COUNTS ONE THROUGH THREE: [18 U.S.C. § 1344 – Bank Fraud]

19 The Grand Jury charges:

20 BRIAN KENNETH STOFFEL,

21 defendant herein, as follows:

22 **I. INTRODUCTION**

23 1. At all relevant times, defendant BRIAN KENNETH STOFFEL resided in the State and
24 Eastern District of California.

25 2. The term “means of identification” means any name or number that may be used, alone
26 or in conjunction with any other information, to identify a specific individual, including any: (A) name,
27 social security number, date of birth, official State or government issued driver’s license or identification
28 number, alien registration number, government passport number, or employer or taxpayer identification

1 number; (B) unique biometric data, such as fingerprint, voice print, retina, or iris image, or other unique
2 physical representation; (C) unique electronic identification number, address, or routing code; or (D)
3 telecommunication identifying information or access device.

4 3. The term “access device” means any card, plate, code, account number, electronic serial
5 number, personal identification number, or other means of account access that can be used, alone or in
6 conjunction with another access device, to obtain money, goods, services, or any other thing of value, or
7 that can be used to initiate a transfer of funds.

8 4. The term “unauthorized access device” means any access device that is lost, stolen,
9 expired, revoked, canceled, or obtained with intent to defraud.

10 5. At all relevant times, Wells Fargo Bank, N.A., Pinnacle Bank, and Eaglemark Savings
11 Bank were financial institutions insured by the Federal Deposit Insurance Corporation, and therefore
12 were federally insured financial institutions pursuant to 18 U.S.C. § 20.

13 **II. THE SCHEME TO DEFRAUD**

14 6. Beginning on a date unknown to the Grand Jury, but no later than September 2020, and
15 continuing through at least August 2021, in the State and Eastern District of California and elsewhere,
16 defendant BRIAN KENNETH STOFFEL did knowingly, and with the intent to defraud, execute and
17 attempt to execute a material scheme and artifice to defraud financial institutions, and to obtain monies,
18 funds, credits, assets, and other property owned by and under the custody and control of the financial
19 institutions, by means of false and fraudulent pretenses, representations, and promises.

20 **III. EXECUTION OF THE SCHEME**

21 7. In furtherance of the scheme to defraud and to obtain monies, funds, credits, assets, and
22 other property, defendant BRIAN KENNETH STOFFEL employed the following manner and means,
23 among others:

24 8. The defendant obtained J.A.’s name, social security account number, date of birth, and
25 other means of identification and access devices associated with J.A. without J.A.’s knowledge.

26 9. J.A. had a business savings account at Wells Fargo (ending 8840), initially funded with a
27 check in the amount of approximately \$250,000. J.A. opened and maintained account 8840 in Fresno, in
28 the State and Eastern District of California.

1 10. On or about December 26, 2020, BRIAN KENNETH STOFFEL fraudulently opened a
2 Wells Fargo checking account (ending 9014) linked to J.A.'s legitimate savings account 8840, in J.A.'s
3 name and using J.A.'s date of birth. STOFFEL then caused Wells Fargo to issue two unauthorized debit
4 cards (ending 8099 and 6600) under the name of J.A. in furtherance of his scheme to defraud.

5 11. Between approximately January 4, 2021, and February 1, 2021, defendant BRIAN
6 KENNETH STOFFEL transferred funds from J.A.'s legitimate savings account 8840 into, among other
7 accounts, the fraudulent checking account 9014. BRIAN KENNETH STOFFEL then used the
8 unauthorized debit cards in the name of J.A. to make cash withdrawals and purchases online and at
9 various retail locations.

10 12. Additionally, on or about December 10, 2020, defendant BRIAN KENNETH STOFFEL
11 applied to Bankers Healthcare Group for a loan funded by Pinnacle Bank. STOFFEL fraudulently
12 caused J.A.'s name, date of birth, and social security number to be listed on the application, along with
13 an address in Fresno, California. STOFFEL listed J.A.'s identifying information on the application to
14 fraudulently use J.A.'s credit to qualify for the loan.

