

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:  
: CRIMINAL NO. 12-180

: J Conner

CHRISTOPHER NDUKA

: (ELECTRONICALLY FILED)

**FILED  
HARRISBURG**

FELONY INFORMATION

JUL 18 2012

THE UNITED STATES OF AMERICA CHARGES THAT:

MARY E. D'ANDREA, CLERK  
~~Per~~ **DEPUTY CLERK**

**BACKGROUND**

As used in this Information "mass marketer" or "mass marketers" refers to an individual, or group of individuals, who use one or more means of mass communication media, to include the mail, telephone and internet, to offer fraudulent sweepstakes and business opportunities. The mass marketing schemes include, but are not limited, to the following:

**Sweepstakes Schemes**

In advance fee sweepstakes schemes purported "winners" are directed to pre-pay processing fees and taxes in order to collect their cash prizes. The Western Union or MoneyGram payees are falsely identified as representatives of public or private sweepstakes or lottery organizations, customs or taxing authorities.

**Mystery Shopper Schemes**

In mystery shopper schemes, sometimes referred to as secret shopper and mystery customer schemes, job seekers are mailed checks and are directed to use the cash proceeds to complete purchases and money wire transfers in order to evaluate various products or services. The victims are directed to retain a portion of the cash proceeds as payment for their services. After the victim wires the proceeds, the checks are identified by the bank of first deposit as counterfeit and the victim's bank account is charged accordingly.

**Overpayment Schemes**

Victims of overpayment schemes are individuals who have posted an item for sale or listed a service (i.e.: apartment rental). The seller is contacted either by telephone or via email and an agreement is reached. The seller receives as payment a check which turns out to be greater than the agreed upon price and is

transfer the amount of the overpayment to a third party. As before, the check is eventually returned by the bank of first deposit as counterfeit.

Fraudulent mass marketers operating from Canada utilize the United States mail, private interstate carriers, telephone and the internet during various phases of each of these schemes. In some instances, checks were delivered to the victims to finance the payment of various advance fees which were reportedly a condition of prize issuance or the collection of a substantial payment for services rendered. The checks cashed by the purported "winners", "mystery shoppers" and sellers, were counterfeit and returned unpaid to the bank of first deposit. The bank of first deposit initiated collection procedures against the purported "winners", "mystery shoppers" and "seller" for the total value of the counterfeit check. The prize notifications, business opportunities and overpayment offers were fictitious and the claimed association with legitimate public and private sweepstakes or lottery organizations, international businesses and foreign officials by the perpetrators and the co-conspirators were false. These schemes result in millions of dollars in losses to thousands of United States victims each year.

As used in this Information, the term "runner" or "runners" refers to an individual or individuals who assisted the mass marketers to anonymously receive cash proceeds from the "mystery shopper" victims. The "runners" afforded the co-conspirator mass marketers a degree of separation from the money transfers sent by the victims, and concealed the true identity and location of the co-conspirator mass marketers.

Beginning in approximately 2006, the defendant, **CHRISTOPHER NDUKA**, a Canadian resident, used fictitious names and "runners" to receive international Western Union and MoneyGram money transfers from "mystery Shopper" scheme victims.

The United States victims are introduced to the "mystery shopper" scheme via the United States mails. The envelopes are almost all postmarked in Canada and normally do not include a return address. The introductory letter includes a fictitious address and a telephone number which can not be traced to a physical location. The mass marketers invariably utilized pre-paid cell phones and telephone numbers registered with fictitious names and addresses. The telephone numbers and letterhead company names are changed regularly to avoid detection.

The introductory letters describe the purported companies as employment and consulting firms which utilize independent shopping consultants (mystery shoppers) to evaluate businesses. The letters indicate that the intended victims were pre-selected

to act as shopping consultants, and that their first probational (sic) training tasks are paid training assignments. The training assignments invariably included small dollar retail purchases (Wal-Mart, Gap etc.), and larger Western Union and MoneyGram wire money transfers. The letters are accompanied by checks payable to the intended victims, as well as shopper evaluation forms which add false credibility to these offers. The letters direct the intended victims to contact "assignment coordinators" to obtain further instruction. When contacted by telephone, the "assignment coordinators" direct the victims to cash the checks and to use the proceeds to fund the purchases and money transfers. The "assignment coordinators" dictate the payee names and purported payout locations for the Western Union and MoneyGram money transfers, and confirm the transaction amounts detailed in the introductory letters. These payee names are either fictitious, or are the names of "runners".

The money transfers associated with the defendant, CHRISTOPHER NDUKA, were all cashed in the Greater Toronto Area, and not in the cities dictated by the "assignment coordinators". (Both Western Union and MoneyGram permit Canadian payees to cash money transfers anywhere in the country despite the fact that the victim sender specified an expected payout location in another city and province within Canada.)

After the victim cashes and distributes the check proceeds, the victims' banks eventually notify the victims that the checks are counterfeit, or otherwise not honored. The banks then initiated collection activity against the victims for the value of the counterfeit checks. Complaints by the victims to the purported companies are ignored, and in some instances the companies had already abandoned the telephone numbers listed on their letterheads making contacting these individuals impossible.

Beginning in approximately 2006 and continuing through approximately 2008, in the Province of Ontario, Canada, and within the Middle District of Pennsylvania and elsewhere, the defendant, CHRISTOPHER NDUKA, aided and abetted by individuals known and unknown to the United States, with the intent to defraud, willfully participated in, with knowledge of its fraudulent nature, the above-described scheme and artifice to defraud and obtain money and property by materially false and fraudulent pretenses, representations, and promises.

In furtherance of the scheme and artifice to defraud, on or about June 18, 2007, the defendant, CHRISTOPHER NDUKA, and others known and unknown to the United States, caused the United States mails to be used to deliver a fraudulent Get Paid To Shop Agency ("mystery shopper") offer and counterfeit \$4,991 check to Sharon Lamoreaux, 75 John Street, Kingston, PA 18704.

All in violation of Title 18, United States Code, Section 1341 and Section 2.

Peter J. Smith  
PETER J. SMITH *by CBF*  
United States Attorney

Dated: 7-13-2012

**United States District Court**

MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER: 5: MS-09-17

CHRISTOPHER NDUKA

[UNDER SEAL]

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning in or about June 2006 and continuing until in or about February 2008 in Luzerne County, in the Middle District of Pennsylvania, and elsewhere, defendant CHRISTOPHER NDUKA and co-conspirators:

**Knowingly and unlawfully conspired and devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent representations, pretenses, and promises from purported "mystery shoppers" knowing said representations, pretenses and promises to be false, and on or about June 18, 2007, in carrying out this scheme, did cause the United States Postal Service to deliver a fraudulent "mystery shopper" letter and counterfeit \$4,991 check to Sharon Lamoreaux at 75 John Street, Kingston, PA 18704.**

in violation of Title(s) 18 United States Code, Section(s) 1341 (Mail Fraud) and 2 (Principals)

I further state that I am a(n) United States Postal Inspector and that this complaint is based on the following facts:

I, Joseph J. Adiano, being duly sworn according in the matter provided by law, hereby depose and state that I am employed as a United States Postal Inspector, assigned to the Scranton Domicile. I have been employed as a United States Postal Inspector for the past 24 years. (continued on attached 10 page affidavit)

Continued on the attached sheet and made a part hereof:  Yes  No

Joseph J. Adiano  
Signature of Complainant

Sworn to before me and subscribed in my presence,

2-3-09  
Date

at Wilkes-Barre, Pennsylvania  
City and State

MALACHY E. MANNION, U.S. MAGISTRATE JUDGE  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer