


Approved:   
THOMAS S. BURNETT  
Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT  
United States Magistrate Judge  
Southern District of New York

20 MAG 9449

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UNITED STATES OF AMERICA : SEALED COMPLAINT  
:   
- v. - : Violations of 18 U.S.C.  
: §§ 1349, 1028A(a)(1),  
CHRISTOPHER FERRERA, and : 1028A(b), and 2  
ASHLEY BOURDIER, :   
: COUNTY OF OFFENSE:  
: BRONX  
:   
Defendants. :   
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

TIMOTHY SCHMIDT, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Labor, Office of Inspector General ("DOL-OIG"), and charges as follows:

COUNT ONE  
(Conspiracy to Commit Wire Fraud)

1. From at least in or about March 2020, up to and including at least in or about August 2020, in the Southern District of New York and elsewhere, CHRISTOPHER FERRERA and ASHLEY BOURDIER, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part of the object of the conspiracy that CHRISTOPHER FERRERA and ASHLEY BOURDIER, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs,

signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349)

COUNT TWO

(Aggravated Identity Theft)

3. From at least in or about March 2020, up to and including at least in or about August 2020, in the Southern District of New York and elsewhere, CHRISTOPHER FERRERA, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, FERRERA used the names and social security numbers of other persons to commit wire fraud through his fraudulent application for unemployment benefits, as charged in Count One of this Complaint.

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

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

4. I am a Special Agent with the DOL-OIG. I have been personally involved in the investigation of this matter. This affidavit is based on, among other things, my conversations with employees of States and financial institutions, my conversations with other law enforcement officers, my examination of reports and records prepared by law enforcement officers, my review of financial records, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, I have learned that CHRISTOPHER FERRERA and ASHLEY BOURDIER, the defendants, have engaged in a scheme to obtain over \$200,000 in unemployment benefits by fraudulently filing for benefits using the names and social security numbers of more than 25 other people.

### The FERRERA and BOURDIER Accounts

6. Based on my review of records from a financial institution ("Bank-1"), I have learned, in substance and in part, that between October 25, 2019 and May 17, 2020, four bank accounts were opened in the name of "Christopher R Ferrera" (the "FERRERA Accounts") and two bank accounts were opened in the name of "Ashley Bourdier" (the "BOURDIER Accounts").

7. There is probable cause to believe that the FERRERA Accounts belong to CHRISTOPHER FERRERA, the defendant, for the following reasons:

a. Based on my review of records from Bank-1, I have learned, in substance and in part, that the person who opened the FERRERA Accounts provided the same address in the Bronx, New York ("Address-1") and birthdate ("Birthdate-1") for each of the FERRERA Accounts.

b. Based on my review of records from the New York Department of Motor Vehicles ("DMV"), I have learned, in substance and in part, that FERRERA provided Address-1 and Birthdate-1 in connection with his application for a driver's license.

c. Based on my review of records from Bank-1, I have also learned, in substance and in part, that the person who uses the FERRERA Accounts moves money between all four accounts and has transferred approximately \$20,000 from one of the FERRERA Accounts to an investment account ("Investment Account-1") at a separate financial institution ("Financial Institution-1").

d. Based on my review of records from Financial Institution-1, I have learned, in substance and in part, that the individual who opened Investment Account-1 provided FERRERA's name, Address-1, and Birthdate-1 in connection with opening that account. The person who opened Investment Account-1 also provided a driver's license that displayed Address-1 and Birthdate-1, had a driver's license number that matched FERRERA's driver's license number, and displayed the same photograph that the DMV has on file for FERRERA.

8. There is probable cause to believe that the BOURDIER Accounts belong to ASHLEY BOURDIER, the defendant, for the following reasons:

a. Based on my review of records from Bank-1, I have

learned, in substance and in part, that the person who opened the BOURDIER Accounts provided the same address in New York, New York ("Address-2") and birthdate ("Birthdate-2") for both of the BOURDIER Accounts.

b. Based on my review of records from the DMV, I have learned, in substance and in part, that BOURDIER provided Address-2 and Birth Date-2 in connection with her application for a driver's license.

c. Based on my review of records from Bank-1, I have also learned, in substance and in part, that the person who uses the BOURDIER Accounts moves money between the two accounts and has transferred approximately \$10,000 from one of the BOURDIER Accounts to an investment account("Investment Account-2") at Financial Institution-1.

d. Based on my review of records from Financial Institution-1, I have learned, in substance and in part, that the individual who opened Investment Account-2 provided BOURDIER's name, Address-2, and Birthdate-2 in connection with opening the account. The person who opened Investment Account-2 also provided a learner's permit that displayed Address-2 and Birthdate-2, had a permit number that matched BOURDIER's permit number, and displayed the same photograph that the DMV has on file for BOURDIER.