15 13. Between approximately December 10, 2020, and at least January 25, 2021, BRIAN
16 KENNETH STOFFEL posed as J.A. in communications with Pinnacle Bank, including while on the
17 phone with a representative from Pinnacle Bank, in order to fraudulently induce Pinnacle Bank to fund
18 the loan.

19 14. Furthermore, on or about August 24, 2021, defendant BRIAN KENNETH STOFFEL
20 submitted a credit application to Eaglemark Savings Bank for a promissory note and security agreement
21 to fund the purchase of a Harley-Davidson motorcycle. STOFFEL fraudulently used J.A.'s name, date
22 of birth, and social security number on the application to qualify for the loan.

23 15. As a result of the scheme, BRIAN KENNETH STOFFEL caused and attempted to cause
24 over \$420,000 in losses to J.A. and federally insured financial institutions including Wells Fargo Bank,
25 Pinnacle Bank, and Eaglemark Savings.

26 16. On or about the dates set forth below, in the State and Eastern District of California and
27 elsewhere, BRIAN KENNETH STOFFEL, with the intent to defraud, knowingly executed and
28 attempted to execute a scheme and artifice to defraud federally insured financial institutions, and to

1 obtain monies, funds, credits, assets, and properties owned by, and under the custody and control of, the
 2 financial institutions by means of materially false and fraudulent pretenses, representations, and
 3 promises, as follows:

COUNT	APPROX. DATES	DESCRIPTION	APPROX. AMOUNT
ONE	12/26/2020 – 02/01/2021	Opening and use of Wells Fargo checking Account No. -9014 and Visa Debit Card Account Nos. -8099 & -6600	\$240,500
TWO	12/10/2020 – 01/25/2021	Application for and funding of Pinnacle Bank Loan No. x722	\$153,000
THREE	08/24/2021	Eaglemark Savings Bank Promissory Note/Security Agreement/Credit Application for the purchase of Harley Davidson motorcycle with VIN x5385	\$26,633.64

14 All in violation of 18 U.S.C. § 1344.

15 COUNT FOUR: [18 U.S.C. § 1029(a)(2) – Use of Unauthorized Access Device]

16 The Grand Jury further charges:

17 BRIAN KENNETH STOFFEL,

18 defendant herein, as follows:

19 17. Paragraphs 1 through 5, 7 through 11, and 15 through 16 inclusive are incorporated by
 20 reference as if fully set forth herein.

21 18. On or about the dates set forth below, in the State and Eastern District of California and
 22 elsewhere, defendant BRIAN KENNETH STOFFEL knowingly and with intent to defraud obtained
 23 money and property with a value in excess of \$1,000 during a one-year period, including but not limited
 24 to the purchases described below, by using one or more unauthorized access devices, as defined in
 25 Section 1029(e)(1) and (3) of Title 18 of the United States Code, to wit, a debit card account number,
 26 with said use affecting interstate and foreign commerce:

COUNT	APPROX. DATES	ACCESS DEVICE
FOUR	12/26/20 – 02/01/2021	Visa Debit Card Account No. -8099

All in violation of 18 U.S.C. § 1029(a)(2).

COUNT FIVE: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

The Grand Jury further charges:

BRIAN KENNETH STOFFEL,

defendant herein, as follows:

19. Paragraphs 1 through 5, 7 through 11, and 15 through 18 inclusive are incorporated by reference as if fully set forth herein.

20. On or about the date set forth below, in the State and Eastern District of California, defendant BRIAN KENNETH STOFFEL knowingly possessed and used, without lawful authority, a means of identification of another actual person, including but not limited to the name and date of birth of individual J.A., to open a checking account, obtain debit cards, and use at least one of the debit cards, during and in relation to a felony enumerated in Section 1028A(c) of Title 18 of the United States Code, including Bank Fraud, in violation of 18 U.S.C. § 1344, and Use of Unauthorized Access Devices, in violation of 18 U.S.C. § 1029(a)(2), as alleged in Counts One and Four of this Indictment, incorporated herein by this reference, as follows:

COUNT	APPROX. DATE	ACTUAL PERSON	DESCRIPTION
FIVE	12/26/2020	J.A.	Opening Wells Fargo N.A. Checking Account No. -9014 and Visa Debit Card Account Nos. -8099 & -6600 under the name of J.A.

