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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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CR18-2219TUC RM-LAB

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 vs.

13 Margaret Gastelum
14 (Charged in All Counts)
15 Mona Lisa Rodriguez,
16 (Charged in Counts 1, 2-27, 36-72)
17 Defendants.

INDICTMENT

Violations:
18 U.S.C. § 371
(Conspiracy)
Count 1

18 U.S.C. § 1344
(Bank Fraud)
Counts 2-27

18 U.S.C. § 1343
(Wire Fraud)
Counts 28-62

18 U.S.C. § 1028A
(Aggravated Identity Theft)
Counts 63-72

18 U.S.C. § 2
(Aiding and Abetting)

22 **THE GRAND JURY CHARGES:**

23 COUNT 1

24 INTRODUCTION

25 1. E.D.W. (hereinafter E.W.) was born in 1926. E.W currently resides in an
26 assisted living facility located in Tucson, Arizona. E.W. was married and her husband
27 passed away in 2009. E.W. has little or no family in the area and became dependent on
28 others for care. She is the victim of elder exploitation by the defendants charged in this

1 case who were supposed to provide home care to E.W. at a reasonable cost, but instead,
2 and unbeknownst to E.W., charged for services and other items without E.W.'s full
3 knowledge and consent.

4 2. E.W. purchased a single family home with her husband located in
5 Saddlebrooke, AZ. After her husband passed away, E.W. continued to reside in the home
6 alone until late 2015 or early 2016. She received in-home care by a Tucson company who
7 would send an employee to her residence on a regular basis. Defendant Margaret Gastelum
8 worked for that company and was one of the employees who provided in-home care to
9 E.W. Defendant Mona Lisa Rodriguez began providing in-home care to E.W. in or about
10 March 2015. Defendant Margaret Gastelum is the mother of Defendant Mona Lisa
11 Rodriguez.

12 3. At some point in time in 2016, E.W. decided to sell her residence and move
13 into an assisted living facility until it sold. An independent living residency agreement was
14 signed by E.W. on January 5, 2016, to reside in an apartment at Country Club at La Cholla,
15 beginning on January 11, 2016 for a period of 1 year. The Country Club at La Cholla is a
16 senior living facility that provides several amenities. The defendants, Margaret Gastelum
17 and Mona Lisa Rodriguez, provided "care" for E.W. while she was at the Country Club at
18 La Cholla and both overcharged her for their services without E.W.'s full knowledge and
19 consent.

20 4. E.W.'s Saddlebrooke residence sold on September 21, 2016 for \$245,000,
21 and a wire was received into E.W.'s Bank of the West account in the amount of
22 \$197,550.35.

23 5. On or about June, 2016, the defendants Margaret Gastelum and Mona Lisa
24 Rodriguez convinced E.W. to leave The Country Club at La Cholla and move to a rental
25 residence on Noble Heights in Tucson. This was less expensive than The Country Club at
26 La Cholla. The defendants, Margaret Gastelum and Mona Lisa Rodriguez, provided "care"
27 for E.W. while she was at this residence, and both overcharged her for their services
28 without E.W.'s full knowledge and consent.

1 6. On or about June 2017, the defendants, Margaret Gastelum and Mona Lisa
2 Rodriguez, moved E.W. from the Noble Heights Residence to Margaret Gastelum's
3 residence at XXX Valencia in Tucson, Arizona, where E.W. lived with the Gastelum
4 family. The defendants, Margaret Gastelum and Mona Lisa Rodriguez, provided "care"
5 for E.W. while she was at defendant Margaret Gastelum's residence and again, both
6 overcharged her for their services without E.W.'s full knowledge and consent.

