

UNDER SEAL

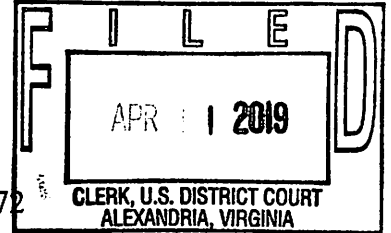
IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.)
)
 ROBERT MUTUA MULI,)
)
 Defendant.)

Case No. 1:19-mj-172

UNDER SEAL



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Jeffrey L. Schurott, Special Agent with the Federal Bureau of Investigation, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed since September 2017. After graduating from the FBI Academy at Quantico, Virginia, I was assigned to the Washington Field Office of the FBI where I investigate a variety of criminal matters including, but not limited to, corporate fraud, complex financial crimes, and other white-collar crimes. Through my employment with the FBI, I have gained knowledge in the use of various investigative techniques including the utilization of physical surveillance, investigative interviews, financial investigations, the service of Administrative and Grand Jury Subpoenas, and the execution of search and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

2. I submit this affidavit in support of a criminal complaint and arrest warrant charging ROBERT MUTUA MULI, with conspiracy to commit wire fraud and money laundering, in violation of Title 18, United States Code, Section 371.

3. I am familiar with the facts set forth in this affidavit based upon my participation in this investigation, interviews with victims, records received via grand jury subpoena, and other records, documents, and evidence obtained during the course of the investigation. This affidavit does not set forth all of my knowledge about this investigation; instead it is intended to demonstrate there is sufficient probable cause to charge MULI with conspiracy, in violation of Title 18, United States Code, Section 371, that is that, between April 2018 and September 2018, the defendant conspired with at least one other person, to commit:

- a. wire fraud, in violation of Title 18, United States Code, Section 1343, and
- b. money laundering, in violation of Title 18, United States Code, Section 1957.

OVERVIEW OF INVESTIGATION

4. The FBI first received information regarding the fraudulent conduct set forth in this affidavit from a county Sherriff's Office on behalf of Victim 1, the Department of Finance for a county government located in the Eastern District of Virginia, on or about September 13, 2018.

5. My investigation has determined that MULI and his co-conspirators, at least some of whom are located in Kenya, are engaged in a scheme to defraud and to launder money in which they hold themselves out, to target government entities and universities, to be legitimate vendors with ongoing contracts with the target. These representations are made through wires in interstate or foreign commerce. MULI and his co-conspirators then instruct the target of their scheme to direct future contractual payments to a bank account belonging to MULI or another

co-conspirator. As the target of the scheme begins making regular payments to the co-conspirator's account, the co-conspirator with access to the bank account—in many cases MULI—then withdraws money and distributes it to other members of the conspiracy.

PROBABLE CAUSE

Victim 1

6. On June 18, 2018, MULI opened a checking/money market business account (“Subject Account 1”), in the name of Rogram Home Improvement LLC at First Commonwealth Bank. MULI declared he was the owner of Rogram Home Improvement LLC. At all times, MULI controlled Subject Account 1 and Rogram Home Improvement LLC.

7. Rogram Home Improvement LLC is registered as a domestic limited liability company in the state of Ohio. MULI is listed as the registrant and incorporator. Rogram Home Improvement LLC does not appear to be engaged in any regular business activities.

8. In August 2018 and September 2018, Victim 1, the Department of Finance for a county government located in the Eastern District of Virginia possessed an agreement with Dell Marketing LP (“Dell”) for purchasing equipment to meet the computer needs of Victim 1. Dell Employee 1, Victim 1's principal point of contact at Dell, provided contract administrator services to Victim 1.

9. On August 6, 2018, Victim 1 received an email from an account falsely claiming to be Dell Employee 1, requesting a change to the destination account for Victim 1 payments to Dell. In fact, the email was from Co-conspirator 1. The fraudulent account's email address was closely similar to Dell Employee 1's true email address. Co-conspirator 1's email included a Victim 1 Vendor Agreement with revised Automated Clearing House (ACH) information for Dell. The revised information changed the routing number and account number to Subject

Account 1, controlled by MULI, and the depository institution name to First Commonwealth Bank. The revisions changed the email address for notices of payment to Co-conspirator 1's fraudulent account. The email also included a voided check issued by First Commonwealth Bank, which reflected Dell's true name and address.

