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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CV11 0258
No. 11-CV-

10 UNITED STATES OF AMERICA,)
11)
12)
13)
14) Plaintiff,)
15) v.)
16) (1) REAL PROPERTY LOCATED AT 405)
17) BOULDER COURT, SUITE 800,)
18) PLEASANTON, CALIFORNIA (APN)
19) 946-4547-297);)
20) (2) REAL PROPERTY LOCATED AT 405)
21) BOULDER COURT, SUITE 700,)
22) PLEASANTON, CALIFORNIA (APN)
23) 946-4547-296);)
24) (3) 1087 MURRIETA BOULEVARD, #133,)
25) LIVERMORE, CALIFORNIA (APN)
26) 097-0085-132);)
27) (4) 2890 VICTORIA RIDGE COURT,)
28) PLEASANTON, CALIFORNIA (APN)
946-4580-018); AND)
(5) 1371 GERMANO WAY,)
PLEASANTON, CALIFORNIA (APN)
950-29-18),)
Defendants.)

COMPLAINT FOR FORFEITURE

EMC

NATURE OF THE ACTION

1
2 1. The United States in this judicial forfeiture action seeks to forfeit the five, captioned
3 defendant parcels of real estate which Susan SU owns and purchased with the proceeds of an
4 elaborate scheme to defraud – one that involves making false statements and misrepresentations to
5 the Department of Homeland Security (“DHS”), using wire transfers and using the United States
6 mails. SU, and others, created TRI-VALLEY UNIVERSITY, INC. (“TRI-VALLEY” or “TVU”),
7 naming SU in the articles of incorporation as the Chief Operating Officer. Thereafter, SU, and
8 others, made false statements and misrepresentations in a petition to DHS to obtain approval for
9 TRI-VALLEY to enroll F-1 students and issue visa related documents (I-20s) which enable students
10 to obtain student visas from the government. Since its inception, however, TRI-VALLEY, has been
11 a sham university which SU, and others, have used to facilitate foreign nationals in illegally
12 acquiring student immigration status that authorizes them to remain in the United States. Since
13 February 2009 when they obtained DHS approval, SU and TRI-VALLEY have made millions of
14 dollars in tuition fees for issuing these visa related documents which enable foreign nationals obtain
15 illegal student immigration status. This scheme to defraud makes it difficult, if not impossible, for
16 law enforcement to detect the illegal status of those foreign nationals.

17 2. The actions of SU, and others, violate 18 U.S.C. §§ 1546(a) (fraud and misuse of
18 visas, permits, and other documents); 1341 (mail fraud); 1343 (wire fraud); and 1957(a) (money
19 laundering). The millions acquired from the tuition fees are proceeds of the illegal fraudulent
20 scheme. SU has used criminal proceeds from these violations to purchase the five defendant parcels
21 of real estate which are subject to forfeiture under 18 U.S.C. §§ 981(a)(1)(C). In purchasing the five
22 defendant parcels, SU engaged in financial transactions with criminally derived property in excess
23 of \$10,000 which constitutes money laundering in violation of 18 U.S.C. § 1957(a), and thus the
24 parcels are also subject to forfeiture under 18 U.S.C. § 981(a)(1)(A).

JURISDICTION AND VENUE

26 3. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355; 18 U.S.C.
27 § 981(a)(1)(A) and 18 U.S.C. § 981(a)(1)©.

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Complaint for Forfeiture
No. 11-CV- _____

1 4. Venue in this Court is proper because the five above captioned parcels of real estate
2 are located in Pleasanton, California which is in the Northern District of California. 28 U.S.C.
3 §§ 1355(b) and 1395.

4 5. The intra-district venue is proper either in the San Francisco or Oakland Division
5 within the Northern District of California. Civ. L. R. 3-2(d).

6 PARTIES

7 6. Plaintiff is the United States of America.

8 7. The first defendant is Real Property Located at 405 Boulder Court, Suite 800,
9 Pleasanton, California (APN 946-4547-297) and its legal description follows:

10 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PLEASANTON,
11 COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

12 PARCEL NO. 1:

13 A condominium consisting of: (1) a separate interest in Unit No. H1 in Condominium Building No.
14 1, as shown on the Condominium Plan (the "Plan") recorded on December 14, 2009 as Document No.
15 2009-385402 in the records of Alameda County, California, and as further described in the Vision
16 West Commerce Centre Declaration of Restrictions (CC&Rs) (the "Declaration") recorded on
17 December 14, 2009 as Document No. 2009-385403 in the records of Alameda County, California, and
as described in the Declaration; (2) an undivided 1/8th interest in the Building Common Area of
Condominium Building No. 1 described in the Plan and in Section 1.6 of the Declaration; and (3) an
undivided 1/28th interest in the Condominium Common Area described in the Plan and in Section 1.10
of the Declaration, which condominium is located on the real property described on the maps entitled
"Parcel Map 9805" (the "Map") recorded on December 14, 2009 in Book 315 of Maps, Pages 3 and
4 in the records of Alameda County, California.

18 EXCEPTING AND RESERVING THEREFROM THE FOLLOWING:

- 19 (i) All of the Condominium Unites in the Condominium Building described in Parcel No. 1
above other than the Unit described in Parcel No. 1 above;
- 20 (ii) The exclusive right to use all of those areas designated as "Exclusive Use Common Area"
as described in the Declaration and Plan set aside and allocated for the exclusive use of the Owners
of Condominiums other than the Condominiums described in Parcel No. 1 above; and
- 21 (iii) Easements and rights for use, enjoyment, access, ingress, egress, encroachment, maintenance,
22 repair, replacement, drainage, support, and other purposes as described in the Declaration, including
the Condominium Building easement described in Section 2.7 of the Declaration.

23 SUBJECT TO:

24 Non-exclusive rights of ingress, egress and support through the Common Area.

25 PARCEL NO. 2:

26 Non-exclusive rights of ingress, egress and support in, through and over the Common Area of the
27 Condominium Building described in Parcel No. 1 above.

28 PARCEL NO. 3:

An exclusive right to use the area(s) designated as Exclusive Use Common Area(s) and appurtenant
to Parcel No. 1 above as described in the Declaration and the Plan.

1 PARCEL NO. 4:
2 Easements on, in, over and through the Association Property described in Sections 2.3, 2.4, 2.5, 2.6
3 and 2.7 of the Declaration, for access to and use of any Exclusive Use Common Area situated thereon
4 and appurtenant to Parcel No. 1 as described in the Declaration, and for support from the land under
5 and adjacent to the Improvements within Parcel No. 1 above, all of which are subject to the covenants,
6 conditions, restrictions, right, duties, benefits and burdens described in the Declaration.

7 Assessor's Parcel No. 946-4547-297 (New)
8 formerly 946-4547-267-01

9 8. The second defendant is Real Property Located at 405 Boulder Court, Suite 700,
10 Pleasanton, California (APN 946-4547-296) and its legal description follows:

11 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PLEASANTON,
12 COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

13 PARCEL NO. 1:

14 A condominium consisting of: (1) a separate interest in Unit No. G1 in Condominium Building No.
15 1, as shown on the Condominium Plan (the "Plan") recorded on December 14, 2009 as Document No.
16 2009-385402 in the records of Alameda County, California, and as further described in the Vision
17 West Commerce Center Declaration of Restrictions (CC&Rs) (the "Declaration") recorded on
18 December 14, 2009 as Document No. 2009-385403 in the records of Alameda County, California, and
19 as described in the Declaration; (2) an undivided 1/8th interest in the Building Common Area of
20 Condominium Building No. 1 described in the Plan and in Section 1.6 of the Declaration; and (3) an
21 undivided 1/28th interest in the Condominium Common Area described in the Plan and in Section 1.10
22 of the Declaration, which condominium is located on the real property described on the map entitled
23 "Parcel Map 9805" (the "Map") recorded on December 14, 2009 in Book 315 of Maps, Pages 3 and
24 4 in the records of Alameda County, California.

25 EXCEPTING AND RESERVING THEREFROM THE FOLLOWING:

- 26 (I) All of the Condominium Units in the Condominium Building described in Parcel No. 1 above
27 other than the Unit described in Parcel No. 1 above;
- 28 (ii) The exclusive right to use all of those areas designated as "Exclusive Use Common Area"
as described in the Declaration and Plan set aside and allocated for the exclusive use of the Owners
of Condominiums other than the Condominiums described in Parcel No. 1 above; and
- (iii) Easements and rights for use, enjoyment, access, ingress, egress, encroachment, maintenance,
repair, replacement, drainage, support, and other purposes as described in the Declaration, including
the Condominium Building easement described in Section 2.7 of the Declaration.

SUBJECT TO:

Non-exclusive rights of ingress, egress and support through the Common Area.

PARCEL NO. 2:

Non-exclusive rights of ingress, egress and support in, through and over the Common Area of the
Condominium Building described in Parcel No. 1 above.

PARCEL NO. 3:

An exclusive right to use the area(s) designated as Exclusive Use Common Area(s) and appurtenant
to Parcel No. 1 above as described in the Declaration and the Plan.

PARCEL NO. 4

Easements on, in, over and through the Association Property described in Sections 2.3, 2.4, 2.5, 2.6
and 2.7 of the Declaration, for access to and use of any Exclusive Use Common Area situated thereon
and appurtenant to Parcel No. 1 as described in the Declaration, and for support from the land under

1 and adjacent to the Improvements within Parcel No. 1 above, all of which are subject to the covenants,
2 conditions, restrictions, right, duties benefits and burdens described in the Declaration.

3 Assessor's Parcel No 946-4547-296 (New)
4 formerly 946-4547-267-01 (Portion)

5 9. The third defendant is 1087 Murrieta Boulevard, #133, Livermore, California (APN
6 097-0085-132), and its legal description follows:

7 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LIVERMORE,
8 COUNTY OF ALAMEDA, STATES OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

9 PARCEL ONE:

10 AN UNDIVIDED 1/154TH INTEREST IN AND TO ALL OF TRACT 3615, FILED FEBRUARY
11 18TH, 197, IN MAP BOOK 93, PAGES 74 AND 75, ALAMEDA COUNTY RECORDS.

12 EXCEPTING THEREFROM, THE FOLLOWING:

13 A. ALL OF THE CONDOMINIUM UNITS, AS SHOWN ON THE CONDOMINIUM PLAN,
14 ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF RESTRICTIONS RECORDED
15 NOVEMBER 20, 1973, SERIES NO. 73-154587, OFFICIAL RECORDS.

16 B. THE EXCLUSIVE RIGHT TO USE ALL THOSE RESTRICTED COMMON AREAS,
17 DESIGNATED AS BALCONIES AND PATIOS, SHOWN ON THE CONDOMINIUM PLAN
18 REFERRED TO ABOVE.

19 PARCEL TWO:

20 UNIT 133, AS SHOWN ON THE CONDOMINIUM PLAN REFERRED TO IN PARCEL ONE
21 ABOVE.

22 PARCEL THREE:

23 THE EXCLUSIVE RIGHT TO USE THOSE AREAS DESIGNATED AS "EXCLUSIVE USE
24 COMMON AREAS" AS SHOWN ON THE CONDOMINIUM PLAN REFERRED TO IN PARCEL
25 ONE ABOVE AND DEFINED IN THE "AMENDED AND RESTATED DECLARATION ON
26 COVENANTS, CONDITIONS AND RESTRICTIONS ESTABLISHING A PLAN FOR
27 CONDOMINIUM OWNERSHIP OF 1085-1087 MURRIETA BOULEVARD", RECORDED APRIL
28 7, 2005, SERIES NO. 2005136300, OFFICIAL RECORDS.

APN: 097-0085-132

10. The fourth defendant is 2890 Victoria Ridge Court, Pleasanton, California (APN 946-
4580-018) , and its legal description follows:

THE LAND DESCRIBED HEREIN IS SITUATED ON THE STATE OF CALIFORNIA, COUNTY
ALAMEDA, CITY OF PLEASANTON, AND DESCRIBED AS FOLLOWS:

LOT 18, TRACT 5908, FILED DECEMBER 28, 1988, MAP BOOK 181, PAGE 23, ALAMEDA
COUNTY RECORDS.

APN: 946-4580-018

11. The fifth defendant is 1371 Germano Way, Pleasanton, California (APN 950-29-18),
and its legal description follows:

1 LOT 14, OF TRACT 7156, FILED JUNE 27, 2000, IN MAP BOOK 251, AT PAGES 57-62,
2 ALAMEDA COUNTY RECORDS.

3 EXCEPTING THEREFROM:

4 ALL OIL, MINERALS, GAS, CASINGHEAD GAS, ASPHALTUM AND OTHER
5 HYDROCARBONS AND ALL CHEMICAL GAS, NOW OR HEREAFTER FOUND, SITUATED
6 OR LOCATED IN ALL OR ANY PART OR PORTION OF THE REAL PROPERTY ABOVE-
7 DESCRIBED, LYING MORE THAN FIVE HUNDRED (500) FEET BELOW THE SURFACE
8 THEREOF, TOGETHER WITH THE RIGHT TO SLANT DRILL OR MINE FOR, AND REMOVE
9 ALL OR ANY PORTION OF SAID SUBSTANCES LYING BELOW A DEPTH OF MORE THAN
10 FIVE HUNDRED (500) FEET BELOW THE SURFACE THEREOF, AND THE RIGHT TO
11 GRANT LEASES FOR ALL OR ANY OF SAID PURPOSES; BUT WITHOUT ANY RIGHT
12 WHATSOEVER TO ENTER UPON THE SURFACE OF SAID LAND OR UPON ANY PART OF
13 SAID LAND WITHIN FIVE HUNDRED (500) FEET VERTICAL DISTANCE BELOW THE
14 SURFACE

15 ALSO EXCEPTING THEREFROM:

16 THE RIGHT TO DRILL FOR, EXTRACT, PUMP AND USE ALL WATER NOW OF
17 HEREAFTER FOUND, SITUATED OR LOCATED IN ALL OR ANY PART OR PORTION OF
18 THE REAL PROPERTY ABOVE-DESCRIBED; BUT WITHOUT ANY RIGHT WHATSOEVER
19 TO ENTER UPON THE SURFACE OF SAID LAND OR UPON ANY PART OF SAID LAND
20 WITHIN FIVE HUNDRED (500) FEET VERTICAL DISTANCE BELOW THE SURFACE
21 THEREOF.

22 **APPLICABLE STATUTORY FRAMEWORK**

23 **Limited Duration Student Visas for Foreign Nationals**

24 12. The Immigration and Nationality Act identifies several categories of foreign nationals
25 who may be admitted to the United States for non-immigrant purposes. See 8 U.S.C. § 1101. One
26 category, designated “F-1,” comprises “bona fide student[s]” coming temporarily to study at an
27 approved school. 8 U.S.C. § 1101(a)(15)(F)(I); 8 C.F.R. 214.1(a)(2). Those entering the United
28 States on an F-1 student visa are admitted for a temporary period called “duration of status,” meaning
“the time during which an F-1 student is pursuing a full course of study” at an approved school.
8 C.F.R. 214.2(f)(5)(I). When a student stops pursuing a full course of study, the duration of status
ends and the temporary period for which the individual was admitted expires.

