

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KEVIN CHIU,

Defendant.

JUDICIAL COLE

INDICTMENT

23 Cr.

23 CRIM 262

COUNT ONE
(Bank Fraud)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: MAY 30 2023

The Grand Jury charges:

1. From at least on or about October 28, 2020, through at least on or about June 29, 2022, in the Southern District of New York and elsewhere, KEVIN CHIU, the defendant, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, CHIU, who was employed as a business relationship manager at a financial institution headquartered in Manhattan (the "Bank"), transferred client funds at the Bank without authorization and falsified transaction documents to make unauthorized transfers from client accounts.

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

COUNT TWO
(Embezzlement by Bank Employee)

The Grand Jury further charges:

2. From at least on or about October 28, 2020, through at least on or about June 29, 2022, in the Southern District of New York and elsewhere, KEVIN CHIU, the defendant, being an officer, director, agent and employee of a national bank and insured bank, the deposits of which were then insured by the FDIC, embezzled, abstracted, purloined and willfully misapplied moneys, funds, and credits, of such bank, and moneys, funds, credits, assets, securities, and other property entrusted to the custody and care of such bank, to wit, CHIU, who then was employed as a business relationship manager at the Bank, transferred client funds at the Bank without authorization and falsified transaction documents to make unauthorized transfers from client accounts.

(Title 18, United States Code, Sections 656 and 2.)

COUNT THREE
(Money Laundering)

The Grand Jury further charges:

3. From at least on or about October 28, 2020, through at least on or about June 29, 2022, in the Southern District of New York and elsewhere, KEVIN CHIU, the defendant, knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, conducted and attempted to conduct such a financial transaction, which transaction affected interstate and foreign commerce and involved the use of a financial institution which was engaged in, and the activities of which affected, interstate and foreign commerce, and which in fact involved the proceeds of specified unlawful activity, to wit, bank fraud, as charged in Count One, in violation of Title 18, United States Code, Section 1344, and embezzlement by a

bank employee, as charged in Count Two, in violation of Title 18, United States Code, Section 656, 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 specified unlawful activity.

(Title 18, United States Code, Section 1956(a)(1)(B)(i).)

COUNT FOUR
(Aggravated Identity Theft)

The Grand Jury further charges:

4. From at least on or about October 28, 2020, through at least on or about June 29, 2022, in the Southern District of New York and elsewhere, KEVIN CHIU, the defendant, knowingly transferred, possessed, and used, 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, CHIU used the bank account information including bank account numbers and routing numbers of three individual persons without authorization and during and in relation to the bank fraud and embezzlement charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(b), and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offenses alleged in Counts One and Two of this Indictment, KEVIN CHIU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of 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.

6. As a result of committing the offense alleged in Count Three of this Indictment, KEVIN CHIU, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(1), any and all property, real and personal, involved in said offense, 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 offense.


Substitute Assets Provision

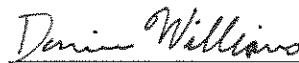
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

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


FOREPERSON


DAMIAN WILLIAMS
United States Attorney

05/30/23
(CA)

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KH PARKER
USMJ