



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 2, 2019

Credit One Bank
Sonya Foster-Brown
Custodian of Records



To whom it may concern:

Please be advised that the accompanying grand jury subpoena has been issued in connection with an official criminal investigation of a suspected felony being conducted by a federal grand jury. The Government hereby requests that you voluntarily refrain from disclosing the existence of the subpoena to any third party. While you are under no obligation to comply with our request, we are requesting you not to make any disclosure in order to preserve the confidentiality of the investigation and because disclosure of the existence of this investigation might interfere with and impede the investigation.

Moreover, if you intend to disclose the existence of this subpoena to a third party, please let me know before making any such disclosure.

Thank you for your cooperation in this matter.

Sincerely,
GEOFFREY S. BERMAN



■ :



Assistant United States Attorneys



United States District Court
SOUTHERN DISTRICT OF NEW YORK

TO: Credit One Bank
Sonya Foster-Brown
Custodian of Records
[Redacted]

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside, you appear and attend before the GRAND JURY of the people of the United States for the Southern District of New York, at the United States Courthouse, 40 Foley Square, Room 220, in the Borough of Manhattan, City of New York, New York, in the Southern District of New York, at the following date, time and place:

Appearance Date: October 16, 2019 Appearance Time: 10:00 a.m.

to testify and give evidence in regard to an alleged violation of :

18 U.S.C. §§ 1791, 201

and not to depart the Grand Jury without leave thereof, or of the United States Attorney, and that you bring with you and produce at the above time and place the following:

See Attached Rider

N.B.: Personal appearance is not required if the requested documents are: (1) produced on or before the return date to Assistant U.S. Attorney [Redacted], U.S. Attorney's Office for the Southern District of New York, One Saint Andrew's Plaza, New York, NY 10007, [Redacted]; and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records.

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED: New York, New York

[Redacted]
Geoffrey S. Berman / rd
GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York



[Redacted]
Assistant United States Attorneys
One St. Andrew's Plaza
New York, New York 10007
Telephone: [Redacted]
[Redacted]

RIDER

Grand Jury Subpoena to Credit One Bank dated October 2, 2019
Reference # [REDACTED]

REQUEST:

For the following account, and any other account controlled by the account holder of the below account:

Account number [REDACTED]
Account Holder: Robert Adams

Please provide any and all documents, to include, but not limited to those identified below, for the period **January 1, 2018 until the present:**

- a. Account opening documents, including applications and signature cards;
- b. Records of account holders for debit and credit cards linked to the accounts;
- c. Account statements and ledgers;
- d. Images of checks (both front and back) deposited in account;
- e. Images of canceled checks (both front and back) drawn on account;
- f. Images of cashier's checks (both front and back) and depositing bank account information;
- g. Account deposit slips, withdrawal slips, debit & credit memos, and cash tickets;
- h. Detailed wire transfer records, ACH transfer records (including routing/account numbers funds transferred to/from), money orders, and traveler's check records;
- i. All credit card and line of credit records, including, but not limited to: applications, monthly statements, billing slips, and records evidencing the source of payment (copies of checks, ACH records (including routing/account numbers funds transferred to/from), or cash received slips);
- j. Customer information associated with the account, including name(s), address(es), telephone number(s), e-mail address(es), and any other identifying or contact information.

INSTRUCTIONS FOR PRODUCTION OF DOCUMENTS:

1. All transactions-based information, include wire and ACH transfers, withdrawals/deposits, charges/payments, and bank account activity should be provided in **electronic spreadsheet format** (either Microsoft Excel or similarly compatible format). Specifically:
 - a. For wires and other types of transfers, the account holder name, account number, and bank name of both the originator and beneficiary of the transaction should be clearly stated in separate fields.
 - b. Cash and check transactions should be indicated within a transaction type field.

- i. Check transactions should include the name of the payee in the recipient field. Additionally, check images should be attached in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained, and named in a manner that uniquely associates them with the relevant transaction record(s).
 - ii. Cash withdrawals should be indicated with CASH written in the recipient field.
 - iii. Cash deposits should be indicated with CASH written in the sender/originator field.
 - c. Field headers should be included for each column of data, and a data dictionary or other explanation of the contents of each column provided.
2. Where more than one account is being requested, each account's transaction records should be returned in a separate file.
3. All document images are to be produced in electronic PDF format. Where images of checks, deposit slips, withdrawal slips, or cash tickets are being produced, they should be produced no more than two per page.
4. In lieu of an appearance you may comply with this subpoena by providing the requested information, along with a business records certification pursuant to Fed. R. Evid. 803(6) to Assistant U.S. Attorney [REDACTED] of the United States Attorney's Office, 1 St. Andrew's Plaza, New York, NY 10007. Tel: [REDACTED], email: [REDACTED].

