

United States District Court

for the

Western District of New York

United States of America

v.

Case No. 21-MJ- 4046

SHANEESHA WHITE,

Defendant

CRIMINAL COMPLAINT

I, Michael Nunziato, Special Agent, U.S. Department of Labor, Office of Inspector General, the complainant in this case, state that the following is true to the best of my knowledge and belief that in the Western District of New York, the defendant violated Title 18 U.S.C. §§ 641, 1040 and 1343, offenses described as follows:

Beginning in or about June, 2020 through February 2021, in the Western District of New York, the defendant **SHANEESHA WHITE**, (a) did knowingly embezzle, steal, purloin and convert to her use money of the United States in violation of 18 U.S.C. §641, (b) did knowingly falsify, conceal and cover up by scheme a material fraud, and made materially false and fraudulent statements in a matter involving a benefit authorized and paid in connection with a major disaster declaration in violation of 18 U.S.C. §1040, and (c) did knowingly and willfully devise and execute a scheme to defraud the United States and obtain money from the United States by means of false and fraudulent representations and pretenses in violation of 18 U.S.C. §1343.

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT MICHAEL NUNZIATO, UNITED STATES DEPARTMENT OF LABOR, OFFICE OF INSPECTOR GENERAL.

This Criminal Complaint is based on these facts:

Continued on the attached sheet.



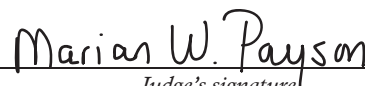
Complainant's signature

MICHAEL NUNZIATO, Special Agent, U.S. DOL

Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:
White Complaint

Date: March 19, 2021



Judge's signature

MARIAN W. PAYSON

UNITED STATES MAGISTRATE JUDGE

Printed name and title

City and State: Rochester, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

MICHAEL NUNZIATO, having been duly sworn, deposes and states as follows:

1. I am a Special Agent with the United States Department of Labor, Office of Inspector General, Office of Investigations - Labor Racketeering and Fraud, currently assigned to the Buffalo Field Office. Prior to joining the Department of Labor, I served as a Special Agent with the United States Department of State, Diplomatic Security Service ("DSS"). I have been employed as a Special Agent for the United States Government for 11 years

2. I completed the Diplomatic Security Training Center's Basic Special Agent Course and the Federal Law Enforcement Training Center's Criminal Investigator Training Program where I received specialized training in conducting investigations of federal offenses. As a part of my official duties, I investigate violations of the United States Code as they relate to, among other areas, benefit fraud, fraud perpetrated against the U.S. Government, and identity theft.

3. This Affidavit is submitted for the limited purpose of establishing probable cause to believe that Shaneesha White ("WHITE") committed the following offenses (the "Target Offenses"):

- a. Did knowingly embezzle, steal, purloin or knowingly convert to her use a record, voucher, money, or thing of value of the United States or any department or agency thereof in violation of Title 18, United States Code, Section 641.

- b. Did knowingly falsify, conceal, or cover up by a trick, scheme, or device a material fact; and made materially false, fictitious, or fraudulent statements or representations, containing materially false, fictitious, or fraudulent statements or representations, in a matter involving a benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) in violation of Title 18, United States Code, Section 1040.
- c. Did knowingly devise a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, and for purposes of such scheme, did transmit or cause to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds in violation of Title 18, United States Code, Section 1343.

4. The statements contained in this affidavit are based upon my investigation and personal knowledge, my interviews with witnesses, my review of official documents and records, information communicated to me by other law enforcement agents and government officials, and my training and experience as a Special Agent with the Department of State and Department of Labor. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation.

Background

A. Background on Unemployment Insurance Benefits and the COVID-19 Pandemic

5. At the times relevant to this affidavit, Unemployment Insurance (“UI”) is a state-federal program that provides monetary benefits to eligible lawful workers. Although each state’s state workforce agency (an “SWA”) administers its own respective UI program, all SWAs must do so in accordance with federal laws and regulations. UI payments (benefits)

are intended to provide temporary financial assistance to lawful workers who are unemployed through no fault of their own. Each state sets its own additional requirements for eligibility, benefit amounts, and length of time benefits can be paid. Generally, UI weekly benefit amounts are based on a percentage of the recipient's earnings over a base period. In New York State, the New York Department of Labor ("NYS DOL") administers the UI program.

6. On March 13, 2020, the President declared the ongoing Coronavirus Disease 2019 ("COVID-19") pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act").

7. On March 18, 2020, the President signed the Families First Coronavirus Response Act ("FFCRA") into law. The FFCRA provides additional flexibility for state UI agencies and additional administrative funding to respond to the COVID-19 pandemic.

8. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was signed into law on March 27, 2020. It expands states' ability to provide UI for many workers impacted by COVID-19, including for workers who are not ordinarily eligible for UI benefits. The CARES Act provided for three new UI programs: Pandemic Unemployment Assistance ("PUA"); Federal Pandemic Unemployment Compensation ("FPUC"); and Pandemic Emergency Unemployment Compensation ("PEUC").

9. The first program, PUA, provides for up to 39 weeks of benefits to individuals who are self-employed, seeking part-time employment, or otherwise would not qualify for regular UI or extended benefits under state or federal law or PEUC under section 2107 of the

CARES Act. Coverage includes individuals who have exhausted all rights to regular UI or extended benefits under state or federal law or PEUC. Under the PUA provisions of the CARES Act, a person who is a business owner, self-employed worker, independent contractor, or gig worker can qualify for PUA benefits administered by NYS DOL if he or she previously performed such work in New York and is unemployed, partially unemployed, unable to work, or unavailable to work due to a COVID-19 related reason. A PUA claimant must answer various questions to establish his/her eligibility for PUA benefits. The claimant must provide his/her name, Social Security Number, and mailing address. The claimant must also identify a qualifying occupational status and COVID-19 related reason for being out of work. The eligible timeframe to receive PUA under the CARES Act was from weeks of unemployment beginning on or after January 27, 2020 through December 31, 2020.

10. The second program, PEUC, provided for up to 13 weeks of benefits to individuals who have exhausted regular UI under state or federal law, have no rights to regular UI under any other state or federal law, are not receiving UI under the UI laws of Canada, and are able to work, available for work, and actively seeking work. However, states must offer flexibility in meeting the “actively seeking work” requirement if individuals are unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction. In New York, the eligible timeframe to receive PEUC benefits under the CARES Act was from April 5, 2020 through December 31, 2020.

11. Finally, the third program, FPUC, provides individuals who are collecting regular UI, PEUC, PUA, and several other forms of UI with an additional \$600 per week. In New York, the eligible timeframe to receive PEUC was from April 5, 2020 through July 31, 2020.

12. On August 8, 2020, after FPUC expired, the President signed a Presidential Memorandum authorizing FEMA to use disaster relief funds pursuant to Section 408 Other Needs Assistance of the Stafford Act to provide supplemental payments for lost wages to help ease the financial burden on individuals who were unemployed as a result of COVID-19. The “Lost Wages Assistance Program” (“LWAP”) served as a temporary measure to provide an additional \$300 per week via a total of \$44 billion in FEMA funds. The period of assistance for LWAP was August 1, 2020 to December 27, 2020, or termination of the program, whichever is sooner.

13. On December 27, 2020, the President signed the Consolidated Appropriations Act, 2021 into law. Part of the Consolidated Appropriations Act, 2021 is the Continued Assistance for Unemployed Workers Act of 2020 (the “Continued Assistance Act”), which among other funding measures, extended certain UI benefits initially created by the CARES Act. For example, the Continued Assistance Act: (1) extended PUA and PEUC benefits to March 14, 2021; and (2) reauthorized and modified FPUC to provide payments of \$300 per week for the period between December 26, 2020 and March 14, 2021.

B. Filing for Unemployment Benefits in New York

14. For the times relevant to this affidavit, there are two primary methods for filings for unemployment benefits in New York state: online and by telephone. The application allows New Yorkers to apply just once to receive the correct UI or PUA.

15. One method for applying for UI in New York is through the NYS DOL website. Each claimant will need to create a NY.gov online account, which allows the claimant to receive updates on the account, register for direct deposit, and communicate with

the NYS DOL. This requires the claimant to enter an email address, which New York State then uses to communicate with the applicant. Once the claimant has a NY.gov account, he or she can file a claim through the online portal by submitting their full name, Social Security number, driver's license or motor vehicle ID number, Alien registration card (if not a U.S. citizen), mailing address (including city and ZIP code), phone number, bank account and routing number, as well as wage and employment information such as New York State Employer Registration Number, Federal Employer Identification Number ("FEIN"), wage details, net annual income, and employer's full name and address.

16. The other method for filing a claim is by calling the NYS DOL Telephone Claim Center at 1-888-209-8124. For this method, each claimant still must submit the same information identified above for the online application, but the submission is made by telephone.

17. After a claimant applies for unemployment insurance benefits, if eligible, the first payment will generally be made in two to three weeks from the time the claim is completed and processed. If the claimant does not choose to have benefits direct deposited to a bank account, he or she will receive UI benefit payments on a debit card sent via U.S. mail from a third-party processor and administrator for KeyBank in Illinois. KeyBank is also the originating bank for New York and other states. KeyBank not only handles the issuance of debit cards, but also deposits UI benefits into UI claimants' accounts.

