

MAY 20 2011

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,

v.

OSMAN BAH,

Defendant.

DOCKET NO. 3:11cr159-moc

Violations:

18 U.S.C. § 1349

18 U.S.C. § 1343

18 U.S.C. § 2326

18 U.S.C. §§ 982(a)(1) & (a)(8)

18 U.S.C. § 2

INFORMATION

COUNT ONE

(CONSPIRACY - 18 U.S.C. § 1349)

THE UNITED STATES ATTORNEY CHARGES:

At all times relevant to this Information:

1. From in or about early 2008 to in or about August 2010, A.S. and W.B., individuals known and unknown to the United States Attorney, owned and operated a “call center” in San Jose, Costa Rica.

2. As used in this Information, a “call center” is a business that engages in an illegal telemarketing scheme. Specifically, individuals in the “call center,” including A.S., W.B., and others known and unknown to the United States Attorney, called victims within the United States to tell them they had won a large monetary prize in a sweepstakes contest and, using deceptive practices, convinced them to send money in order to claim their prize. Although the victims sent their money, they never received the prize money they were promised.

3. A.S., W.B., and other “call center” employees also falsely told their victims that they were raising money on behalf of a charitable organization and asked the victims to send

money in support.

4. Defendant OSMAN BAH lived in Baltimore, Maryland.

### **THE CONSPIRACY**

5. Beginning in or about early 2008, the exact date being unknown, and continuing until in or about August 2010, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

### **OSMAN BAH,**

together with other conspirators, both known and unknown to the United States Attorney, knowingly combined, conspired, confederated and agreed together, and with each other, to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and to transmit and cause to be transmitted, by means of wire, radio and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice and attempting to do so, in violation of Title 18, United States Code, Section 1343.

### **MANNER AND MEANS**

It was part of the conspiracy that:

6. A.S., W.B., and other workers in the “call center” known and unknown to the United States Attorney prepared and maintained a list containing the names and phone numbers of prospective victims, who were typically over the age of 55. Using a script, “call center” workers called the victims to say they had won second prize in a sweepstakes and that they had to transfer via Western Union thousands of dollars to Costa Rica. The victims were told that the

money they were supposed to wire was a “refundable insurance fee” that was going to an alleged “insurance entity,” and that they had to send this money in order to collect their prize. “Call center” workers used an alias when calling their victims in order to avoid detection.

7. In order to induce their victims to wire the money, “call center” workers often falsely represented themselves as being agents of the "Federal Trade Commission," or some other federal agency. They falsely explained that they were charged with ensuring that sweepstakes winners received their money. Frequently, “call center” workers informed their victims that it was the job of the "Federal Trade Commission" to see that the victims received their prize money.

8. “Call center” workers called their victims from Costa Rica using Voice over Internet Protocol (VoIP), which utilized computers to make telephone calls over the Internet. This practice permitted “call center” workers to use recognizable United States area codes, such as the Washington, D.C. area code, to make it appear on the victims' caller identification devices that the calls were made from somewhere within the United States when, in fact, the calls were being made from Costa Rica.

9. When an intended victim questioned the legality of the sweepstakes company that purportedly had awarded the prize, the “call center” worker would provide the intended victim a telephone number with a United States area code, but which actually was the number for a second “call center” worker in Costa Rica. Posing as a representative of the non-existent sweepstakes company, the second “call center” worker would answer the telephone call from the victim and would falsely reassure victim that he or she had indeed won a sweepstakes prize.

10. When an intended victim expressed a reluctance to wire transfer money to Costa

Rica, A.S., W.B., and other “call center” workers known and unknown to the United States Attorney would tell the victim to wire the money to a Western Union office in Maryland in the name of defendant OSMAN BAH. The victims were falsely told that defendant BAH was an “agent” of the sweepstakes company who would make sure the money would get to the proper person so the victim would be able to receive his or her prize money. In fact, defendant BAH was working on behalf of A.S. and W.B, and would send the victim’s money to them after taking a percentage of the proceeds for himself.

11. At various times, defendant OSMAN BAH also recruited additional individuals, known and unknown to the United States Attorney, to receive money from victims reluctant to send money overseas. At defendant BAH’s direction, these other individuals sent the victims’ money to A.S. and W.B. in Costa Rica from a Western Union location in Maryland. These additional individuals also kept a percentage of the victims’ money for their efforts, in addition to a percentage kept by defendant BAH, before sending the money to A.S. and W.B.

12. In addition to telling their victims that they had won a prize in a sweepstakes, A.S., W.B., and other “call center” workers falsely told their victims that they were raising money on behalf of a charitable organization, such as the Make-a-Wish Foundation or the Dream Foundation, and asked the victims to wire money to Costa Rica in support of these organizations. Further, if the victims were reluctant to send money overseas, they were instructed to wire the money to defendant OSMAN BAH in Maryland and others known and unknown to the United States Attorney working with BAH.

