

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

JUL -9 2013

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

UNITED STATES OF AMERICA,

SEALED

Plaintiff,

Case No.

v.

KEVIN KONSTANTINOV and
ELVIN ALISURETOVE,

CR 13-062-RAW

Defendants.

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349 - Conspiracy to Commit Wire Fraud]

In or about April, 2012 to in or about January 2013, in the Eastern District of Oklahoma and elsewhere, **KEVIN KONSTANTINOV** and **ELVIN ALISURETOVE** defendants herein, knowingly and wilfully conspired with other persons known and unknown to the Grand Jury, to commit an offense, that is, to transmit or cause to be transmitted by means of a wire communication, in interstate commerce, writings, signs, signals, pictures, and sounds in order to obtain money by means of false and fraudulent pretenses, representations, and promises.

OBJECTS OF THE CONSPIRACY

Wire Fraud - **KEVIN KONSTANTINOV**, **ELVIN ALISURETOVE**, and others known and unknown to the Grand Jury, did knowingly transmit or cause to be transmitted funds from Arvest Bank, Oklahoma, First United Bank of Durant, Oklahoma, First Texoma National Bank of Durant, Oklahoma, Landmark Bank of Durant, Oklahoma, and Shamrock Bank of Durant, Oklahoma by means of a wire in interstate commerce, communications, to obtain money by false or fraudulent pretenses.

MANNER AND MEANS OF THE CONSPIRACY

Beginning in or about April 2012 and continuing until in or about January 2013, within the Eastern District of Oklahoma and elsewhere, **KEVIN KONSTANTINOV and ELVIN ALISURETOVE**, defendants herein, and others known and unknown to the Grand Jury would obtain account information and personal identification numbers (“PIN’s”) by using a skimming device.

1. It was part of the scheme and artifice that the defendants would travel by commercial airline from their residences in Seattle, Washington to Texas, Oklahoma, and Arkansas. They would then rent a vehicle, check in to a hotel, and place the skimming devices on gas pumps; specifically Murphy’s gas pumps located in the parking lots of Wal-Mart retail stores.

2. When unsuspecting customers would pay at the pump using their debit or credit card, the skimming device would capture the account information, identity of the card holder, and their PIN. The skimming device would be left in place for approximately one to two months. The defendants would then retrieve the skimmer, return the rental vehicle and travel back to Seattle, Washington.

3. Approximately one to two months later, the defendants would transfer the stolen or “skimmed” information to a counterfeit debit/credit card and return to the same region. The defendants would visit multiple ATM’s with a large number of counterfeit debit/credit cards and withdraw large amounts of cash. Once they obtained the cash they would deposit some of the cash into their personal bank accounts. Additionally, fraudulent debit/credit card transactions resulting from this conspiracy occurred in Eastern Europe and Russia.

4. It was understood that as part of this scheme obtaining money from an ATM requires wire communications to travel from one state to another.

5. As a result of the defendants scheme to defraud a loss amount of approximately \$400,000.00 was incurred.

OVERT ACTS

From in or about April 2012 and continuing until at least in or about January 2013, within the Eastern District of Oklahoma and elsewhere, the defendants, for the purpose of executing and attempting to execute the herein described scheme to defraud, committed, or aided and abetted, the following acts, each of which constitutes an independent execution of the scheme to defraud, namely:

1. On April 27, 2012, **KONSTANTINOV** rented a Toyota RAV 4 from EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

2. Beginning in or about May 2012, a skimming device was placed on a gas pump at Murphy's gas station in Little Rock, Arkansas and was removed in or about August 2012.

3. On May 12, 2012, **KONSTANTINOV** returned the Toyota RAV 4 from EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

4. On May 28, 2012, **KONSTANTINOV's** personal Chase debit card was used at Comfort Inn & Suites in Little Rock, Arkansas;

5. On June 1, 2012, **KONSTANTINOV** deposited \$900.00 in cash into his personal Chase Bank checking account;

6. On June 6, 2012, **KONSTANTINOV** deposited \$5,000.00 in cash into his personal Chase Bank checking account;

7. On June 8, 2012, **KONSTANTINOV** deposited \$300.00 in cash into his personal Chase Bank checking account;

8. On June 12, 2012, **KONSTANTINOV** deposited \$200.00 in cash into his personal Chase Bank checking account;

9. On June 14, 2012, **KONSTANTINOV** deposited \$2,000.00 in cash into his personal Chase Bank checking account;

10. On June 15, 2012, **KONSTANTINOV** deposited \$200.00 in cash into his personal Chase Bank checking account;

11. On or about June 18, 2012, **KONSTANTINOV** traveled to Conway, Arkansas;

12. On or about June 19, 2012, **KONSTANTINOV** traveled to Little Rock, Arkansas;

13. On June 22, 2012, **KONSTANTINOV's** personal Chase debit card was used at Microtel Inn & Suites, in Conway, Arkansas;