18. The debit card accrues the UI benefit payments and can be used like other debit cards and can be used to withdraw unemployment benefits from automated teller machines ("ATM") and MasterCard affiliated banks. The debit card also allows claimants to spend UI directly at retail point-of-sale locations and through online, phone, and mail order purchases.

The bank that provides unemployment insurance debit cards in the state of New York, as well as other states, is KeyBank.

19. Once a claimant has filed a claim for UI benefits, he or she must also certify every week that he or she continues to be unemployed and meets the eligibility requirements in order to continue to receive benefits. This certification process, like the initial application, can be done by telephone via the NYS DOL Telephone Claim Center, or online through the NYS DOL website.

Fraudulent Activity

A. General

20. At the end of October 2020, the NYS DOL contacted me and provided information they had received from a complaint system that alleged an incarcerated individual previously of Buffalo, NY was illegally receiving NYS UI benefit payments. Initial investigative steps confirmed through the Federal Bureau of Prisons that Dontrell WISE (“WISE”) is serving a life sentence in a penitentiary in Canaan, PA. NYS DOL records later confirmed WISE to be receiving NYS UI benefits.

21. Further investigation into NYS DOL records showed the Internet Protocol (“IP”) address associated with the UI benefit claim for WISE; 98.11.161.140 was also associated with multiple other NY UI benefit claims. An IP address is a numerical label assigned to each device connected to a computer network that uses the Internet Protocol for communication. These other NYS UI benefit claims associated with the same IP address as WISE included individuals Shanesha WHITE (“WHITE”), and Charlie BROWN (“BROWN”).

22. Records from Charter Communications, Inc.; the Internet Service Provider covering the IP address 98.11.161.140 shows the subscriber address for that specific IP as 723 Norfolk Ave, Buffalo, NY 14215-2759. The owner of the residence at 723 Norfolk Ave, Buffalo, NY 14215-2759 explained that he rents that property out to his cousin, Ruby MARTIN (“MARTIN”), and that MARTIN’s daughter WHITE, also lives at that address. The property owner explained that he only knew of Ruby MARTIN and WHITE living at that address. WISE is currently incarcerated and commercial database checks show no association between BROWN and the 723 Norfolk Ave, Buffalo, NY 14215-2759 address.

23. In follow-up records, NYS DOL provided more detailed claimant information for the UI benefit accounts of WHITE, BROWN, and WISE. These NYS DOL records showed all three of the accounts in question having the same mailing address of 723 Norfolk Ave, Buffalo, NY 14215-2759. NYS DOL mailed all three Key Bank Debit Cards that are filled each week with NYS DOL UI benefit funds to that address.

24. NYS DOL also provided the Key Bank account numbers associated with the UI benefits for WHITE, BROWN, and WISE. These are Key Bank accounts XXXXXXXXXXXXXXX7078 for WHITE; XXXXXXXXXXXXXXX0681 for BROWN; and XXXXXXXXXXXXXXX2212 for WISE. Key Bank account details also show 723 Norfolk Ave, Buffalo, NY 14215-2759 as the mailing address for all three of these accounts. WHITE had been using her own NYS DOL UI debit card from 6/8/2020 and begins to utilize the NYS DOL UI debit card for BROWN beginning 8/11/2020, and for WISE on 9/5/2020. Examination of all three accounts shows expenditures summarized in the table below. It

should be noted that these accounts are created by NYS and the only funds coming into these accounts are weekly NYS UI benefits:

Name	Account Number (last 4 digits)	Time Period	Amount
Shaneesha WHITE	7078	6/8/20 – 12/17/20	\$17,061.40
Charlie BROWN	0681	8/11/20 – 11/30/20	\$16,860.00
Dontrell WISE	2212	9/9/20 – 12/17/20	\$14,911.75

B. Specific Fraudulent Activity

25. Further examination of the Key Bank records show that WHITE was in fact the beneficiary for all three accounts in question. Part of the records from Key Bank were video files taken from their ATM machines. Not all video files were available from Key Bank. The videos that were available show an individual matching the physical description of WHITE taking money out of all three accounts at various times, occasionally contemporaneously:

Associated Name	Account (last 4 digits)	Date and Time	Location	Amount Taken
BROWN	0681	[9/10/2020] 20:07:32	1017 BROADWAY ST BUFFALO NY USA	\$60
WISE	2212	[9/13/2020] 10:16:41; 13:46:45	1017 BROADWAY ST BUFFALO NY USA	\$500 x 2
WISE	72212	[9/15/2020] 9:56:27; 9:57:00	1017 BROADWAY ST BUFFALO NY USA	\$500 x 2