### OVERT ACTS

13. In furtherance of the conspiracy and to effect the object thereof, defendant OSMAN BAH committed the following overt acts, among others, in Mecklenburg County, within the Western District of North Carolina, and elsewhere.

14. On or about the following dates, in Owings Mills, Maryland, defendant OSMAN BAH sent money via Western Union, through Mecklenburg County, within the Western District of North Carolina, that he received from the following victims, known to the United States Attorney, to A.S. and others working for A.S. in Costa Rica.

Overt Act	Date	Amount	Victim
A	5/4/09	\$2120	S.U. and W.W.
B	5/6/09	\$1560	S.U.
C	6/1/09	\$4225	L.G.
D	7/26/09	\$3,510	J.B.

All in violation of Title 18, United States Code, Sections 1349 and 2326.

**COUNT TWO**  
**(WIRE FRAUD)**

15. The allegations in paragraphs 1 through 4 and 6 through 14 of Count One of this Bill of Information are hereby realleged and incorporated by reference as if fully set forth herein.

16. On or about July 26, 2009, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, defendant

**OSMAN BAH**

unlawfully, wilfully, and knowingly, having devised and intended to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit: a Western Union wire transfer in the amount of \$3,510 from Owings Mills, Maryland, which was electronically routed to and processed in Charlotte, Mecklenburg County, North Carolina prior to being sent to its ultimate destination in Costa Rica.

All in violation of Title 18, United States Code, Sections 1343, 2326, and 2.

**NOTICE OF FORFEITURE**  
**18 U.S.C. SECTION 982(a)(8)**

1. The allegations in paragraphs 1 through 4, and 6 through 14 of Count 1 of this Bill of Information are hereby realleged and incorporated by reference as if fully set forth herein.

2. Based upon the commission of the offenses set forth in Counts 1 and 2 of this Information in violation of Title 18, United States Code, Sections 1349 and 1343, which involved telemarketing as that term is used in Title 18, United States Code, Section 2325, the defendant,

**OSMAN BAH,**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(8),

(A) any real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of such offenses;

(B) any real or personal property, constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of the offenses; and

(C) a sum of money representing the amount of proceeds obtained as a result of the offense for which the defendant is convicted up to a value of \$653,761 (six hundred fifty three thousand, seven hundred and sixty-one dollars) .

3. A money judgment up to a value of \$653,761 (six hundred fifty-three thousand, seven hundred and sixty-one dollars) in United States currency.

4. If any of the property described above, as a result of any act or omission of the defendant:

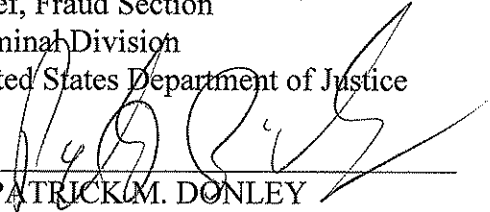
(A) cannot be located upon exercise of due diligence;

- (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;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982 (b)(1).

ANNE M. TOMPKINS  
United States Attorney  
Western District of North Carolina

DENIS J. MCINERNEY  
Chief, Fraud Section  
Criminal Division  
United States Department of Justice

By:   
PATRICK M. DONLEY  
Senior Ligation Counsel  
(202) 514-0842  
patrick.donley2@usdoj.gov  
PETER B. LOEWENBERG  
Senior Trial Attorney  
(202) 514-7023  
peter.loewenberg@usdoj.gov  
Fraud Section, Criminal Division  
United States Department of Justice  
1400 New York Avenue, N.W.  
Washington, D.C. 20005

Date: May \_\_, 2011

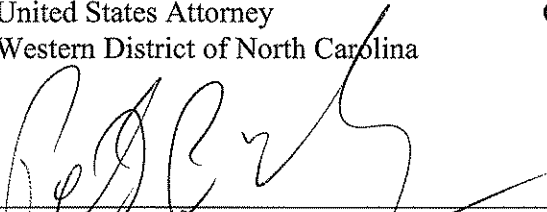


26. There are no agreements, representations, or understandings between the parties in this case, other than those explicitly set forth in this Plea Agreement and none will be entered into unless executed in writing and signed by all parties.

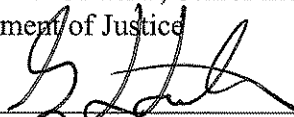
SO AGREED:

ANNE M. TOMPKINS  
United States Attorney  
Western District of North Carolina

DENIS J. MCINERNEY  
Chief, Fraud Section, Criminal Division

  
\_\_\_\_\_  
PETER B. LOEWENBERG, Senior Trial Attorney  
PATRICK M. DONLEY, Senior Litigation Counsel  
U.S. Department of Justice

DATED: 5/18/2011

  
\_\_\_\_\_  
GREGORY LATTIMER  
Attorney for Osman Bah

DATED: 5/18/2011

  
\_\_\_\_\_  
OSMAN BAH,  
Defendant

DATED: 5/13/2011