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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2016 Grand Jury

17 GR 1371 GPC

UNITED STATES OF AMERICA,

Case No.

v.

I N D I C T M E N T

HARDEV SINGH MOHAN
SINGH PANESAR (1),
aka Hardev Singh,
aka Hardev Panesar,
RAFAEL HASTIE (2),
aka Rafa,
GURDEV SINGH (3),
Defendants.

Title 18, U.S.C., Sec. 1349 -
Conspiracy to Commit Wire Fraud;
Title 18, U.S.C., Sec. 1343 -
Wire Fraud; Title 18, U.S.C.,
Sec. 912 - False Personation of
an Officer or Employee of the
United States; Title 31, U.S.C.,
Sec. 5324(a)(3) and (d) -
Structuring Domestic Financial
Institutions; Title 18, U.S.C.,
Sec. 981(a)(1)(C), Title 28,
U.S.C., Sec. 2461(c), and
Title 31, U.S.C., Sec. 5317 -
Criminal Forfeiture

The grand jury charges at all relevant times:

INTRODUCTORY ALLEGATIONS

1. The United States Department of Homeland Security (DHS) is an agency of the United States.

2. Defendants HARDEV SINGH MOHAN SINGH PANESAR, aka Hardev Singh, aka Hardev Panesar (hereinafter "PANESAR") and RAFAEL HASTIE, aka Rafa, (hereinafter "HASTIE") are not, and have never been, employees or officers of the DHS.

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Count 1

CONSPIRACY TO COMMIT WIRE FRAUD (18 U.S.C. § 1349)

3. Paragraphs 1 and 2 of the Introductory Allegations are realleged and incorporated by reference.

4. Beginning on a date unknown to the Grand Jury, and continuing up to and including May 24, 2017 in the Southern District of California, and elsewhere, defendants PANESAR, HASTIE, and GURDEV SINGH, (hereinafter "SINGH"), knowingly conspired and agreed with each other and with others to commit wire fraud - that is, to devise with the intent to defraud a material scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme used and caused to be used interstate wire communications; in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS

5. It was part of the conspiracy that co-conspirators used the following manner and means:

a. Defendants PANESAR, HASTIE, and SINGH, and unindicted co-conspirators known and unknown, induced persons to pay money based on false and fraudulent claims that the defendants could secure immigration status for the victims and their families;

b. Defendants PANESAR and HASTIE falsely claimed to work for DHS and other government agencies, and falsely represented that they had the authority to both obtain lawful immigration documents and legal status for individuals who lacked such status the United States, as well as to stop deportation proceedings;

1 c. Defendants PANESAR and HASTIE falsely claimed to work for
2 DHS and other government agencies to threaten victims and to deter the
3 victims from reporting the fraud to law enforcement;

4 d. Defendants PANESAR, HASTIE, and SINGH, and unindicted co-
5 conspirators known and unknown, caused interstate wire transfers to be
6 made for the purpose of receiving and moving the proceeds generated by
7 the fraudulent scheme;

8 e. Defendants PANESAR, HASTIE, and SINGH, and unindicted co-
9 conspirators known and unknown, caused funds from the victims to be
10 deposited into, transferred between, and withdrawn from various bank
11 accounts controlled by Defendants PANESAR, HASTIE, and unindicted co-
12 conspirators;

13 f. Defendants PANESAR, HASTIE, and SINGH, and unindicted co-
14 conspirators known and unknown, intentionally concealed from the victims
15 the fact that immigration documents and status could never and would
16 never be obtained; and

17 g. Defendants PANESAR, HASTIE, and SINGH, and unindicted co-
18 conspirators known and unknown, intentionally concealed from victims the
19 fact that the more than \$6 million paid for purported immigration
20 documents would be, and was, converted to the personal use and benefit
21 of defendants and unindicted co-conspirators.

22 OVERT ACTS

23 6. In furtherance of the conspiracy and to accomplish its object,
24 the following overt acts, among others, were committed within the
25 Southern District of California, and elsewhere:

26 a. In or about October 2014, HASTIE falsely represented to
27 F.H., an illegal alien, that he worked for the U.S. government and could
28 obtain the alien a green card for \$45,000.

1 b. In or about October 2014, HASTIE met with F.H. to review
2 immigration paperwork and collected \$3,000 as a down payment.

3 c. In or about May 2015, HASTIE and PANESAR falsely
4 represented themselves as government employees to F.H.'s wife and
5 requested \$10,000 to complete the application for immigration documents.

6 d. In or about May 2015, PANESAR threatened F.H. and his
7 wife.

8 e. On or about May 25, 2015, HASTIE sent F.H.'s wife a
9 Wells Fargo checking account number and account name wherein to deposit
10 money.

11 f. On or about May 26, 2015, F.H.'s wife deposited \$6,500
12 into the checking account provided by HASTIE to obtain an immigration
13 document for her husband from PANESAR and HASTIE.

14 g. On or about September 26, 2016, PANESAR called T.T. and
15 stated J.C. needed to pay an additional \$6,200 to process the green
16 card. PANESAR stated that the additional money would guarantee the green
17 card by October 15, 2016. PANESAR claimed the additional money could
18 make J.C. safe from deportation.

19 h. On or about September 27, 2016, PANESAR and T.T. met with
20 J.C. wherein PANESAR received money from J.C. Immediately following the
21 meeting, PANESAR sent these some of the proceeds by MoneyGram to Nigeria
22 in the name of S.K.

23 i. On or about September 26, 2016, PANESAR and SINGH had a
24 three-way telephone call with N.S. to discuss his ongoing application.
25 PANESAR told N.S. that the "Deportation Center" needed waivers, that
26 PANESAR sent the waivers, and PANESAR was waiting for them to come back.
27 PANESAR stated to N.S. that PANESAR would get proof of work being done
28

1 on the immigration application after N.S. asked for his \$250,000 back
2 from PANESAR or proof that work had been done.

3 j. On or about October 4, 2016, PANESAR called SINGH and
4 requested an additional \$2,150 to stop deportation proceedings of A.J.
5 SINGH confirmed he would tell A.J. that A.J. must deal with the
6 deportation before getting the green cards.

7 k. On or about October 4, 2016, PANESAR and SINGH had a
8 three-way phone call with A.J. PANESAR asked A.J. to send \$2,250 via
9 MoneyGram to stop deportation proceedings.

10 l. During the same phone call on or about October 4, 2016,
11 PANESAR falsely stated he was currently sitting with the person who
12 would stop the deportation proceedings of A.J. as soon as the \$2,250 was
13 sent. SINGH told A.J. to send PANESAR the money.

14 m. On or about October 4, 2016, a few hours after the phone
15 call between PANESAR, SINGH and A.J., PANESAR confirmed to SINGH that
16 he had received the \$2,250.

17 n. On or about October 10, 2016, PANESAR messaged T.T. that
18 additional payments were due for some immigrant applicants and requested
19 \$10,000. T.T. requested a few weeks for them to obtain the money. PANESAR
20 offered \$1,000 commission to T.T. to get the money from the immigrant
21 applicants.

22 o. On or about October 14, 2016, PANESAR messaged T.T. and
23 stated that the money related to J.C.'s application had to be paid by
24 2:00 p.m. that day. PANESAR promised T.T. a \$2,000 commission if J.C.
25 paid the money.

26 p. At approximately 12:21 p.m. on October 14, 2016, PANESAR
27 met with T.T. in El Cajon, California, and received a package from T.T.
28 which contained some of the funds PANESAR had demanded from J.C.

1 q. On or about October 14, 2016, PANESAR made four separate
2 structured cash deposits at four different bank branches into a Wells
3 Fargo bank account, totaling \$20,500.

4 All in violation of Title 18, United States Code, Section 1349.

5 Counts 2-4

6 WIRE FRAUD (18 U.S.C. § 1343)

7 7. Paragraphs 1 and 2 of the introductory allegations are
8 realleged and incorporated herein by reference.

9 8. Beginning on a date unknown to the Grand Jury and continuing
10 through March 2017, within the Southern District of California,
11 defendant PANESAR, aided and abetted by others known and unknown to the
12 Grand Jury, devised a material scheme to defraud and to obtain money
13 from persons by means of materially false and fraudulent pretenses,
14 representations, and promises.

15 9. Paragraphs 5 and 6 of Count 1 are realleged and incorporated
16 by reference as more fully describing the material scheme to defraud and
17 to obtain money from persons by means of materially false and fraudulent
18 pretenses, representations, and promises.

19 10. On or about the dates set forth below, within the Southern
20 District of California, and elsewhere, defendant PANESAR, for the
21 purpose of executing and attempting to execute the above-described
22 scheme to defraud and to obtain money and property by means of materially
23 false and fraudulent pretenses, representations, and promises,
24 transmitted and cause to be transmitted in interstate commerce, the
25 writings, signs, signals, pictures, and sounds set forth below:

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28 //

<u>Count</u>	<u>Date</u>	<u>Sender</u>	<u>Receiver</u>	<u>Communication</u>
2	2/9/2016	Hardev Panesar (in California)	(in Illinois)	Email of a letter on DHS letterhead stating that case is in final stage of processing
3	3/25/2013	N.S. (in Indiana)	Hardev Panesar (in California)	Wire transfer of \$24,000
4	9/14/2015	N.S. (in Indiana)	Hardev Panesar (in California)	Wire transfer of \$10,000

All in violation of Title 18, United States Code, Section 1343.

Counts 5-8

FALSE IMPERSONATION BY PANESAR (18 U.S.C. § 912)

11. Paragraphs 1 and 2 of the Introductory Allegations are realleged and incorporated herein by reference.

12. On or about the dates set forth below, within the Southern District of California, defendant PANESAR did falsely assume and pretend to be an officer and employee acting under the authority of the United States, that is, a United States Department of Homeland Security employee, as more fully described in Paragraphs 5 and 6 of Count 1, and in such assumed and pretended character did demand and obtain things of value, that is money in the amounts set forth below, from victims:

<u>COUNT</u>	<u>DATE</u>	<u>POSITION</u>	<u>ITEM RECEIVED</u>
5	9/26/16	DHS employee	\$6,200
6	9/30/16	DHS employee	\$1,180
7	10/4/16	DHS employee	\$2,250
8	10/12/16	DHS employee	\$4,000

All in violation of Title 18, United States Code, Section 912.

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1 Counts 9-10

2 FALSE IMPERSONATION BY HASTIE (18 U.S.C. § 912)

3 13. Paragraphs 1 and 2 of the Introductory Allegations are
4 realleged and incorporated herein by reference.

5 14. On or about the dates set forth below, within the Southern
6 District of California, defendant HASTIE did falsely assume and pretend
7 to be an officer and employee acting under the authority of a United
8 States, that is, a United States Department of Homeland Security
9 employee, as more fully described in Paragraphs 5 and 6 of Count 1, and
10 in such assumed and pretended character did demand and obtain things of
11 value, that is money in the amounts set forth below, from undocumented
12 immigrants seeking immigration status:

13 <u>COUNT</u>	<u>DATE</u>	<u>POSITION</u>	<u>ITEM RECEIVED</u>
14 9	10/2014	DHS employee	\$3,000
15 10	5/26/15	DHS employee	\$6,500

16 All in violation of Title 18, United States Code, Section 912.

17 Count 11

18 STRUCTURING DOMESTIC FINANCIAL INSTITUTIONS

19 15. On or about October 14, 2016, within the Southern District of
20 California, defendant PANESAR did knowingly and for the purpose of
21 evading the reporting requirements of Section 5313(a) of Title 31, United
22 States Code, and the regulations promulgated thereunder, structure the
23 following transactions with domestic financial institutions and did so
24 while violating another law of the United States, to wit conspiracy to
25 commit wire fraud:

26 a. At 12:32 P.M., deposit of \$4,300.00 in one hundred dollar
27 bills at Wells Fargo store 00670484 into account XXXXXX7807.

28 //

1 b. At 1:00 P.M., deposit of \$7,000.00 in one hundred dollar
2 bills at Wells Fargo store 00401884 into account XXXXXX7807.

3 c. At 1:33 P.M., deposit of \$7,500 in one hundred dollar
4 bills at Wells Fargo store 00009543 into account XXXXXX7807.

5 d. At 2:05 P.M., deposit of \$1,700 in one hundred dollar
6 bills at Wells Fargo store 007231411 into account XXXXXX7807.

7 All in violation of Title 31, United States Code, Section 5324(a)(3)
8 and (d).

9 FORFEITURE ALLEGATIONS

10 16. The allegations contained in Counts 1 through 4 and Count 11
11 are realleged herein for purposes of seeking forfeiture against
12 defendants HARDEV SINGH MOHAN SINGH PANESAR, aka Hardev Singh, aka Hardev
13 Panesar, RAFAEL HASTIE, aka Rafa, and GURDEV SINGH, pursuant to Title 18,
14 United States Code, Section 981(a)(1)(C), Title 28, United States Code,
15 Section 2461(c), and Title 31, United States Code, Section 5317.

16 17. Upon conviction of the offenses alleged in Counts 1 through 4
17 of this Indictment and pursuant to Title 18, United States Code,
18 Section 982(a)(1)(C), and Title 28, United States Code Section 2461(c),
19 defendants HARDEV SINGH MOHAN SINGH PANESAR, aka Hardev Singh, aka Hardev
20 Panesar, RAFAEL HASTIE, aka Rafa, and GURDEV SINGH, shall forfeit to the
21 United States any and all property, real and personal, constituting and
22 derived from proceeds obtained directly or indirectly as a result of
23 said violations.

24 18. Upon conviction of the offense alleged in Count 11 of this
25 Indictment and pursuant to Title 31, United States Code, Section 5317(c),
26 defendant HARDEV SINGH MOHAN SINGH PANESAR, aka Hardev Singh, aka Hardev
27 Panesar shall forfeit to the United States all property, real and
28 personal, involved in the offense and all property traceable thereto.

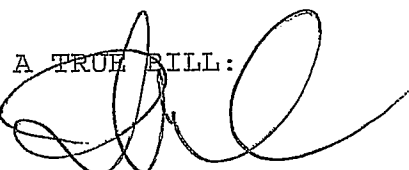
1 19. If any of the above-described forfeitable property, as a
2 result of any act or omission of the defendants -

- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to, or deposited with, a
5 third person;
6 c. has been placed beyond the jurisdiction of the court; has
7 been substantially diminished in value; or
8 d. has been commingled with other property which cannot be
9 subdivided without difficulty;

10 it is the intent of the United States, pursuant to Title 28, United
11 States Code, Section 2461(c), and Title 31, United States Code,
12 Section 5317(c), to seek forfeiture of any property of the defendants
13 up to the value of the said property listed above as being subject to
14 forfeiture.

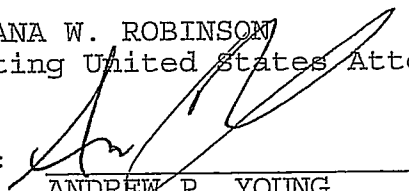
15 All pursuant to Title 18, United States Code, Section 982(a)(1)(C), and
16 Title 28, United States Code Section 2461(c), and Title 31, United States
17 Code, Section 5317.

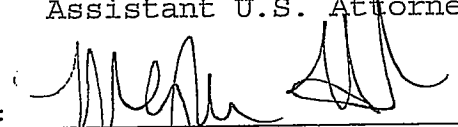
18 DATED: May 25, 2017.

19 A TRUE BILL:
20 
21

Foreperson

22 ALANA W. ROBINSON
23 Acting United States Attorney

24 By: 
25 ANDREW P. YOUNG
Assistant U.S. Attorney

26 
27 By: MEGHAN E. HEESCH
28 Assistant U.S. Attorney