All in violation of 18 U.S.C. § 1028A(a)(1).

///
///
///
///

COUNT SIX: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

The Grand Jury further charges:

BRIAN KENNETH STOFFEL,

defendant herein, as follows:

21. Paragraphs 1 through 5, 7 through 8, 12 through 13, and 15 through 16 inclusive are incorporated by reference as if fully set forth herein.

22. On or about the date set forth below, in the State and Eastern District of California, defendant BRIAN KENNETH STOFFEL knowingly possessed and used, without lawful authority, a means of identification of another actual person, including but not limited to the name, date of birth, and social security number of individual J.A., to apply for a loan, during and in relation to a felony enumerated in Section 1028A(c) of Title 18 of the United States Code, including Bank Fraud, in violation of 18 U.S.C. § 1344, as alleged in Count Two of this Indictment, incorporated herein by this reference, as follows:

COUNT	APPROX. DATE	ACTUAL PERSON	DESCRIPTION
SIX	12/10/2020	J.A.	Application for Pinnacle Bank Loan No. xxx722 in the name of J.A.

All in violation of 18 U.S.C. § 1028A(a)(1).

COUNT SEVEN: [18 U.S.C. § 1343 –Wire Fraud]

The Grand Jury further charges:

BRIAN KENNETH STOFFEL,

defendant herein, as follows:

23. On or about September 13, 2020, within the State and Eastern District of California, defendant BRIAN KENNETH STOFFEL knowingly devised, intended to devise, participated in, and executed a material scheme and artifice to defraud the Department of Homeland Security Federal Emergency Management Agency (FEMA) of money and property, and to obtain money and property from FEMA by means of materially false and fraudulent pretenses, representations, and promises.

24. Specifically, on or about September 13, 2020, defendant BRIAN KENNETH STOFFEL submitted a false and fraudulent electronic Application/Registration for Disaster Assistance to FEMA in

1 the name of J.A. BRIAN KENNETH STOFFEL submitted the application electronically from Fresno,
 2 California, and thereby caused it to be transmitted by interstate wire to FEMA’s processing center in the
 3 State of Virginia.

4 25. In the application, BRIAN KENNETH STOFFEL falsely claimed that J.A. was the
 5 registrant, that his address had been damaged by a disaster and he had suffered personal property
 6 damage as a result, and that the affected individual (J.A.) was then living in a hotel/motel due to a
 7 mandatory evacuation with various emergency needs as a result.

8 26. STOFFEL acted at all times with the intent to defraud. He intended FEMA to grant this
 9 false application and therefore to defraud FEMA of at least \$35,500 in disaster assistance.

10 27. On or about the date listed below, in the State and Eastern District of California, for the
 11 purpose of executing the aforementioned scheme and artifice to defraud, defendant BRIAN KENNETH
 12 STOFFEL knowingly transmitted and caused to be transmitted by means of wire, and radio,
 13 communication in interstate commerce the following writings, signs, signals, pictures, and sounds:

COUNT	APPROX. DATES	DESCRIPTION
SEVEN	09/13/2020	Application/Registration for Disaster Assistance to FEMA sent electronically from an Internet Protocol (IP) address in Fresno, California to FEMA for processing in Mount Weather, Virginia

14 All in violation of 18 U.S.C. § 1343.

15 **FORFEITURE ALLEGATION:** [18 U.S.C. §§ 982(a)(2)(A) and 1029(c)(1)(C) – Criminal
 16 Forfeiture]

17 1. Upon conviction of one or more of the offenses alleged in Counts One through Three,
 18 and Counts Five through Seven of this Indictment, defendant BRIAN KENNETH STOFFEL shall
 19 forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived
 20 from proceeds obtained directly or indirectly, as a result of said violations, including but not limited to
 21 the following:

22 a) A sum of money equal to the amount of proceeds obtained directly or indirectly,
 23 as a result of such offenses, for which defendant is convicted.
 24
 25
 26
 27
 28

2. Upon conviction of the offense alleged in Count Four of this Indictment, defendant BRIAN KENNETH STOFFEL shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit the offense.