14. On June 22, 2012, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

15. On June 28, 2012, **KONSTANTINOV** deposited \$400.00 in cash into his personal Chase Bank checking account;

16. Beginning in or about June 2012, a skimming device was placed on a gas pump at Murphy's gas station in Conway, Arkansas and was removed in or about September 2012;

17. On July 3, 2012, **KONSTANTINOV** deposited \$2,000.00 in cash into his personal Chase Bank checking account;

18. On July 12, 2012, **KONSTANTINOV** deposited \$2,000.00 in cash into his personal Chase Bank checking account;

19. On July 16, 2012, **KONSTANTINOV** deposited \$1,500.00 in cash into his personal Chase Bank checking account;

20. On August 7, 2012, **KONSTANTINOV** deposited \$1,300.00 in cash into his personal Chase Bank checking account;

21. On August 7, 2012, **KONSTANTINOV** rented a Chevy Equinox from EZ Rent-A-Car at the Dallas Ft. Worth Airport;

22. On August 7, 2012, **KONSTANTINOV** rented a hotel room at Comfort Suites, in Conway, Arkansas;

23. On August 11, 2012, ten counterfeit debit cards containing account information obtained from skimming devices placed in Little Rock, Arkansas, were used at ATM's in the Oklahoma City area resulting in a loss of \$8,482.00;

24. On August 12, 2012, one counterfeit debit card containing account information obtained from skimming devices placed in Little Rock, Arkansas, were used at ATM's in the Oklahoma City area resulting in a loss of \$700.00;

25. On August 12, 13, and 14, 2012, one counterfeit debit card was used each day containing account information obtained from skimming devices placed in Little Rock, Arkansas, was used each day at ATM's in the Oklahoma City area resulting in a loss of \$4,174.00;

26. On August 13, 2012, **KONSTANTINOV** deposited \$2,900.00 in cash into his personal Chase Bank checking account;

27. On August 13, 2012, **KONSTANTINOV** deposited a total of \$4,980.00 in cash into his personal Chase Bank checking account from a Bank of America ATM in Oklahoma City;

28. On August 14, 2012, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

29. On August 14, 2012, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

30. On August 15, 2012, **KONSTANTINOV** deposited \$600.00 in cash into his personal Chase Bank checking account;

31. On August 17, 2012, **KONSTANTINOV** deposited \$600.00 in cash into his personal Chase Bank checking account;

32. On August 17, 2012, **KONSTANTINOV's** personal Chase debit card was used at Country Inn & Suites, in Oklahoma City, Oklahoma;

33. On August 17, 2012, **KONSTANTINOV** returned the Chevy Equinox to the EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

34. On August 17, 2012, **KONSTANTINOV** departed the Dallas / Ft. Worth Airport at 3:05 PM on US Air flight 73 to Seattle, Washington;

35. On August 27, 2012, **KONSTANTINOV** deposited \$600.00 in cash into his personal Chase Bank checking account;

36. On August 30, 2012, **KONSTANTINOV** departed Seattle, Washington at 5:15 AM on US Air flight 632 to Phoenix, Arizona;

37. On August 30, 2012, **KONSTANTINOV** departed Phoenix, Arizona at 8:55 AM on US Air flight 542 to Dallas, Texas;

38. On August 30, 2012, **KONSTANTINOV** departed Dallas, Texas at 4:35 PM on American Airline flight 2020 to Oklahoma City, Oklahoma;

39. On August 31, 2012, **KONSTANTINOV** deposited \$300.00 in cash into his personal Chase Bank checking account;

40. On September 1, 2012, **KONSTANTINOV** rented a Toyota Corolla from Thrifty Car Rental at Will Rogers Airport, in Oklahoma City, Oklahoma;

41. On September 1, 2012, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

42. On September 2, 2012, **KONSTANTINOV** traveled to Bethany, Oklahoma;

43. On September 2, 2012, **KONSTANTINOV** traveled to Shawnee, Oklahoma;

44. On September 3, 2012, **KONSTANTINOV** traveled to Norman, Oklahoma;

45. On September 4, 2012, **KONSTANTINOV** deposited \$2,000.00 in cash into his personal Chase Bank checking account;

46. On September 4, 2012, one counterfeit debit credit containing information obtained from skimming devices placed in Conway, Arkansas was used in the Oklahoma City area resulting in a loss of \$122.00;

47. On or about September 5, 2012, **KONSTANTINOV** traveled to Norman, Oklahoma;

48. On September 6, 2012, sixty-four counterfeit debit cards containing account information obtained from skimming devices placed in Conway, Arkansas, were used at ATM's in the Oklahoma City area resulting in a loss of \$16,283.50;

49. On September 6, 2012, **KONSTANTINOV** and **ALISURETOVE** used counterfeit cards that were compromised from account holders in Conway, Arkansas and were captured on ATM surveillance video footage;

50. On September 7, 2012, seventy-five counterfeit debit cards containing account information obtained from skimming devices placed in Conway, Arkansas, were used at ATM's in the Oklahoma City area resulting in a loss of \$45,280.00;

51. On September 7, 2012, **KONSTANTINOV** traveled to a Murphy Express, in Wichita Falls, Texas;

52. On September 8, 2012, **KONSTANTINOV** traveled to Norman, Oklahoma;

53. On September 8, 2012, twenty-two counterfeit debit cards containing account information obtained from skimming devices placed in Conway, Arkansas, were used at ATM's in the Oklahoma City area resulting in a loss of \$6,700.00;

54. On September 9, 2012, **KONSTANTINOV** returned the Toyota Corolla to Thrifty Car Rental at Will Rogers Airport, in Oklahoma City, Oklahoma;

55. On September 15, 2012, **KONSTANTINOV** departed Oklahoma City, Oklahoma at 6:00 AM on American Airlines flight 2002 to Dallas, Texas;

56. On September 24, 2012, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

57. On October 9, 2012, **KONSTANTINOV** rented a Volvo S-80 from EZ Rent-A- Car at the Dallas Ft. Worth Airport;

58. On October 11, 2012, **KONSTANTINOV** returned the Volvo S-80 to the EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

59. On October 29, 2012, **KONSTANTINOV** deposited \$1,500.00 in cash into his personal Chase Bank checking account;

60. On November 1, 2012, **KONSTANTINOV** rented a Mazda 6 from EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

61. On November 1, 2012, **ALISURETOV** checked in to the Holiday Inn Express in Durant, Oklahoma, and stayed in room 210 for three nights;

62. Beginning in or about October 2012, a skimming device was placed on a gas pump at Murphy's gas station in Durant, Oklahoma and was removed in or about December, 2012.

63. On November 2, 2012, **KONSTANTINOV** was present in Durant, Oklahoma;

64. On November 4, 2012, **KONSTANTINOV** was present in Durant, Oklahoma;

65. On November 4, 2012, **ALISURETOV** departed the Dallas / Ft. Worth airport at 3:05 PM, on US Air Flight 73 to Seattle, Washington. He purchased the ticket using VISA card # XXXX-XXXX-XXXX-9563 – said card belonging to **KONSTANTINOV**.

66. On November 4, 2012, **KONSTANTINOV** returned the Mazda 6 to the EZ Rent-A-Car at the Dallas / Ft. Worth Airport;

67. On November 4, 2012, **KONSTANTINOV** departed Dallas, Texas, at 6:30 PM on US Air flight 0545 to Phoenix, Arizona;

68. On November 4, 2012, **KONSTANTINOV** departed Phoenix, Arizona at 9:05 PM on US Air flight 0077 to Seattle, Washington;

69. On November 9, 2012, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

70. On November 19, 2012, **KONSTANTINOV** deposited \$500.00 in cash into his personal Chase Bank checking account;

71. On November 25, 2012, **KONSTANTINOV** departed Seattle, Washington at 7:10 AM on US Air flight 662 to Dallas, Texas;

72. On November 25, 2012, at 1:14 PM, **KONSTANTINOV** was present in the Dallas Ft Worth airport;

73. On November 25, 2012, **KONSTANTINOV** rented a Hyundai Sonata from EZ Rent-A-Car at the Dallas / Ft. Worth Airport;

74. On or about November 25, 2012, **KONSTANTINOV** traveled to Irving, Texas;

75. On November 25, 2012, between the hours of 3:09 and 10:08 PM, **KONSTANTINOV** was present in Irving, Texas;

76. On November 26, 2012, between the hours of 10:59 AM and 8:52 PM, **KONSTANTINOV** was present in Durant, Oklahoma;

77. On November 26, 2012, **KONSTANTINOV** rented a room for one night at the Hampton Inn in Durant, Oklahoma;

78. On November 26, 2012, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

79. On or about November 27, 2012, **KONSTANTINOV** traveled to Claremore, Oklahoma;

80. On November 28, 2012, between the hours of 10:43 and 10:58 AM, **KONSTANTINOV** was present in Claremore, Oklahoma;

81. On or about November 28, 2012, **KONSTANTINOV** traveled to Pryor, Oklahoma;

82. On or about November 28, 2012, **KONSTANTINOV** traveled to a Murphy's USA in Stilwell, Oklahoma;

83. On November 28, 2012, between the hours of 4:20 and 5:15 PM, **KONSTANTINOV** was present in Ft. Smith, Arkansas;

84. On or about November 28, 2012, **KONSTANTINOV** traveled to Mena, Arkansas;

85. On November 29, 2012, at 2:54 PM, **KONSTANTINOV** was present in Texarkana, Texas;

86. On November 29, 2012, **KONSTANTINOV** deposited \$200.00 in cash into his personal Chase Bank checking account;

87. On or about November 29, 2012, **KONSTANTINOV** traveled to Idabel, Oklahoma;

88. On or about November 30, 2012, **KONSTANTINOV** traveled to Idabel, Oklahoma;

89. On November 30, 2012, **KONSTANTINOV** traveled to Texarkana, Texas;

90. On December 1, 2012, at 11:45 AM, **KONSTANTINOV** was present in Texarkana, Arkansas;

91. On December 2, 2012, **KONSTANTINOV**'s personal Chase debit card was used at EZ Rent-A-Car at the Dallas / Ft. Worth Airport;

92. On December 2, 2012, at 4:38 PM, **KONSTANTINOV** traveled on the Indian Nation Turnpike, between Henryetta and McAlester, Oklahoma;

93. On December 2, 2012, at 7:06 PM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

94. On December 3, 2012, sixty counterfeit debit cards containing account information obtained from skimming devices placed in Durant, Oklahoma, were used at ATM's in the Oklahoma City area resulting in a loss of \$28,780.50;

95. On December 3, 2012, **KONSTANTINOV and ALISURETOVE** used counterfeit cards that were compromised from account holders in Durant, Oklahoma and were captured on ATM surveillance video footage;

96. On December 4, 2012, fifty-five counterfeit debit cards containing account information obtained from skimming devices placed in Durant, Oklahoma, were used at ATM's in the Oklahoma City area resulting in a loss of \$9,505.95;

97. On December 4, 2012, **KONSTANTINOV and ALISURETOVE** used counterfeit cards that were compromised from account holders in Durant, Oklahoma and were captured on ATM surveillance video footage;

98. On December 4, 2012, at 7:46 PM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

99. On December 4, 2012, **KONSTANTINOV** deposited \$3,000.00 in cash into his personal Chase Bank checking account;

100. On December 4, 2012, **KONSTANTINOV**'s personal Chase debit card was used at EZ Rent-A-Car at the Dallas / Ft. Worth Airport;

101. On December 5, 2012, at 11:50 AM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

102. On December 5, 2012, between the hours of 4:46 and 4:49 PM, **KONSTANTINOV** was present in the Village, Oklahoma;

103. On December 5, 2012, at 7:51 PM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

104. On December 5, 2012, thirty-three counterfeit debit cards containing account information obtained from skimming devices placed in Durant, Oklahoma, were used at ATM's in the Oklahoma City area resulting in a loss of \$1,303.00;

105. On December 6, 2012, **KONSTANTINOV** deposited \$1,200.00 in cash into his personal Chase Bank checking account;

106. On December 6, 2012, at 7:15 PM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

107. On December 6, 2012, two counterfeit debit cards containing account information obtained from skimming devices placed in Durant, Oklahoma, were used at ATM's in the Oklahoma City area resulting in a loss of \$700.00;

108. On or about December 7, 2012, **KONSTANTINOV** traveled to Muskogee, Oklahoma;

109. On December 7, 2012, **KONSTANTINOV** rented a room at the Comfort Inn in Muskogee, Oklahoma, for one night;

110. On December 8, 2012, between the hours of 3:30 and 10:32 PM, **KONSTANTINOV** was present in Oklahoma City, Oklahoma;