10. A review of the emails from Co-conspirator 1 to Victim 1 shows the emails were sent from a single Internet Protocol (IP) address from Kenya, IP address 41.72.192.154. When Co-conspirator 1 sent these emails, travel records indicate that MULI was in the United States.

11. MULI has extensive ties to Kenya. Based on a review of his Verizon Wireless cellular telephone account, MULI, who is Kenyan, spoke with individual(s) in Kenya on twenty-four occasions from August 1, 2018 through September 20, 2018. MULI also traveled overseas prior to engaging in this scheme and returned to the United States in December 2017. MULI recently purchased a ticket for a flight to Kenya, scheduled to depart on April 12, 2019 at 7:00AM.

12. From about August 8, 2018 through about September 7, 2018, Victim 1 sent twenty-four ACH payments, totaling \$1,304,758.83 to Subject Account 1 for county government computing needs. The payments ranged from as low as \$328.77 to as much as \$241,223.13.

13. On August 14, 2018, Victim 1 received an email from Dell requesting the status of payments Dell had not yet received. Victim 1 responded to Dell with a list of payments made to Subject Account 1. Dell did not immediately confirm whether it had received the payments.

14. On September 4, 2018, Dell again contacted Victim 1 and requested the status of payments involving the open balances. On September 5, 2018, Victim 1 responded to Dell by providing the payment records and the last four digits of Subject Account 1, the destination of the payments. Dell responded and advised Subject Account 1 was not Dell's account.

15. The below chart sets out all transactions over \$10,000 for Subject Account 1, controlled by MULI, between August 8, 2018 and September 5, 2018.

Date	Description	Deposit	Withdrawal	Balance
8/8/2018	Victim 1 Payment to Subject Account 1	\$43,901.74		\$48,909.04
8/10/2018	Victim 1 Payment to Subject Account 1	\$15,240.70		\$67,336.62
8/10/2018	Check 1006 to Rogram Home Improvement LLC		\$29,900.90	\$37,435.72
8/14/2018	Check 1002 to Rogram Home Improvement LLC		\$32,690.90	\$16,895.45
8/16/2018	Victim 1 Payment to Subject Account 1	\$57,348.81		\$74,932.68
8/16/2018	Check 1007 to Rogram Home Improvement LLC		\$16,980.98	\$57,951.70
8/17/2018	Victim 1 Payment to Subject Account 1	\$76,699.68		\$134,651.38
8/17/2018	Victim 1 Payment to Subject Account 1	\$124,913.99		\$259,565.37
8/20/2018	Victim 1 Payment to Subject Account 1	\$34,810.00		\$286,383.44
8/20/2018	Victim 1 Payment to Subject Account 1	\$241,223.13		\$527,606.57
8/20/2018	Check 1008 to Rogram Home Improvement LLC		\$39,440.00	\$488,166.57
8/20/2018	Check 1014 to Rogram Home Improvement LLC		\$28,330.60	\$450,915.00
8/21/2018	Victim 1 Payment to Subject Account 1	\$53,764.99		\$504,679.99
8/21/2018	Check 1005 to MULI		\$19,786.87	\$484,893.12
8/21/2018	Check 1011 to Rogram Home Improvement LLC		\$34,600.97	\$450,292.15
8/23/2018	Victim 1 Payment to Subject Account 1	\$43,618.50		\$498,700.51
8/23/2018	Victim 1 Payment to Subject Account 1	\$118,050.00		\$616,750.51
8/24/2018	Victim 1 Payment to Subject Account 1	\$228,590.00		\$836,840.51