WISE	2212	[9/24/2020] 19:11:47; 19:11:16;	3134 BAILEY AVE	\$500; \$60
WISE	2212	[9/27/2020] 19:21:56; 19:22:28	1017 BROADWAY ST BUFFALO NY USA	\$500 x 2
WISE	72212	[10/28/2020] 13:21:40; 13:21:51	2421 MAIN ST BUFFALO NY USA	\$180 x 2; \$120
WHITE	7078	[10/28/2020] 13:24:14	2421 MAIN ST BUFFALO NY USA	\$160

26. In addition to the above table specific to the obtained video files, there are multiple other instances of all three cards being used at the same location, at the same time for purchases or fund withdrawals. A good illustrative example took place on 9/8/2020, at the Key Bank terminal KB3694 located at address 752 E Delavan Ave, Buffalo, NY. On this date and at this location and terminal, a balance inquiry was conducted at 9:28:31 for WISE's account, at 9:29:18 for BROWN's account, and at 9:30:02 for WHITE's account. Or similarly, balance inquiries were done at an M&T Bank ATM terminal located at 2050 Kensington Ave, Buffalo, NY on 9/15/2020 for BROWN's account at 19:33:38, for WHITE's account at 19:34:19, and for WISE's account at 19:34:53.

27. On 2/16/2021 a Special Agent with the Department of Homeland Security, Office of Inspector General ("DHS OIG") in Buffalo, NY conducted a voluntary interview of WHITE following her arrest by the Cheektowaga Police Department outside of Buffalo, NY on unrelated charges. WHITE signed a document waiving her rights following their advisement by the DHS OIG Special Agent. WHITE also agreed to have the interview recorded. During this interview, WHITE admitted to knowingly receiving and using NYS UI benefit debit cards not only in her name, but in the names of WISE and BROWN. WHITE explained that she did not submit the initial applications for UI benefits but was knowingly

complicit in their fraudulent submission. By the submission of these fraudulent claims, WHITE caused NYS DOL to transmit through the internet fraudulent information to Key Bank and the third party company in Illinois that handles distribution of the UI benefit debit cards. WHITE also explained that she, initially with the help of unknown accomplices, fraudulently certified each week to NYS DOL that she was eligible to continue to receive NYS DOL UI benefits from 8/11/2020 until present, despite the fact that she was receiving income from the fraudulent UI claims of WISE and then BROWN. WHITE also, again initially with the assistance of unknown accomplices, admitted to certifying weekly to NYS DOL for BROWN from 8/11/2020 until present, and for WISE from 9/5/2020 to present. As explained, the UI application process included application to the PUA program. NYS DOL records show benefit payments to the accounts in question directly attributed to the PUA program as well as attributed to regular NYS DOL UI funds.

28. WHITE acknowledged that she resided with her mother at 723 Norfolk Avenue, Buffalo, NY. WHITE later received a debit card from Key Bank mailed to her address at 723 Norfolk Avenue, which contained funds received from the NYS DOL. WHITE also admitted that she received two other Key Bank debit cards mailed to 723 Norfolk Avenue in the names of BROWN and WISE. WHITE acknowledged she used the Key Bank debit cards to make ATM withdrawals for cash, including at Key Bank ATM locations in Buffalo, NY.

29. In her interview with DHS OIG, WHITE additionally admitted she traveled to Florida and utilized the three NYS DOL UI debit cards to pay for the various expenses and purchases. WHITE also admitted to using the debit card in BROWN's name to pre-pay for two plastic surgery charges at Venus Cosmetic Surgery in Miami, FL on 8/11/2020 totaling

\$5,500. WHITE explained that this plastic surgery was for herself. By using BROWN's fraudulently obtained debit card while in Buffalo, NY to prepay for plastic surgery in FL, WHITE caused interstate wire communications between the Western District of New York and Florida in violation of the wire fraud statute. In addition, from 9/17/2020 to 9/23/2020 there are then other multiple purchases, withdrawals, and cash-back transactions in the Miami, FL area on all three NYS DOL UI debit cards. These transactions include purchases at a smoke shop, multiple footwear stores, and cosmetic stores.

30. During the interview with WHITE, she also admits to knowing BROWN and WISE. She explained that BROWN knew she was using his information in furtherance of the UI fraud scheme. She added that WISE's spouse provided her with his information

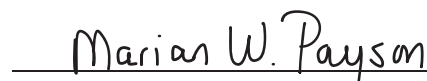
CONCLUSION

31. Based on the above, I believe there is probable cause to conclude that Shanesha WHITE committed the Target Offenses.



MICHAEL NUNZIATO
Special Agent, U.S. Dept. of Labor

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on March 19, 2021.



MARIAN W. PAYSON
United States Magistrate Judge