

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 - v. - :
 :
JOEL ZUBAID, :
 :
DAVID GORAN, :
 :
JULIAN REBIGA, :
 a/k/a "Iulian Rebiga," and :
 :
MARTIN MIZRAHI, :
 a/k/a "Marty Mizrahi" :
 :
 Defendants. :
 X

SEALED
INDICTMENT

22 Cr. ____

22 CRIM 650

COUNT ONE

(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury charges:

OVERVIEW

1. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, participated in a conspiracy to defraud corporations, banks, credit card companies, and other entities and to launder the fraud proceeds received from those victims.

2. As part of their participation in the conspiracy, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and

MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, engaged in business email compromise ("BEC") schemes and credit fraud, among other things.

3. To effectuate the BEC schemes, the conspirators sent email messages to victims that fraudulently appeared to come from a known source making a legitimate request. Through those emails, the conspirators requested that the victims send money to bank accounts under the control of JOEL ZUBAID, DAVID GORAN, and JULIAN REBIGA, a/k/a "Iulian Rebiga," the defendants, which was then quickly transferred and disbursed to bank accounts and cryptocurrency wallets, including accounts under the control of ZUBAID, REBIGA, and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendant, and other co-conspirators.

4. To effectuate the credit card fraud scheme, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, submitted charges using stolen credit card information from cards issued in the names of third parties, without the authorization or consent of those parties.

Corporation-1 Business Email Compromise

5. By at least in or about May 2021, co-conspirators of JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, had obtained access to the business email account of the Chief

Financial Officer ("CFO-1") of a community development corporation ("Corporation-1"). CFO-1's email was then used to send fraudulent interstate wire instructions to a bank where Corporation-1 held an account ("Bank-1").

6. In response to those fraudulent wire instructions, between on or about May 12, 2021 and on or about June 1, 2021, Bank-1 released a series of wires, totaling approximately \$3,488,000, from Corporation-1's account at Bank-1 to accounts at other financial institutions, including an account controlled by JOEL ZUBAID and DAVID GORAN, the defendants, (the "Goran Account") at another financial institution ("Bank-2"). During this time period, approximately \$1,570,000 was sent from Corporation-1's account at Bank-1 to the Goran Account.

7. After Corporation-1's funds were fraudulently received in the Goran Account, these funds were laundered by JOEL ZUBAID, DAVID GORAN, MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, in a manner designed to conceal the source, ownership, and control of those funds. Among other things, funds sent to the Goran Account were quickly transferred to other accounts under the control of MIZRAHI and other co-conspirators and converted into Bitcoin.

8. At a certain point, Bank-2 froze the Goran Account. JOEL ZUBAID and DAVID GORAN, the defendants, subsequently made multiple attempts to free the funds in the Goran Account,

including by making misrepresentations to Bank-2 about the purpose of the transfer of funds from Corporation-1 to the Goran Account and the intended use for those funds.

9. In addition, after Bank-2 sought to recoup funds transferred from the Goran Account to an account controlled by MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendant, (the "Mizrahi Account"), MIZRAHI made misrepresentations to Bank-2 about the purpose of the transfer to the Mizrahi Account in an effort to prevent Bank-2 from seizing the funds.

Corporation-2 Business Email Compromise

10. By at least in or about June 2021, co-conspirators of JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, had obtained access to the business email account of an employee ("Employee-1") of a portfolio company owned by a private equity fund ("Corporation-2"). On or about June 28, 2021, Employee-1's compromised email was used to send fraudulent interstate wire instructions for a contractual payment due to Employee-1 to an account at Bank-2 controlled by ZUBAID and REBIGA (the "Rebiga Account").

11. In response to those fraudulent wire instructions, on or about July 1, 2021, Corporation-2 caused a wire transfer for approximately \$2,008,034.76 to the Rebiga Account.

12. After these funds were fraudulently received in the

Rebiga Account, the funds were laundered by JOEL ZUBAID and JULIAN REBIGA, a/k/a "Julian Rebiga," the defendants, and others known and unknown, in a manner designed to conceal their ownership, including by quickly transferring funds from the Rebiga Account to multiple other accounts controlled by REBIGA.

13. In or about July 2021, Bank-2 froze the Rebiga Account. After the Rebiga Account was frozen, JOEL ZUBAID and JULIAN REBIGA, a/k/a "Julian Rebiga," the defendants, and other co-conspirators, made numerous attempts to free the funds in the Rebiga Account, including by making misrepresentations to Bank-2 about the purpose of the transfer of funds from Corporation-2 to the Rebiga Account.

Credit Card Fraud

14. From in or about April 2021 to in or about June 2021, JOEL ZUBAID, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, conducted a series of charges, totaling at least approximately \$3,840,149, on multiple credit cards issued in the names of third parties without those parties' consent. These charges were conducted through point-of-sale credit card machines associated with companies controlled by MIZRAHI and REBIGA.

15. After multiple fraudulent credit card charges were disputed by card holders, JOEL ZUBAID and MARTIN MIZRAHI, a/k/a

"Marty Mizrahi," the defendants, prepared false justifications for the charges, which were sent to the credit card companies via emails that traveled interstate. In addition, DAVID GORAN, the defendant, and others known and unknown, prepared fraudulent forms purporting to authorize certain of the underlying charges that JULIAN REBIGA, a/k/a "Iulian Rebiga," the defendant, submitted to the credit card companies.