7 **PURPOSE OF THE CONSPIRACY**

8 7. It was the purpose of the conspiracy for the defendants, Margaret Gastelum
9 and Mona Lisa Rodriguez, by acting as care providers to ingratiate themselves with E.W.,
10 make her dependent on them for her care and personal needs, and controlled her day-to-
11 day living, in order to overcharge her for their services without E.W.'s full knowledge or
12 consent; to gain access to E.W.'s account at the Bank of the West to use her Bank of the
13 West checks for purchases for the defendants' own use and benefit without E.W.'s full
14 knowledge and consent; to use E.W.'s credit cards with Bank of the West and the American
15 Express Company for the defendants' own use and benefit without E.W.'s full knowledge
16 and consent; to become authorized users on E.W.'s American Express Company account
17 by obtaining additional American Express Company credit cards in the defendants' own
18 names for their own use without E.W.'s full knowledge and consent; to obtain credit cards
19 in E.W.'s name and/or the defendants' names from Barclay Bank, Shell Corporation and
20 Home Depot to use for the defendants' own use and benefit and without E.W.'s full
21 knowledge and consent; and, to use funds from E.W.'s Bank of the West account to pay
22 for the defendants' credit card charges without E.W.'s full knowledge and consent. As a
23 result of the defendants' fraudulent activities with respect to E.W.'s Bank of the West
24 account, and the aforementioned credit cards, E.W. suffered a loss that exceeded
25 \$184,000.00.

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1 **THE CONSPIRACY**

2 8. Beginning at a time unknown, but at least by on or about June 2016, through
3 on or about January 2, 2018, in the District of Arizona, and elsewhere, the defendants,
4 Margaret Gastelum and Mona Lisa Rodriguez, knowingly and voluntarily did unlawfully
5 combine, conspire, confederate, and agree together and with each other to commit offenses
6 against the United States, to-wit: wire fraud in violation of Title 18, United States Code,
7 Section 1343, bank fraud in violation of Title 18, United States Code, Section 1344, and
8 aggravated identity theft in violation of Title 18, United States Code, Section 1028A.

9 **THE OVERT ACTS**

10 9. The defendants committed one or more overt acts in furtherance of the
11 Conspiracy as alleged in Counts 2 through 62 of this Indictment, which are incorporated
12 herein by reference.

13 All in violation of Title 18, United States Code, Section 371.

14 **(BANK FRAUD)**
15 **18 U.S.C. § 1344**

16 10. On or about the dates listed below, at or near Tucson, in the District of
17 Arizona, the defendants, Margaret Gastelum and Mona Lisa Rodriguez, did knowingly and
18 with the intent to defraud, executed and attempted to execute a scheme and artifice to: (1)
19 defraud a financial institution and (2) obtain moneys and funds belonging to E.D.W. which
20 were under the custody and control of Bank of the West, a financial institution, by means
21 of material false and fraudulent pretenses, representations, promises and the intentional
22 concealment of material facts, to-wit: by negotiating checks drawn on E.D.W.'s Bank of
23 the West account, account number XXXXX5706, containing E.D.W.'s name, residence
24 address, and telephone number, signed by E.D.W., and falsely representing such checks
25 were in fact authorized by E.D.W. to be paid in the amount as instructed therein, when in
26 truth and fact E.D.W. did not give her full and complete consent to the stated amount of
27 these checks, the payee of the checks, and the stated purpose, if any, therein as set forth in
28 each count below:

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<u>Count</u>	<u>Date</u>	<u>Dollar Amount</u>	<u>Payee</u>	<u>Stated Purpose</u>
2	06/07/16	500.00	Margaret Gastelum	Help
3	06/20/16	2500.00	Margaret Gastelum	Help
4	07/05/16	2500.00	Mona Lisa Rodriguez	
5	07/20/16	1000.00	Mona Lisa Rodriguez	
6	07/25/16	1700.00	Mona Lisa Rodriguez	
7	10/11/16	2500.00	Mona Lisa Rodriguez	Car loan repairs
8	10/17/16	1000.00	Margaret Gastelum	
9	10/24/16	2500.00	Margaret Gastelum	Monthly paycheck
10	10/25/16	2400.00	Mona Lisa Rodriguez	Monthly Paycheck
11	12/16/16	3525.00	Margaret Gastelum	Payroll/Christmas Bonus
12	12/16/16	3300.00	Mona Lisa Rodriguez	Payroll/XmasBonus
13	01/24/17	1000.00	Chapman Volkswagen	V1673030
14	01/26/17	3000.00	Margaret Gastelum	Payroll
15	01/26/17	2900.00	Mona Lisa Rodriguez	Payroll/Donation to Club
16	01/31/17	1000.00	Margaret Gastelum	Gift
17	01/31/17	1000.00	Mona Lisa Rodriguez	Gift
18	02/13/17	1125.00	Margaret Gastelum	Valentines
19	02/13/17	1100.00	Mona Lisa Rodriguez	Valentines
20	03/21/17	3200.00	Margaret Gastelum	Payroll
21	04/13/17	1500.00	Margaret Gastelum	Easter Gift
22	04/13/17	1500.00	Mona Lisa Rodriguez	Easter Gift
23	04/25/17	3200.00	Margaret Gastelum	Pay
24	04/25/17	3500.00	Mona Lisa Rodriguez	Pay
25	04/26/17	3100.00	Margaret Gastelum	Birthday Gift
26	06/19/17	3200.00	Margaret Gastelum	
27	06/19/17	3400.00	Mona Lisa Rodriguez	

All in violation of Title 18, United States Code, Sections 2 & 1344.

