

ALB:CPK
F. #2019R01100

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. _____
(T. 18, U.S.C., §§ 982(a)(1), 982(a)(2),
982(b)(1), 1349, 1956(h) and 3551 et
seq.; T. 21, U.S.C., § 853(p))

KAMAL ZAFAR,
JAMAL ZAFAR and
ARMUGHANUL ASAR,

Defendants.

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THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Indictment, unless otherwise indicated:

I. The Defendants and Their Fraud Scheme

1. The defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, engaged in a fraudulent telephone call and internet retail scheme directed at thousands of individuals across the United States (the “Victims”). As part of the scheme, telemarketing call centers in India were used to place calls seeking to defraud the Victims of money by various fraudulent scenarios that were presented. Among the fraudulent scenarios used was a scam wherein the Victims were contacted by an individual or individuals (the “Callers”), who claimed to be agents of a United States governmental agency. The Callers falsely claimed they were contacting the Victims to inform them that they owed the United States government or one of its agencies a

specified amount of money and, if the Victims did not immediately remit payment to the individuals or entities identified by the Callers, the Victims would be arrested. The scam was designed to induce the Victims to immediately remit payment in the amount claimed to be owed, in order to avoid arrest or other threatened sanctions.

2. The defendant KAMAL ZAFAR was a resident of South Huntington, New York. KAMAL ZAFAR was a United States-based manager and recruiter for the fraud scheme.

3. The defendant JAMAL ZAFAR was a resident of Huntington, New York. JAMAL ZAFAR was a United States-based manager and recruiter for the fraud scheme. Additionally, a bank account tied to a corporation owned by JAMAL ZAFAR was used to process, collect, and distribute money obtained from victims of the fraud scheme.

4. The defendant ARMUGHANUL ASAR was a resident of College Point, New York. ARMUGHANUL ASAR was a United States-based manager and recruiter for the fraud scheme. Additionally, ASAR opened bank accounts tied to a fraudulent corporation, which were used to process, collect and distribute money obtained from the Victims.

II. The Corporate Entities and Bank Accounts Used in the Eastern District of New York

5. In or about and between January 2018 and September 2018, both dates being approximate and inclusive, the defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, opened bank accounts in the names of various inactive and shell corporations for the purpose of receiving proceeds of the fraud scheme (the "Fraud Proceeds Bank Accounts"). As the defendants KAMAL ZAFAR, JAMAL ZAFAR and ASAR well knew and believed, these corporations served no legitimate

business purpose and the Fraud Proceeds Bank Accounts were used solely to process, collect, and distribute money obtained from the Victims of the fraud scheme.

6. As a part of the scheme to defraud, when Victims who had been called agreed to remit payments as a result of the false representations made to them, the Callers instructed the Victims to send wire transfer payments to one or more of the Fraud Proceeds Bank Accounts that had been set up for the sole purpose of receiving and then immediately disbursing the fraudulently obtained payments. The defendant KAMAL ZAFAR, together with others, then contacted the defendants JAMAL ZAFAR and ARMUGHANUL ASAR, who in turn contacted the respective shell company owners, to direct them as to how to process, collect and distribute the Victims' funds.

7. Shortly after receiving the wire transfer payments sent by the Victims to the Fraud Proceeds Bank Accounts, the defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, withdrew and directed shell company owners to withdraw the fraudulently obtained Victims' funds. KAMAL ZAFAR, JAMAL ZAFAR and ASAR, together with others, then distributed the money via cashier's checks and wire transfers to other bank accounts.

8. In total, between January 2018 and September 2018, both dates being approximate and inclusive, the defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, received approximately \$2.3 million dollars from the Victims as a result of the fraudulent scheme.

COUNT ONE
(Conspiracy to Commit Wire Fraud)

9. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

10. In or about and between January 2018 and September 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the Victims, and to obtain money and property from the Victims by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT TWO
(Conspiracy to Commit Money Laundering)

11. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

12. In or about and between January 2018 and September 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR, together with others, did knowingly and intentionally conspire to conduct one or more financial transactions in and affecting interstate and foreign commerce, including deposits, transfers and withdrawals of funds and monetary instruments, which in fact involved the proceeds of

specified unlawful activity, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

13. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offense to forfeit any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

14. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any

other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

15. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offense to forfeit any property, real or personal, involved in such offense, or any property traceable to such property.

16. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any

other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

KAMAL ZAFAR, JAMAL ZAFAR and ARMUGHANUL ASAR

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(1), 982(a)(2), 982(b)(1), 1349,
1956(a)(1), 1956(h) and 3551 *et seq.*; T. 21, U.S.C., § 853(p))

A true bill.

Foreperson

Filed in open court this ----- day,

of ----- A.D. 20 -----

Clerk

Bail, \$ -----

Charles P. Kelly
Assistant U.S. Attorney