

The Honorable Mary Alice Theiler

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF
AMERICA,

Plaintiff,

v.

ISMAIL SALI,

Defendant.

No. MJ11-0434 MAT

**GOVERNMENT’S MEMORANDUM
IN SUPPORT OF MOTION FOR
DETENTION ORDER**

The United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Norman M. Barbosa and Steven T. Masada, Assistant United States Attorneys for said District, files this Memorandum in support of the Government’s Motion for Detention Order (Dkt. #8) in the above-captioned matter. The detention hearing for this matter is scheduled for Monday, September 19, 2011.

I. INTRODUCTION

The defendant, Ismail Sali, has been federally charged based upon his involvement in an extensive, organized skimming operation that has caused immense financial and emotional harm to countless victims in Western Washington and elsewhere. For the reasons stated herein, the United States respectfully requests that the Court enter a detention order.

II. BACKGROUND

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2 Through this investigation, the United States Secret Service Electronic Crimes
3 Task Force, Seattle Field Office, has obtained evidence that Ismail Sali has been leading a
4 credit/debit card skimming operation in Western Washington dating back to at least 2008.
5 The defendant and his co-conspirators utilize skimming devices to compromise credit and
6 debit cards used by the actual account holders during legitimate transactions. Most
7 recently, this skimming activity has targeted Automated Teller Machines (“ATMs”) of
8 various financial institutions, where suspects will affix devices, namely, hidden card
9 readers and small surveillance cameras, to ATMs in order to steal ATM users’ account
10 data and personal identifying information. The conspirators then manufacture counterfeit
11 cards, which they use to raid their victims’ accounts and conduct unauthorized
12 transactions.

13 Warrants for the arrest of the defendant and an associate were issued by this Court
14 based upon a Criminal Complaint (Dkt. #1), which is incorporated herein. On September
15 14, 2011, Ismail Sali and Eugen Tirca were arrested at Sali’s residence in Kirkland,
16 Washington. A search of the property and two associated vehicles yielded a treasure
17 trove of evidence that shows they were operating an extensive, ongoing skimming
18 operation. Among other things, the search team recovered a variety of skimming devices,
19 plaster molds used to make skimming devices, false ATM keypads, fabricated portions of
20 ATM face plates, blank gift cards (used to manufacture counterfeit cards), and other tools
21 and instrumentalities of skimming operations, including numerous computers, card
22 readers and encoders, and other devices. Also seized were fake state driver’s licenses
23 (bearing Sali’s picture but an alias name), a myriad of bank/debit cards both in Sali’s
24 name and in the name of his aliases, and about \$10,000 in cash. Sample photographs are
25 attached as Exhibits A & B. At least three loaded firearms and ammunition were also
26 recovered. The defendant made his initial appearance in federal court on the day of
27 arrest. The Court scheduled the detention hearing for September 19, 2011.
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III. DISCUSSION

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2 The investigation has uncovered substantial evidence that the defendant has
3 committed various crimes, such as Identity Theft, Aggravated Identity Theft, Access
4 Device Fraud, Wire Fraud, Bank Fraud and Conspiracy, in violation of Title 18,
5 United States Code, Sections 1028, 1028A, 1029, 1343, 1344, and 371 and 1349, among
6 possibly others. If convicted, Ismail Sali faces serious punishment¹ and could be ordered
7 to repay considerable amounts to victims in restitution. The advisory Sentencing
8 Guidelines range, which a court will consider along with the factors set forth in 18 U.S.C.
9 § 3553(a), relies in large part on the number of victims and the attributable “loss” caused.²
10 The defendant’s operation, it is alleged, harmed countless victims and stole substantial
11 sums of money, which still remain unaccounted for. Ismail Sali poses a serious risk of
12 flight and a danger to others and the community that no combination of conditions can
13 reasonably abate. Accordingly, a detention order pursuant to 18 U.S.C. § 3142(e) is
14 warranted.

15 Given the severity of the criminal charges and the prospect of a significant prison
16 sentence, the defendant has the motive to flee and, if provided the opportunity, the means
17 to escape the reach of this Court and law enforcement. Ismail Sali has multiple known
18 aliases, in which he maintains identification documents and bank accounts. Agents
19 recovered from his residence a Washington and California driver’s license in alternative
20 names with initials of P.B.³ and L.D., which Sali used to open numerous bank accounts
21 and obtain credit cards. *See* Exhibit B. Despite their apparent authenticity, a post-search

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23 ¹ For example, the maximum penalties for the crime of Bank Fraud include a term
24 of imprisonment of 30 years and a \$1,000,000 fine. Moreover, conviction for Aggravated
Identity Theft, in violation of Title 18, United States Code, Section 1028A, requires a
two-year sentence consecutive to any other sentence imposed.

25 ² For example, Ovidiu Mateescu, a suspect with known ties to Sali, acknowledged
26 bilking 50 or more victims out of over \$230,000. Co-conspirators Dan Petri and Ion
Armeanca, two suspects working for Sali and Tirca, admitted to a similar actual loss
27 figure, having harmed 250 or more victims.

28 ³ Notably, this alias is strikingly similar to the name of an individual arrested and
prosecuted for skimming activity in another federal district.