Wire Fraud

11. On or about the dates listed below, at or near Tucson, Arizona, in the District of Arizona and elsewhere, the defendants, Margaret Gastelum and Mona Lisa Rodriguez, with the intent to defraud, did knowingly and willfully devise and intended to devise, a scheme and artifice to defraud E.D.W. and a scheme to obtain E.D.W.'s money or property

1 by materially false and fraudulent pretenses, representations, promises and the intentional
 2 concealment of material facts through the use of credit cards issued by the Bank of the
 3 West, to E.D.W. containing E.D.W.'s name and account/card number ending in #5341 and
 4 a subsequent account/card ending in #7235, a second Bank of the West credit card issued
 5 from E.D.W.'s account to defendant Margaret Gastelum ending in #9142, a Barclay Bank
 6 credit card account/card number ending in #8242 opened in E.D.W.'s name using her
 7 personal identifiers and obtaining a second Barclay Bank credit card in defendant's Mona
 8 Lisa Rodriguez' name on that account, card ending in #9954, to make purchases of goods
 9 and services for the defendants' own use and benefit, without E.D.W.'s knowledge and
 10 consent.

11 **Execution of the Scheme by Wire Communication**

12 12. On or about the dates listed below, within the District of Arizona, and
 13 elsewhere, defendants Margaret Gastelum and Mona Lisa Rodriguez, for the purpose of
 14 and as an essential part of executing the scheme to defraud, transmitted and knowingly
 15 caused to be transmitted by means of wire and electronic communication signals in
 16 interstate commerce, for the purpose of executing said scheme and artifice to defraud as
 17 set forth in each count below relating to each credit card transaction:

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<u>Count</u>	<u>Date</u>	<u>Credit Card Issuer</u>	<u>Acct/ Credit Card #</u>	<u>Dollar Amount</u>	<u>Merchant</u>	<u>Defendant Charged</u>
21 28	10/23/15	Bank of the West	9142	105.00	Reid Park	Gastelum
22 29	10/25/15	Bank of the West	9142	429.39	EB Games	Gastelum
23 30	12/17/15	Bank of the West	9142	64.70	Hobby Lobby	Gastelum
24 31	12/18/15	Bank of the West	9142	1321.49	Jared	Gastelum
25 32	12/18/15	Bank of the West	9142	756.69	Jared	Gastelum
26 33	12/23/15	Bank of the West	9142	37.69	Toys R Us	Gastelum

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<u>Count</u>	<u>Date</u>	<u>Credit Card Issuer</u>	<u>Acct/ Credit Card #</u>	<u>Dollar Amount</u>	<u>Merchant</u>	<u>Defendant Charged</u>
34	12/23/15	Bank of the West	9142	291.24	Sprint Wireless	Gastelum
35	12/27/15	Bank of the West	5341	290.18	Sprint Wireless	Gastelum
36	09/01/16	Bank of the West	5341	108.00	Thirty-One	Gastelum/ Rodriguez
37	10/19/16	Bank of the West	5341	94.00	Pampered Chef	Gastelum/ Rodriguez
38	11/17/16	Bank of the West	5341	132.00	Thirty-One	Gastelum/ Rodriguez
39	11/30/16	Bank of the West	9142	96.76	Guess	Gastelum/ Rodriguez
40	12/01/16	Bank of the West	9142	31.31	Disney Store	Gastelum/ Rodriguez
41	12/08/16	Bank of the West	9142	230.63	Victoria's Secret	Gastelum/ Rodriguez
42	12/09/16	Bank of the West	7235	136.11	Finish Line	Gastelum/ Rodriguez
43	12/09/16	Bank of the West	7235	99.44	Foot Locker	Gastelum/ Rodriguez
44	12/10/16	Bank of the West	9142	198.50	Nike	Gastelum/ Rodriguez
45	12/10/16	Bank of the West	9142	70.27	Champs	Gastelum/ Rodriguez
46	12/10/16	Bank of the West	9142	53.94	Disney Store	Gastelum/ Rodriguez
47	12/10/16	Bank of the West	9142	210.20	Victoria's Secret	Gastelum/ Rodriguez