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated [REDACTED], and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 2, 2019

Credit One Bank
Sonya Foster-Brown
Custodian of Records

Dear Sir/Madam:

This letter describes the procedure for requesting reimbursement for subpoenaed records.

12 CFR part 219 (subpart A), issued by the Board of Governors of Federal Reserve System under section 1115 of the Right to Financial Privacy Act (12 U.S.C. 3415), sets the rates and conditions for reimbursement of costs directly incurred by financial institutions in assembling or providing customer financial records to a government authority pursuant to the Act. No costs are reimbursable if the records are those of a corporation or a partnership comprised of more than five individuals.

If reimbursement is authorized, and the estimated billing to the government will exceed \$500, advance permission is necessary from [REDACTED].

If the subpoenaed records indicated on the rider are eligible for reimbursement, please complete section B of the enclosed form OBD-211, which will serve as your invoice, and return it with a copy of the subpoena to the following address:

U.S. Attorney's Office - SDNY
Accounts Payable Department
86 Chambers Street, 3rd floor
New York, NY 10007

Please send your invoice to the above address within 60 days of the submission of the subpoenaed records. If no invoice is received within 120 days, funds will not be available to pay the invoice.

Thank you,
Accounts Payable
Department

Enclosure: OBD-211



INSTRUCTIONS

Form USA-211

ATTORNEYS:

1. Fill in blocks 2, 3, 4 (name only), 8, 9, and 10.
2. Mail the subpoena and the USA-211 to the financial institution. (A copy of this “Instructions” sheet and the attached “Important Notice” must be included with each USA-211).

In a situation where the financial institution directly returns to you the USA-211 with an invoice and the subpoena/rider, please forward to Budget and sign Box 14, 15 and the bottom of Box 22 to acknowledge receipt of the requested service.

FINANCIAL OFFICIAL COMPLETES THE FOLLOWING:

1. Complete block 4 (address).

Section B.

2. Complete block 11A and 11B (payments cannot be processed without a Tax ID Number).
3. Either complete or write “See attached invoice” and attach to the USA-211.
4. Sign block 12 and Date block 13. Note carefully the certification in conjunction with the attached “Important Notice”.

5. Send the following documents to → **U.S. Attorney’s Office – SDNY
Budget / Fiscal Unit
86 Chambers Street – 3rd Floor
New York, NY 10007**

- a. **Completed USA-211**
- b. **Copy of Subpoena and Rider**
- c. **Attach invoice, if applicable**

IMPORTANT NOTICE

Pursuant to the Right to Financial Privacy Act (RFPA), Title 12, United States Code, Section 3415, financial institutions may be reimbursed for necessary costs actually incurred for producing subpoenaed financial records. **Reimbursement may only be made in connection with financial records of checking, savings, share, loan or credit card accounts if the accounts belong to individuals or partnerships of five or fewer partners.** Reimbursement may only be made to an entity defined as a financial institution under the RFPA. The Federal Reserve Board has established the following guidelines:

1. **Search and Processing Costs** – May be billed at the following rates of:
Clerical/Technical, hourly rate - \$22.00
Computer Support Specialist, hourly rate - \$30.00*
Manager/Supervisory, hourly rate - \$30.00

*If itemized separately, personnel time for computer searches may be paid at the rates set for specialized computer support **only** when compliance with the request for information requires that the financial institution use programming or other higher level technical services of specialized computer support in order to reproduce electronically stored information in the format requested by the government authority.

2. **Reproduction Costs** – May be billed at the following rates of:
Photocopy, per page - \$0.25**
Paper copies of microfiche, per frame - \$0.25
Duplicate microfiche, per microfiche - \$0.50
Storage Media (CD, flash storage device, etc.) – Actual Cost***

Reimbursement is not permitted on a per-page basis for production of paper documents that had been stored electronically, unless the government specifically requested production of paper documents. *Storage media may include encryption technologies.

3. **Transportation Costs** – If itemized separately, financial institutions may bill for:
 - ✓ Reasonably necessary costs directly incurred to transport personnel to locate and retrieve the requested information, and to deliver such material to the place of examination.
 - ✓ Reasonable measures taken to insure against a data breach, such as the use of registered mail or courier services as required.
 - ✓ No fixed reimbursement will be available for transmittal made by email. However, financial institutions may be reimbursed for personnel costs and other identified costs incurred related to making email transmissions.

REIMBURSEMENTS CANNOT BE MADE FOR RECORDS RELATING TO ACCOUNTS OF:

1. Corporations
2. Large Partnerships (6 or more partners)
3. Associations
4. Trusts
5. State and local government agencies
6. Other legal entities

Unless otherwise requested, all financial record requests should be delivered in an electronic format.