1 inquiry confirmed that the licenses are fake (as opposed to real licenses obtained in false
2 names). The fact that Sali maintains multiple aliases weighs heavily in favor of detention,
3 as does the suggestion that he has the connections and the resources to obtain high-quality
4 bogus identifications in false names. Even were he to surrender his passport, there is a
5 strong indication that Sali could obtain forged travel documents to enable flight and avoid
6 apprehension. Moreover, he almost certainly has the financial resources to flee. The
7 instant criminal scheme involved the theft of hundreds of thousands of dollars in cash, the
8 whereabouts of which are unknown.

9 Furthermore, despite being a naturalized U.S. citizen, Sali maintains significant
10 foreign ties. There are records of foreign travel to Europe as recently as 2010. Moreover,
11 his known associates, including Eugen Tirca, Ion Armeanca, Dan Petri, and Ovidiu
12 Mateescu, are Romanian, all believed to have entered the United States illegally. There
13 are undoubtedly others. Indeed, the instant criminal activity involved extensive
14 international connections. As referenced in the Complaint, Ion Armeanca and Dan Petri,
15 two prolific skimmers prosecuted in this District, *United States v. Ion Armeanca et al.*,
16 CR11-16 RSL, used multiple vehicles associated with Sali and his residence to conduct
17 skimming activity. When arrested, Petri and Armeanca were making ATM cash
18 withdrawals using counterfeit cards encoded with foreign bank account data traced back
19 to recent skimming incidents in Europe. These “skimmed” foreign account numbers were
20 transmitted to the United States and other countries, where co-conspirators encoded the
21 data onto counterfeit cards, which were used for unauthorized withdrawals. Notably, the
22 counterfeit cards found in Armeanca’s and Petri’s possession were gift cards substantially
23 similar to those recovered during the search of Sali’s residence.

24 Finally, the risk of flight is enhanced due to the possibility that Sali, a U.S. citizen,
25 ultimately could face deportation (for reasons unrelated to the instant criminal
26 investigation). According to Secret Service, in or about 2005, U.S. Immigration and
27 Customs Enforcement (“ICE”) commenced proceedings to revoke Sali’s citizenship based
28 upon evidence that he provided materially false information regarding his criminal history

1 during the naturalization application process. No action was taken, and the ICE
2 investigation was closed. Further details are under investigation. However, the
3 suggestion that Sali may have obtained citizenship through fraud and that the threat of
4 deportation from the United States looms further demonstrates a heightened flight risk
5 and argues in favor of detention.

6 Detention is also warranted based on the significant danger the defendant poses to
7 other persons and the community. This investigation involves numerous witnesses,
8 including at least one cooperating co-conspirator, and it is concerning that Sali possessed
9 several loaded firearms amidst his skimming operation. The offense conduct is extremely
10 serious and has had an immense impact on its victims and the community. It is alleged
11 that Sali and his co-conspirators, over the course of years, stole the identities and pillaged
12 the bank accounts of hundreds of Washington residents and others. “Factors to be
13 considered” in making the detention determination include available information about
14 the “nature and circumstances” of the offense and the “weight of the evidence against the
15 person.” 18 U.S.C. § 3142(g). They too weigh heavily in favor of a detention order. The
16 Court is familiar with the reprehensible nature of skimming activity. It is an invasive
17 crime that indiscriminately targets any credit or debit cardholder, the vast majority of
18 ordinary people in today’s age, and carries potentially serious financial and psychological
19 consequences to a large number of innocent victims. This case is no exception. In fact,
20 the activity is especially egregious when, as is the case here, skimming is conducted as an
21 organized, criminal scheme involving numerous co-conspirators. Atop the operational
22 hierarchy sits Ismail Sali and Eugen Tirca.

23 There is considerable evidence of Sali’s role as a ringleader of this criminal
24 operation in the Pacific Northwest. Indeed, his residence appears to be the base of
25 operations, where he, Tirca, and their associates manufactured the devices used to steal
26 customer information, such as skimming devices, pin-hole cameras, fake keypads and
27 false ATM face plates, as well as the counterfeit cards fraudulently encoded with stolen
28 account data, which they then used to raid their victims’ accounts. *See Exhibit A.* As

1 | previously indicated, this investigation has linked Sali and Tirca to several other
2 | skimming suspects, including defendants arrested and charged in Western Washington.
3 | Significantly, Ion Armeanca’s and Dan Petri’s passports and other personal property were
4 | found in Sali’s house, as were “client copies” of court documents relating to their case,
5 | which remains ongoing. Notably, the investigation has uncovered ties between Sali and
6 | Ovidiu Mateescu, yet another defendant federally prosecuted for skimming numerous
7 | ATMs in a separate case, *United States v. Ovidiu Mateescu et al.*, CR11-27 RAJ, who had
8 | received mail at Sali’s Kirkland residence. There can be no dispute that Sali, given his
9 | role as a leader and organizer of a particularly devastating criminal operation, poses a
10 | significant danger to the public. *See United States v. Defede*, 7 F. Supp.2d 390, 391–92
11 | (S.D.N.Y. 1998) (finding that defendant’s leadership role in an organized criminal
12 | operation rendered him a danger to public safety and upholding pretrial detention order,
13 | despite the government’s agreement that defendant posed no flight risk).

14 | In sum, there are no conditions or combination of conditions of release that will
15 | reasonably assure the defendant’s appearance as required and the safety of other persons
16 | and the community.

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1 **IV. CONCLUSION**

2 For the reasons set forth above, the United States requests that this Court enter an
3 order detaining the defendant pending trial.

4 DATED this 19th day of September, 2011

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6 Respectfully submitted,

7 JENNY A. DURKAN
8 United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant. I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

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