<u>Count</u>	<u>Date</u>	<u>Credit Card Issuer</u>	<u>Acct/ Credit Card #</u>	<u>Dollar Amount</u>	<u>Merchant</u>	<u>Defendant Charged</u>
48	12/10/16	Bank of the West	9142	144.75	Victoria's Secret	Gastelum/ Rodriguez
49	12/16/16	Bank of the West	9142	56.23	The A Store	Gastelum/ Rodriguez
50	12/16/16	Bank of the West	9142	121.62	Victoria's Secret	Gastelum/ Rodriguez
51	12/17/16	Bank of the West	9142	54.05	Abercrombie	Gastelum/ Rodriguez
52	12/22/16	Barclays	8242	1933.80	Apple Online	Gastelum/ Rodriguez
53	01/08/17	Barclays	8242	74.38	Adidas	Gastelum/ Rodriguez
54	01/08/17	Barclays	8242	78.05	Gap Outlet	Gastelum/ Rodriguez
55	01/08/17	Barclays	8242	48.84	Vans	Gastelum/ Rodriguez
56	01/14/17	Bank of the West	9142	95.52	New York & Co.	Gastelum/ Rodriguez
57	02/03/17	Bank of the West	9142	47.73	Famous Footwear	Gastelum/ Rodriguez
58	02/03/17	Bank of the West	9142	60.11	Party City	Gastelum/ Rodriguez
59	03/17/17	Barclays	9954	108.50	Beachbody Club	Gastelum/ Rodriguez
60	04/27/17	Bank of the West	9142	250.91	The A Store	Gastelum/ Rodriguez

<u>Count</u>	<u>Date</u>	<u>Credit Card Issuer</u>	<u>Acct/ Credit Card #</u>	<u>Dollar Amount</u>	<u>Merchant</u>	<u>Defendant Charged</u>
61	05/20/17	Barclays	9954	215.14	Chapman Volkswagen	Gastelum/ Rodriguez
62	05/31/17	Barclays	9954	217.77	Isagenix	Gastelum/ Rodriguez

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

Aggravated Identity Theft

13. On or about the dates listed below, at or near Tucson, in the District of Arizona, the defendants, Margaret Gastelum and Mona Lisa Rodriguez, did, during and in relation to felonies enumerated in Title 18, United States Code, Section 1344, to-wit: bank fraud, as charged in Counts 2 through 27 above, and felonies enumerated in Title 18, United States Code, Section 1343, to-wit wire fraud, as charged in counts 28 through 62 above, knowingly possess and use without lawful authority, a means of identification of another person, to-wit Bank of West bank checks in the name of E.D.W., and credit cards, to-wit issued by Bank of the West and Barclay Bank in the name of E.D.W., knowing the means of identification belonged to another actual person as set forth in each count below:

<u>Count</u>	<u>Date</u>	<u>Means of Identification</u>	<u>Crime</u>	<u>Predicate Count</u>
63	09/01/16	Bank of the West Credit Card	Wire Fraud	36
64	10/11/16	Bank of the West Check	Bank Fraud	7
65	10/19/16	Bank of the West Credit Card	Wire Fraud	37
66	12/22/16	Barclay Bank Credit Card	Wire Fraud	52
67	01/08/17	Barclay Bank Credit Card	Wire Fraud	53
68	01/24/17	Bank of the West Check	Bank Fraud	13
69	02/13/17	Bank of the West Check	Bank Fraud	18
70	02/13/17	Bank of the West Check	Bank Fraud	19
71	04/15/17	Bank of the West Check	Bank Fraud	21
72	04/15/17	Bank of the West Check	Bank Fraud	22

1 All in violation of Title 18, United States Code, Sections 2 & 1028A(a)(1),
2 (b)(1)(c)(5).

3 A TRUE BILL

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6 Presiding Juror

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8 **REDACTED FOR**
9 **PUBLIC DISCLOSURE**

10 ELIZABETH A. STRANGE
11 First Assistant United States Attorney
12 District of Arizona

13 / s /

14 Assistant U.S. Attorney

15 Dated: October 31, 2018
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