#### The Fraudulently Obtained Unemployment Benefits

9. Based on my review of records from Bank-1, I have learned, in substance and in part, the following:

a. From at least in or about March 2020, up to and including at least in or about August 2020, agencies from three States ("State-1", "State-2", and "State-3", respectively), deposited over \$200,000 of unemployment benefits into the FERRERA Accounts and the BOURDIER Accounts.

b. The intended recipients of those payments were not FERRERA or BOURDIER; instead, they were 25 other people (the "Victims").

10. There is probable cause to believe that FERRERA applied to State-1 for unemployment benefits using the names and personal identifying information of some of the Victims for the following reasons:

a. Based on my review of records from State-1, I have learned, in substance and in part, that State-1 received applications for unemployment benefits for eight of the Victims. The person submitting those applications applied over the internet, and had to provide, among other things, the name and address for each Victim.

b. Based on my review of records from State-1, I have also learned, in substance and in part, that State-1 recorded the Internet Protocol ("IP") address used to submit applications on behalf of each of the Victims from State-1. According to those records, six different IP Addresses were used to apply for those benefits.<sup>1</sup>

c. Based on my comparison of records from State-1 with records from Bank-1, I have learned, in substance and in part, that the applications for the Victims from State-1 were each sent using an IP address that was also used to access the FERRERA Accounts on the same day that each application was submitted. This shows that the person applying for unemployment benefits accessed the internet via the same network as the person using the FERRERA Accounts.

11. There is also probable cause to believe that FERRERA applied to State-2 for unemployment benefits using the names and personal identifying information of some of the Victims for the following reasons:

a. Based on my review of records from State-2, I have learned, in substance and in part, that State-2 received applications for unemployment benefits for eleven of the Victims. The person submitting those applications sent information to State-2 over the internet, and had to provide, among other things, the name and address for each Victim.

b. Based on my review of records from State-2, I have learned, in substance and in part, that the addresses provided for five of the Victims from State-2 were in the same apartment building as Address-1, which is FERRERA's address.

c. Moreover, based on my conversations with employees from State-2, I have also learned, in substance and in part, that

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<sup>1</sup> Based on my review of records from State-1, I have learned, in substance and in part, that the IP addresses used to submit these applications were for networks based in, among other places, the Bronx, New York and New York, New York.

State-2 often records the IP address used when someone attempts to review the online account associated with an application for unemployment benefits.

d. Based on my comparison of records from State-2 and Bank-1, I have learned, in substance and in part, that on many occasions the same IP Address was used on the same day to access both the FERRERA Accounts and at least one of the accounts of a Victim from State-2. For example, on or about May 25, 2020, a particular IP Address was used to access one of the FERRERA Accounts and ten of the eleven accounts for Victims from State-2. This shows that that a person who had access to these accounts accessed the internet via the same network as a person who had access to the FERRERA Accounts.

12. Finally, there is probable cause to believe that BOURDIER is also a participant in FERRERA's scheme to fraudulently obtain unemployment benefits for the following reasons:

a. The BOURDIER Accounts have received over \$35,000 in unemployment benefits intended for at least four Victims.

b. The BOURDIER Accounts received unemployment benefits intended for Victims with a connection to the FERRERA Accounts. Specifically:

i. Based on my review of records from Bank-1, I have learned, in substance and in part, that the BOURDIER Accounts received unemployment benefits intended for one Victim from State-1 whose benefits also went into the FERRERA Accounts.

ii. Similarly, based on my review of records from Bank-1 and State-2, I have also learned, in substance and in part, that the BOURDIER Accounts received unemployment benefits intended for a second Victim from State-1. The application for unemployment benefits was sent from an IP address that was also used to access the FERRERA Accounts on the day the application was submitted.

c. FERRERA and BOURDIER also appear to have exchanged funds and phone calls during the fraudulent scheme. Specifically:

i. Based on my review of records from Bank-1, I have learned, in substance and in part, that on multiple occasions in May and June 2020, the FERRERA Accounts sent money over a mobile payment application to an account belonging to "Ashley Bourdier."

ii. Based on my review of records from Bank-1, I

have also learned that FERRERA and BOURDIER provided phone numbers in connection with their applications for the FERRERA Accounts and the BOURDIER Accounts ("Phone Number-1" and "Phone Number-2", respectively).

iii. Based on my review of records from the service provider for Phone Number-1, I have learned, in substance and in part, that Phone Number-1 and Phone Number-2 exchanged hundreds of phone calls between March and August 2020.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of CHRISTOPHER FERRERA and ASHLEY BOURDIER, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

/s/Timothy Schmidt  
TIMOTHY SCHMIDT  
Special Agent, DOL-OIG

Sworn to through the transmission of this Affidavit  
by reliable electronic means, pursuant to Federal Rules  
of Criminal Procedure 41(d)(3) and 4.1, this  
\_4th\_ day of September, 2020

  
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JAMES L. COTT  
United States Magistrate Judge