3. If any property subject to forfeiture as a result of the offenses alleged in Counts One through Seven of this Indictment, for which defendant is convicted:

- 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 18 U.S.C. § 982(b)(1) and 1029(c)(1)(C)(2), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant, up to the value of the property subject to forfeiture.

A TRUE BILL.

/s/ Signature on file w/AUSA

FOREPERSON

PHILLIP A. TALBERT
United States Attorney

KIRK E. SHERRIFF

By: KIRK E. SHERRIFF
Assistant United States Attorney
Chief, Fresno Office

No. 1:22-cr-00073-JLT-SKO

FILED
Mar 10, 2022
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEALED

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

BRIAN KENNETH STOFFEL

INDICTMENT

VIOLATION(S): 18 U.S.C. § 1344 – Bank Fraud (3 Counts); 18 U.S.C. § 1029(a)(2) – Use of Unauthorized Access Device (1 Count); 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft (2 Counts); 18 U.S.C. § 1343 – Wire Fraud (1 Count); 18 U.S.C. §§ 982(a)(2) and 1029(c)(1)(C) – Criminal Forfeiture

A true bill,

/s/
Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$ __ Please Issue No Bail Warrant __

Sheila K. Oberto

AO 257

(Rev. 9/92) YES: SAB conflict in USAO (before 01/01/13) YES: SKO conflict in USAO (Before 4/12/10) PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

BY COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING: Case No.

Name of District Court, and/or Judge/Magistrate Judge Location (City)
EDCA

OFFENSE CHARGED

Fresno, CA

PLEASE SEE INDICTMENT

- Petty
- Minor
- Misdemeanor
- Felony

DEFENDANT -- U.S. vs.

BRIAN KENNETH STOFFEL

Address {

Birth Date

- Male Alien
- Female (if applicable)

(Optional unless a juvenile)

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome of this proceeding
If not detained, give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State
If answer to (6) is "Yes," show name of institution

Has detainer been filed? Yes No } If "Yes," give date filed

Mo. Day Year

DATE OF ARREST

Or ... if Arresting Agency & Warrant were not Federal
Mo. Day Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI / SA Justin Dasher

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per FRCrP 20 21 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

SHOW DOCKET NO.

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAGISTRATE JUDGE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

Sara Thomas

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

Laura D. Withers

FORFEITURE ALLEGATION

ADDITIONAL INFORMATION OR COMMENTS

Penalties: See Penalty Slip. Please Issue No Bail Warrant

United States v. Brian Kenneth Stoffel
Penalties for Indictment

COUNTS 1, 2, & 3:

VIOLATION: 18 U.S.C. § 1344 – Bank Fraud

PENALTIES: 30 years' imprisonment and/or
\$1,000,000 fine
5 years' supervised release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 4:

VIOLATION: 18 U.S.C. § 1029(a)(2) – Use of Unauthorized Access Device

PENALTIES: 10 years' imprisonment and/or
\$250,000 fine
3 years' supervised release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNTS 5 & 6:

VIOLATION: 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

PENALTIES: 2 years' imprisonment, mandatory consecutive, and/or
\$250,000 fine
1 year supervised release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

COUNT 7:

VIOLATION: 18 U.S.C. § 1343 – Wire Fraud

PENALTIES: 30 years' imprisonment and/or
\$1,000,000 fine
5 years' supervised release

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION:

VIOLATION:

PENALTIES: As stated in the charging document