- Section B, item numbers 11 through 13 of the attached purchase order form must be completed and returned to the United States Attorney's Office to support reimbursement.
- To assure prompt payment, please submit an invoice within 60 days. Mail should be directed to the attorney whose name and address appears on the subpoena. Please include the appropriate tax ID number.

Note: If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment.

This form shall be used when requesting financial records of individuals and partnerships of five or fewer individuals under the RFPA.

1 Tracking Number:	2 Date Order Prepared:	3 USAO Number: [REDACTED]
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Section A - Authorization and Purchase Order

4 Name and Address of Financial Institution: Credit One Bank	Funding Certification & Authorization:	A. N/A Budget Official Signature 54-8113	Funding Available	Date
		B. Approving Official Signature _____ Date _____		
5 Deliver Records To: See attached subpoena for delivery instructions	Send Completed USA-211 Form & Invoice To: U.S. Attorney's Office - SDNY Budget / Fiscal Unit 86 Chambers Street, 3rd Floor New York, NY 10007	6 Return Date: See attached		

7 Remarks: Do not proceed with compliance if the total cost will exceed \$ 500.00 without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor: AUSA [REDACTED]	9 Telephone Number: [REDACTED]	10 Date of request: 10/02/2019
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Section B - Financial Institution Invoice

No Payment Shall Be Made Unless Expenses Are Itemized Below Or Set Forth On Your Attached Invoice.

11A Invoice Number: 11B Tax ID Number:	Quantity	Unit Price		Amount
		Cost	Per	
11C Service(s)/Records Provided:				
A. Searching and processing costs (clerical or technical personnel)	<input type="text"/>	\$22.00	Hour	<input type="text"/>
B. Searching and processing costs (management/supervisory personnel)	<input type="text"/>	\$30.00	Hour	<input type="text"/>
C. Searching and processing costs (computer support specialist)	<input type="text"/>	\$30.00	Hour	<input type="text"/>
D. Reproduction Costs (Photocopying) - **Note: Copy charges will be disallowed if the information is stored electronically, unless the US Attorney's Office requests paper.	<input type="text"/>	\$0.25	Page	<input type="text"/>
E. Reproduction Costs (Paper Copies of Microfiche: provide justification)	<input type="text"/>	\$0.25	Frame	<input type="text"/>
F. Reproduction Costs (Duplicate Microfiche: provide justification)	<input type="text"/>	\$0.50	Microfiche	<input type="text"/>
G. Storage Media Cost (e.g., Compact Disc, DVD, etc., at Actual Cost)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
H. Transportation Costs (Direct Costs Only)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

In Item #12, I certify that the services invoiced above were not performed relative to any corporate accounts and pertain only to accounts of individuals and partnerships of five or fewer individuals.

12 Signature of Financial Institution Official:	13 Date Signed:	Total Amount Claimed By Financial Institution
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Section C - Receiving Report

14 I certify that the articles and services listed were received:	15 Date Received:	16 Disallowance (See Attached)
		17 Net to Financial Institution

18 Right to Financial Privacy Act - Public Law 95-630 (12 U.S.C. 3401-3422) Request Pursuant To: (Check One Only)	19 Signature of Approving Official:	20 Funding Source																								
<table border="0"> <tr><td>SECTION</td><td></td><td>OBJECT CLASS</td></tr> <tr><td><input type="checkbox"/> 3404</td><td>Customer Authorization</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3405</td><td>Administrative Subpoena or Summons</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3406</td><td>Search Warrant</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3407</td><td>Judicial Subpoena</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3408</td><td>Formal Written Request</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3413</td><td>Grand Jury Subpoena</td><td>2545</td></tr> <tr><td><input type="checkbox"/> 3414</td><td>Special Procedures</td><td>2545</td></tr> </table>	SECTION		OBJECT CLASS	<input type="checkbox"/> 3404	Customer Authorization	2545	<input type="checkbox"/> 3405	Administrative Subpoena or Summons	2545	<input type="checkbox"/> 3406	Search Warrant	2545	<input type="checkbox"/> 3407	Judicial Subpoena	2545	<input type="checkbox"/> 3408	Formal Written Request	2545	<input type="checkbox"/> 3413	Grand Jury Subpoena	2545	<input type="checkbox"/> 3414	Special Procedures	2545		Accounting Code: Program
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		21 Other Accounting/Fund Information: Program Code: N/A Project Code: N/A YREGDOC: 54-8113																								

22 Remarks:	Call Number (if applicable): OBL Month (YRMO): Tax ID Number:
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To the best of my knowledge, the financial records received, for which we are being billed, are those of an individual or partnership of five or fewer individuals.

Signature of United States Attorney's Office Representative _____ Date _____