

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Delaware

United States of America)

v.)

Michael Vigodner)

Case No.)

24-

426M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 4, 2024 in the county of Sussex in the District of Delaware, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1344	Bank fraud
18 U.S.C. 1349	Conspiracy to commit bank fraud
18 U.S.C. 1028A	Aggravated identity theft

FILED

DEC 31 2024

U.S. DISTRICT COURT DISTRICT OF DELAWARE

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

David F. Bole

Complainant's signature

David Bole, Special Agent, FBI

Printed name and title

Sworn to before me via telephone as authorized by Federal Rule of Criminal Procedure 4.1.

Date: 12/31/24

Laura D. Hatcher

Judge's signature

City and state: Wilmington, Delaware

The Hon. Laura D. Hatcher, U.S. Magistrate Judge

Printed name and title

only the facts necessary to establish probable cause that Vigodner has committed the offenses specified above.

PROBABLE CAUSE

4. On September 4, 2024, a man walked into a WSFS Bank branch in Lewes, Delaware. The man opened two bank accounts—a checking and a savings account—for a business called LPE 25-C LLC. The man presented Delaware corporate formation documents for the business that listed Brent Nicklas as the sole member. The man also presented a Florida driver's license in the name of Brent Nicklas. The man claiming to be Nicklas told bank employees that he was an investment banker with the well-known, New-York-based firm Lexington Partners.

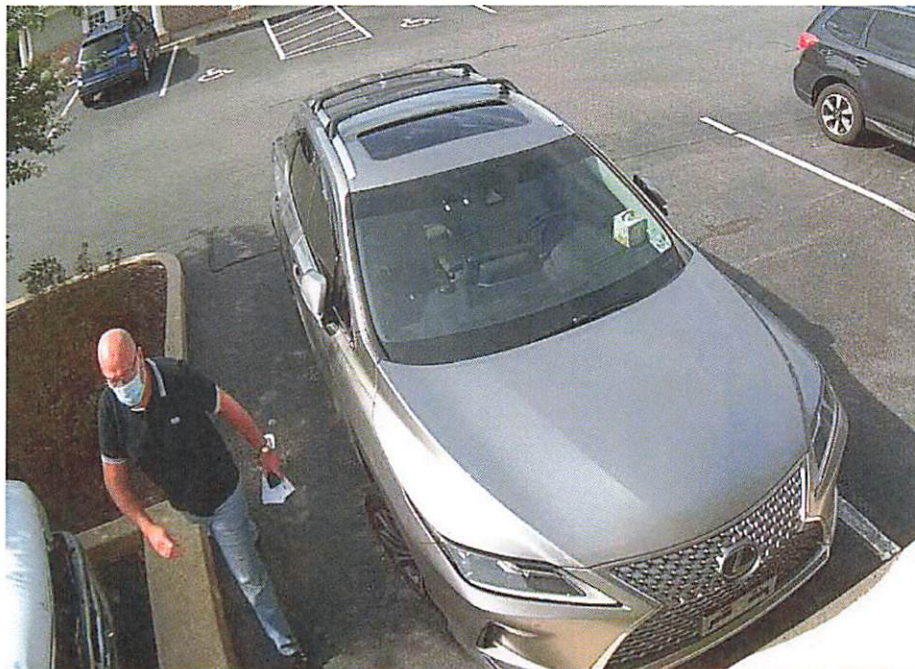
5. To fund the checking account, the man presented \$100. And to fund the savings account, he presented an IRS tax refund check for \$876,574.82 made out to LPE 25-C LLC.

6. Suspicions aroused, WSFS began investigating. The bank determined that the IRS refund check was genuine. But the bank also determined that the man claiming to be Nicklas was not who he said he was. The bank spoke with the managing partner of Lexington Partners. He told the bank that Nicklas could not have walked into a bank branch in Delaware—because Nicklas was blind, bedridden, and living in Florida.

7. WSFS then contacted the FBI. The FBI collected copies of the documents that the man claiming to be Nicklas had presented to the bank. The FBI also collected surveillance footage—both interior and exterior—of the man's visit to the bank. Snippets of that footage are included below:



Interior Surveillance Footage from WSFS Bank



Exterior Surveillance Footage from WSFS Bank

The interior footage shows the man with a shaved head, glasses, a COVID-style surgical mask,

and a navy polo shirt with white stripes on the collar and sleeves. The exterior surveillance footage shows the man getting out of a silver, Lexus SUV.

8. The FBI also asked the Delaware Division of Corporations (“DOC”) about LPE 25-C LLC. The FBI learned that someone had visited the Division to retrieve corporate formation documents for the business on the morning of September 4, 2024—just hours before the man walked into the WSFS branch in Lewes.

9. The FBI collected a visitor log and surveillance footage—both interior and exterior—from DOC. The visitor log shows that a man claiming to be Nicklas signed in at 9:11 AM on September 4. Surveillance footage from around that time captures the man claiming to be Nicklas. Snippets of that footage are below:



Interior Surveillance Footage from the Division



Exterior Surveillance Footage from the Division

The interior footage appears to show the same man that visited the WSFS branch later that day. Crucially, though, the man is not wearing a mask in this footage. The exterior footage, although grainy, appears to show the man getting out of the same silver, Lexus SUV that he drove to the WSFS branch.