8/27/2018	Check 1024 to Rogram Home Improvement		\$42,973.70	\$795,986.29
8/29/2018	Victim 1 Payment to Subject Account 1	\$201,368.87		\$988,464.56
8/29/2018	Check 1028 to Rogram Home Improvement		\$32,207.60	\$956,256.96
9/4/2018	Victim 1 Payment to Subject Account 1	\$39,640.94		\$996,366.71
9/4/2018	Check 1030 to Co-conspirator Company 1		\$42,456.70	\$953,910.01
9/4/2018	Check 1033 to Co-conspirator Company 1		\$40,300.00	\$913,610.01
9/4/2018	Check 1038 to Co-conspirator Company 2		\$82,000.00	\$831,610.01
9/5/2018	Check 1029 to Co-conspirator Company 1		\$62,600.90	\$769,009.11
9/5/2018	Check 1036 to Rogram Home Improvement LLC		\$42,230.00	\$726,779.11
9/5/2018	Check 1039 to Rogram Home Improvement LLC		\$32,900.00	\$693,879.11

16. On August 1, 2018, Subject Account 1 had a balance of \$207.30. From August 8, 2018 to September 30, 2018, Subject Account 1 reflects only two types of transactions: incoming deposits from Victim 1, and outgoing checks withdrawals. A review of Subject Account 1, at all times in the possession of MULI, shows Victim 1 deposited \$1,304,758.83 in payments into Subject Account 1 from about August 8, 2018 through about September 7, 2018. Victim 1 was the sole source of income for Subject Account 1. From about August 10, 2018 through about September 5, 2018, MULI withdrew \$614,042.39 via checks to various entities including:

- a. MULI received \$28,707.84;
- b. Rogram Home Improvement LLC, at all times under the control of MULI, received \$332,255.65;

- c. Co-conspirator Company 1, a company controlled by Co-conspirator 2, received \$145,357.60; and
- d. Co-conspirator Company 2, a company controlled by Co-conspirator 3, received \$82,000.00.

17. Upon receipt of these funds, MULI, Co-conspirator Company 2, Co-conspirator Company 3, and Rogram Home Improvement LLC, sent a portion of this money to Kenya via international wire transfer. MULI also purchased and shipped electronics equipment to Kenya, as a further means to transfer the profits of the scheme to co-conspirators.

18. The identities of the recipients of MULI's monetary transfers are not all known. Based on my training and experience, I believe MULI is funneling money back to co-conspirators based in Kenya through some of these wire transfers.

19. Co-conspirator 2 controlled bank accounts under the name of Co-conspirator Company 1, while engaging in the same scheme to defraud other entities, sent money via numerous wire transfers to Kenya and is the subject of an investigation by the San Diego Division of the Federal Bureau of Investigation. Co-conspirator 2 departed the United States to Kenya on or about September 21, 2018 and has not returned to the United States, despite having purchased a round trip airline ticket. The San Diego Division possesses a warrant for the arrest of Co-conspirator 2. MULI exchanged communications with Co-conspirator 2 via U.S. mail.

Victim 2

20. On February 22, 2018, MULI opened a bank account ("Subject Account 2"), in the name of Rogram Home Improvement LLC at Wells Fargo Bank. MULI declared that he was the owner of Rogram Home Improvement LLC.

21. Between May 2018 and July 2018, Victim 2, a major municipal government, possessed an agreement with AECOM Great Lakes Inc. to meet the sales needs of the city.

22. On May 14, 2018 Co-conspirator 1 sent an email to Victim 2, from an email account falsely claiming to be an AECOM Great Lakes employee, directing Victim 2's Office of Contracting and Procurement to change the bank of record to Wells Fargo, and directing payments to Subject Account 2, which was controlled at all times by MULI.

23. A review of the emails from Co-conspirator 1 to Victim 2 shows the emails were sent from IP address 41.72.192.154, the same Kenya-based IP address that sent the emails to Victim 1. When Co-conspirator 1 sent these emails, travel records indicate that MULI was in the United States.

24. On May 25, 2018, Victim 1 made a \$69,464.02 ACH payment to Subject Account 2. On June 1, 2018, a second ACH payment of \$699,802.83 was made to Subject Account 2.

25. On July 11, 2018, the Office of Inspector General for Victim 2 received a complaint from another government employee, who stated that the city made two separate ACH payments, totaling \$769,266.85, into Subject Account 2. Victim 2, at this point, learned of the scheme and changed the bank of record for AECOM Great Lakes.