111. On December 9, 2012, between the hours of 12:03 and 6:53 PM, **KONSTANTINOV** was present in Durant, Oklahoma;

112. On December 9, 2012, **KONSTANTINOV** rented a room at the Best Western, in Durant Oklahoma, for one night;

113. On December 10, 2012, **KONSTANTINOV** returned the Hyundai Sonata to EZ Rent-A- Car at the Dallas Ft. Worth Airport;

114. On December 10, 2012, **KONSTANTINOV** deposited \$4,400.00 in cash into his personal Chase Bank checking account;

115. On December 10, 2012, at 12:50 PM, **KONSTANTINOV** was present at the Dallas Ft. Worth airport;

116. On December 10, 2012, **KONSTANTINOV** departed Dallas, Texas at 3:05 PM on US Air Flight 73 to Seattle, Washington;

117. On December 10, 2012, between the hours of 4:38 and 5:06 PM, **KONSTANTINOV** was present at the Phoenix Sky Harbor International Airport in Phoenix, Arizona;

118. On December 10, 2012, at 7:53 PM, **KONSTANTINOV** was present at the Seattle Tacoma International Airport in Seattle, Washington;

119. On January 2, 2013, **KONSTANTINOV** deposited \$1,000.00 in cash into his personal Chase Bank checking account;

120. On January 3, 2013, at 6:10 AM, **KONSTANTINOV** was present at the Seattle Tacoma International Airport;

121. On January 3, 2013, **KONSTANTINOV** departed Seattle, Washington at 6:30 AM on American Airlines flight 6868 to San Francisco, California;

122. On January 3, 2013, **KONSTANTINOV** departed San Francisco, California at 10:00 AM on American Airlines flight 2298 to Dallas, Texas;

123. On January 3, 2013, **KONSTANTINOV** rented a Subaru Legacy from the EZ Rent-A- Car at the Dallas Ft. Worth Airport;

124. On January 3, 2013, at 5:30 PM, **KONSTANTINOV** was present at the Dallas Ft. Worth airport;

125. On or about January 3, 2013, **KONSTANTINOV** traveled to Bonham, Texas;

126. On or about January 4, 2013, **KONSTANTINOV** traveled to Idabel, Oklahoma;

127. On or about January 5, 2013, **KONSTANTINOV** traveled to Muskogee, Oklahoma;

128. On or about January 6, 2013, **KONSTANTINOV** left Muskogee, Oklahoma;

129. On January 6, 2013, at 3:15 PM, **KONSTANTINOV** was present in Frisco, Texas;

130. On January 6, 2013, **KONSTANTINOV** returned the Subaru Legacy to the EZ Rent-A- Car at the Dallas / Ft. Worth Airport;

131. On January 6, 2013, at 6:20 PM, **KONSTANTINOV** was present at the Dallas / Ft. Worth airport;

132. On January 6, 2013, **KONSTANTINOV** departed Dallas, Texas at 6:30 PM on US Air flight 545 to Phoenix, Arizona;

133. On January 6, 2013, at 8:20 PM, **KONSTANTINOV** was present at the Phoenix Sky Harbor International Airport in Phoenix, Arizona;

134. On January 6, 2013, **KONSTANTINOV** departed Phoenix, Arizona at 9:05 PM on US Air flight 77 to Seattle, Washington;

135. On January 6, 2013, at 11:10 PM, **KONSTANTINOV** was present at the Seattle Tacoma International Airport.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO

[18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft]

On or about the period of December 3, 2012 to December 4, 2012, in the Eastern District of Oklahoma, the defendant, **KEVIN KONSTANTINOV**, did knowingly possess, and use, without lawful authority, a means of identification of another person during and in relation to Conspiracy to Commit Wire Fraud as alleged in Count One.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT THREE

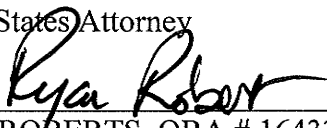
[18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft]

On or about the period of December 3, 2012 to December 4, 2012, in the Eastern District of Oklahoma, the defendant, **ELVIN ALISURETOVE**, did knowingly possess, and use, without lawful authority, a means of identification of another person during and in relation to Conspiracy to Commit Wire Fraud as alleged in Count One.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

A TRUE BILL:

MARK F. GREEN
United States Attorney



RYAN ROBERTS, OBA # 16433
Assistant United States Attorney

**Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.**

s / Foreperson
FOREPERSON OF THE GRAND JURY