10. In attempting to determine who the man claiming to be Nicklas really was, the FBI conferred with the Delaware State Police (“DSP”). In doing so, the FBI learned about two likely related frauds.

11. The first—committed near Louisville, Ohio on August 21, 2024—was a fraud on an elderly couple. (The details of the fraud are not relevant for purposes of this affidavit.) The victim couple took a photo of the fraudster. The photo shows a man with a shaved head, glasses, and a navy polo shirt with white stripes on the collar and sleeves (just like the man who walked into the WSFS branch in Lewes on September 4). The victim couple also saw the fraudster’s vehicle. They described it as a silver, Lexus SUV (just like the vehicle used by the man who walked into the WSFS branch in Lewes on September 4). Finally, the victim couple provided a cell-phone number ending in -1040 for the fraudster.

12. Ohio authorities were able to locate the fraudster's vehicle on nearby traffic cameras. Ohio authorities ran the vehicle's license plate and determined it was registered to Michael Vigodner's brother. Because Vigodner's brother did not match the photograph taken by the victim couple, Ohio authorities turned to Vigodner himself, who was then on federal supervised release for securities fraud. Vigodner did match the photograph. Moreover, the -1040 number provided by the victim couple was registered to Vigodner's wife. And location data for that number, obtained via search warrant, put the phone near the scene of the crime.

13. The second, likely related fraud was committed in Ocean View, Delaware on September 3—the day before the incident at the WSFS branch. The victim of that second fraud was also an elderly man. (Here too, the details of the fraud are not relevant for purposes of this affidavit.) The victim described the fraudster as bald, and the fraudster's vehicle as silver, but could not provide much additional information.

14. License-plate readers in Ocean View showed that the same silver, Lexus SUV used in the Ohio fraud was near the site of the Ocean View fraud. Specifically, the vehicle was spotted within 2 miles of the scene of the crime, within 45 minutes of the time of the crime.

15. Based on the information above, the FBI turned its attention to Vigodner. The FBI obtained Vigodner's driver's license photo, which is included below:



Pulled from Law-Enforcement Database

Vigodner's appearance seems consistent with that of the person who visited the DOC and the WSFS branch on September 4, 2024.

16. The FBI also canvassed hotels near the WSFS branch in Lewes. The FBI determined that, on the nights of September 3 and 4, 2024, Vigodner stayed at the EconoLodge at 19540 Coastal Highway in Rehoboth. That hotel is less than a 10-minute drive from the WSFS branch in Lewes. Vigodner registered at the hotel under his own name. And the vehicle he registered to park there was a 2022 Lexus RX 350, which is an SUV consistent with the one seen in the surveillance footage from the DOC and the WSFS branch (and consistent with the SUV used in the Ohio and Ocean View frauds).

17. The FBI also received information from the Ohio authorities investigating the Ohio fraud. As noted, the Ohio authorities got a warrant for location data for the cell-phone number used in the Ohio fraud. The data confirmed that the phone was in all the following places: (i) at

the EconoLodge on the night of September 3, (ii) at the DOC on the morning of September 4, (iii) at the WSFS Bank branch on the afternoon of September 4, and (iv) back at the EconoLodge on the night of September 4.

18. The Ohio authorities also got a warrant for Vigodner's iCloud account. Within, the Ohio authorities found several files related to the instant crime, including the following: (i) a photo of the WSFS deposit slip for the IRS refund check of \$876,574.82, and (ii) a screenshot of a text message from a contact named "O" with information about Nicklas and LPE25-CLLC. The latter is particularly significant because it supplies probable cause that Vigodner was part of a criminal conspiracy, rather than acting alone.

19. WSFS ultimately coordinated with law enforcement to bring Vigodner back into the branch, telling the man claiming to be Nicklas that WSFS would not be able to open the accounts for him and that he should come retrieve his IRS refund check. On the agreed-upon date, September 13, Vigodner showed up at the branch early, before law enforcement was in position. When WSFS employees attempted to stall, Vigodner became angry and stormed out of the branch. He entered a Toyota SUV being driven by another man. Just then, law enforcement arrived, some in marked vehicles. The Toyota SUV fled, driving through a drainage ditch to get back onto Coastal Highway. Law enforcement were unable to find the Toyota SUV after it fled.

20. Ultimately, Vigodner was found and arrested. Vigodner is currently in state custody.

CONCLUSION

21. Based on the facts set forth above, there is probable cause to believe that Vigodner has violated 18 U.S.C. §§ 1344 (bank fraud), 1349 (conspiracy to commit bank fraud), and 1028A

(aggravated identity theft). I therefore respectfully request that the Court issue a complaint and arrest warrant for Vigodner.

Respectfully submitted,

David F. Bole

David F. Bole
Special Agent, FBI

Subscribed to and sworn to me via telephone pursuant to Federal Rule of Criminal Procedure 4.1
this 31st day of December 2024.

James D. Hatcher
The Honorable James D. Hatcher
U.S. Magistrate Judge