26. Based on a review of Subject Account 2, at all times in the possession of MULI and in the name of Rogram Home Improvement LLC, of the funds transferred to Subject Account 2, \$180,001.01 of the funds were disbursed via check to various entities including:

- a. \$49,990.60 to Rogram Home Improvement, in a single transaction on May 25, 2018; and
- b. \$74,527.90 to MULI, including a single transaction for \$39,990.40 on June 6, 2018.

27. Upon receipt of these funds, MULI and Rogram Home Improvement LLC sent a portion of this money to Kenya via international wire transfer. MULI also made a series of money transfers from the account to an unknown destination.

Victim 3

28. On or about November 24, 2017, MULI opened a checking/money market business account (“Subject Account 3”), in the name of Rogram Home Improvement LLC at PNC Bank. MULI declared he was the owner of the company.

29. In May 2018, Victim 3, the Department of Finance for a major municipal government located in Pennsylvania possessed an agreement with Dell for purchasing equipment to meet the computer needs of the city government.

30. On May 16, 2018, Co-conspirator 1 emailed Victim 3, from an email account falsely claiming to be from the legitimate Dell representative, requesting a change to the destination account for Victim 3 payments to Dell. The request included a Victim 3 “ACH Vendor Enrollment and Change Form” with revised ACH information for Dell. The revised information changed the routing number and the account number to Subject Account 3, controlled by MULI, and the depository institution name to PNC Bank. The email from Co-conspirator 1 also provided a voided check from Subject Account 3, which reflected Dell’s true name and address.

31. A review of the emails from Co-conspirator 1 to Victim 3 shows the emails were sent from IP address 41.72.192.154, the same Kenya-based IP address that sent the emails to Victim 1 and Victim 2. When Co-conspirator 1 sent these emails, travel records indicate that MULI was in the United States.

32. On May 25, 2018, Victim 3 sent, via one ACH payment, \$230,858.24 to Subject Account 3, at all times in the possession of MULI and in the name of Rogram Home Improvement LLC, for city government computing needs.

33. Victim 3's bank, Wells Fargo, noticed the ACH payment information for Dell had changed and Wells Fargo also noticed the amount of the payment, \$230,858.24 was unusually large. Wells Fargo then notified Victim 3, at which point Victim 3 became aware of the scheme to defraud.

Victim 4

34. In April 2018, Victim 4, the Department of Finance for a state government possessed an agreement with Dell for purchasing equipment to meet the computer needs of the state government.

35. On April 27, 2018, Co-conspirator 1 sent an email to Victim 4, from an email account falsely claiming to be a Dell employee, requesting a change to the destination account for Victim 4 payments to Dell. The request included a Victim 4 "ACH Vendor Enrollment and Change Form" with revised ACH information for Dell. The revised information changed the routing number and the account number to Subject Account 3, controlled by MULI, and the depository institution name to PNC Bank. The email from Co-conspirator 1 also provided a voided check from Subject Account 3, which reflected Dell's true name and address.

36. A review of the emails from Co-conspirator 1 to Victim 4 shows the emails were sent from IP address 41.72.192.154, the same Kenya-based IP address that sent the emails to Victim 1, Victim 2, and Victim 3. When Co-conspirator 1 sent these emails, travel records indicate that MULI was in the United States.

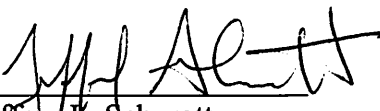
37. Between May 7, 2018 and June 25, 2018, Victim 4 sent, via ten ACH payments, \$13,684.63 to Subject Account 3 for state government computing needs.

38. On July 3, 2018, Victim 4 received a notice from the state's treasurer that the government's bank had identified possible fraudulent activity with respect to Subject Account 3. At this point Victim 4 became aware of the scheme to defraud.

CONCLUSION

39. Based on my training and experience, and the information provided in this affidavit, I respectfully submit that there is probable cause to believe that between April 2018 and September 2018, within the Eastern District of Virginia, a group of individuals, including MULI, Co-conspirator 1, and others, conspired to commit wire fraud and money laundering, in violation of Title 18, United States Code, Section 371.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.


Jeffrey L. Schurott
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this 11th day of April, 2019.

_____/s/ JFA
John F. Anderson
United States Magistrate Judge
Honorable John F. Anderson
United States Magistrate Judge
Alexandria, Virginia