STATUTORY ALLEGATION

16. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

17. It was a part and an object of the conspiracy that JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Iulian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, having devised and intending 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, radio, and television communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ZUBAID, GORAN, REBIGA, and MIZRAHI participated in a scheme to defraud corporations, credit card companies and other entities through BEC schemes and by making unauthorized credit card charges using stolen credit card information, using interstate wires, including wire transfer requests and emails, in violation of Title 18, United States Code, Section 1343.

18. It was further a part and an object of the conspiracy that JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, would and did execute, and attempt to executed, a scheme and artifice to defraud a financial institution, the deposits of which were then federally insured, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, ZUBAID, GORAN, REBIGA, and MIZRAHI participated in a scheme to defraud financial institutions by submitting false information to banks and credit card companies regarding the purpose, intended use, and authorizations for wire transfers and credit

card charges, using interstate wires, including emails, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud)

The Grand Jury further charges:

19. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

20. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, ZUBAID, GORAN, REBIGA, and MIZRAHI participated in a scheme to defraud corporations, credit card companies and other entities through BEC schemes and by making unauthorized credit card charges using stolen credit card information, using interstate wires, including wire transfer

requests and emails,.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Bank Fraud)

The Grand Jury further charges:

21. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

22. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, willfully and knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then federally insured, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, ZUBAID, GORAN, REBIGA, and MIZRAHI participated in a scheme to defraud financial institutions by submitting false information to banks and credit card companies regarding the purpose, intended use, and authorizations for wire transfers and credit card charges, using interstate wires, including emails.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FOUR

(Conspiracy to Commit Money Laundering)

The Grand Jury further charges:

23. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

24. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

25. It was a part and an object of the conspiracy that JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, knowing that the property involved in certain financial transactions, to wit, wire transfers, cryptocurrency transactions, and credit card transactions, represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the wire fraud and bank fraud conspiracy charged in Count One of this Indictment and the wire

fraud and bank fraud charged in Counts Two and Three of this Indictment, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of said specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

26. It was a further part and an object of the conspiracy that JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, and others known and unknown, within the United States, knowingly would and did engage and attempt to engage in monetary transactions in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, to wit, the wire fraud and bank fraud conspiracy charged in Count One of this Indictment and the wire fraud and bank fraud charged in Counts Two and Three of this Indictment, in violation of Title 18, United States Code, Section 1957(a).

(Title 18, United States Code, Section 1956(h).)

COUNT FIVE

(Money Laundering)

The Grand Jury further charges:

27. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

28. From at least in or about May 2021 through at least in

or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, did knowingly conduct and attempt to conduct such financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, to wit, ZUBAID, and GORAN, REBIGA, and MIZRAHI transferred proceeds of BEC schemes to accounts under their control and the control of their co-conspirators and converted proceeds of the BEC schemes into Bitcoin.

(Title 18, United States Code, Sections 1956(a)(1)(b)(i) and 2.)

COUNT SIX

(Aggravated Identity Theft)

The Grand Jury further charges:

29. The allegations set forth in paragraphs 1 through 15 are repeated and realleged as if set forth fully herein.

30. From at least in or about April 2021 through at least in or about June 2021, in the Southern District of New York and elsewhere, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person,

during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, in connection with the offenses alleged in Counts One, Two, and Three of this Indictment, in or about May 2021, a co-conspirator sent ZUBAID pictures of a driver's license and credit card of a third party ("Victim-1"), which ZUBAID sent to REBIGA, GORAN, and MIZRAHI along with directions for making charges on Victim-1's card, after which time GORAN sent back an authorization form signed in Victim-1's name and REBIGA and MIZRAHI used this information to make charges on Victim-1's card, subsequently sending receipts for the charges to ZUBAID.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

31. As a result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) 982(a)(2)(A), and Title 28 United States Code, Section 2461(c), any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum

of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

32. As a result of committing the offenses alleged in Count Four and Five of this Indictment, JOEL ZUBAID, DAVID GORAN, JULIAN REBIGA, a/k/a "Julian Rebiga," and MARTIN MIZRAHI, a/k/a "Marty Mizrahi," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offenses, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offenses.

Substitute Assets Provision

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of the defendant up to the value of the above
forfeitable property.

(Title 18, United States Code, Section 981;
Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



DAMIAN WILLIAMS
United States Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOEL ZUBAID, DAVID GORAN, JULIAN
REBIGA, a/k/a "Julian Rebiga," and
MARTIN MIZRAHI, a/k/a "Marty Mizrahi,

Defendants.

INDICTMENT

22 Cr. ___

(18 U.S.C. §§ 1343, 1344, 1349,
1956(h), 1956(a)(1)(b)(i),
1028A and 2.)

DAMIAN WILLIAMS

United States Attorney



Foreperson

*Filed Sealed Indictment
Arrest Warrants Issued*

*KL
12/2/22*

Stewart D. Aron

USMJ