13 13. A school seeking approval for foreign student attendance must submit a Form I-17,
14 which is a petition to establish that “(I) It is a bona fide school; (ii) It is an established institution
15 of learning or other recognized place of study; (iii) It possesses the necessary facilities, personnel,
16 and finances to conduct instruction in recognized courses; and (iv) It is, in fact, engaged in
17 instruction in those courses.” 8 C.F.R. § 214.3(a), (e). In addition, there are a number of other
18 requirements which an applicant school must meet before DHS approves an I-17 petition which

1 authorizes a school to enroll F-1 students and provides them with student visas. For example,
2 Section 214.3©, in relevant part, requires that the petitioner “submit evidence that it confers upon
3 its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not
4 confer such degrees that its credits have been accepted unconditionally by at least three such
5 institutions of higher learning.” 8 C.F.R. § 214.3©. This information is solicited on the Form I-17.
6 Instructions attached to the Form I-17 clarify, that “to qualify as ‘recognized,’ a degree must be
7 issued by an institution accredited by a nationally recognized accrediting agency or association to
8 confer a degree of the type and level in question.”

9 14. Also, the school’s petition must identify “Designated School Officials” (“DSOs”),
10 who certify their knowledge of and intent to comply with student immigration laws and regulations.
11 8 C.F.R. 214.3(l)(3). Once a school is approved, its DSOs are issued IDs and passwords enabling
12 them to access the Student and Exchange Visitor Information System (“SEVIS”), a DHS-operated
13 database of non-immigrant aliens’ status. *See* 8 C.F.R. § 214.3(h).

14 15. To enter the United States on a student visa, a foreign national must present a
15 Certificate of Eligibility, also known as a SEVIS Form I-20, certifying that the student has been
16 accepted for enrollment in a full course of study and signed by the DSO. 8 C.F.R. § 214.2(f)(1)(i)(a),
17 214.3(k). Once a student has been granted F-1 status using this “initial” I-20, DSOs are obligated
18 to report on SEVIS, within 21 days, the failure of any student “to maintain status.” 8 C.F.R. §
19 214.3(g)(3)(ii)(A). A “student is considered to be maintaining status if he or she is making normal
20 progress toward completing a course of study.” 8 C.F.R. 214.2(f)(5)(i). Physical attendance is
21 required. *See* 8 C.F.R. § 214.2(f)(6)(i)(G). An approved school is bound to report “the termination
22 of attendance of each nonimmigrant student.” 8 U.S.C. § 1101(a)(15)(F)(I).

23 16. It is a criminal offense to “knowingly forge[] . . . or falsely make[] any . . . document
24 prescribed by statute or regulation for entry into or as evidence of authorized stay . . . in the United
25 States,” or to “use[], attempt[] to use, posses[], obtain[], accept[], or receive[]” any such document,
26 “knowing it to be forged . . . or falsely made, or to have been procured by means of any false claim
27 or statement, or to have been otherwise procured by fraud or unlawfully obtained.” 18 U.S.C.
28 § 1546(a).

FACTS**Scheme to Defraud**

17. In or about April 2008, SU, and others, filed articles of incorporation for TRI-VALLEY UNIVERSITY, INC., in which SU is designated as the Chief Operating Officer, a director and agent for service of process.

18. SU, and others, submitted an I-17 petition to the Department of Homeland Security ("DHS") and later SU sent a supplement to that petition by United States mail which contained false statements and misrepresentations. For example, one false statement and misrepresentation involved whether TVU credits would be accepted by an accredited college or university. As stated above, DHS requires a school which is unaccredited, such as TVU, to provide evidence from three accredited colleges or universities that the credits which a student obtains at TVU will be accepted by that college or university for credit. In a supplement to TVU's I-17 petition, SU sent by the United States mail to DHS three articulation agreements from accredited colleges which stated that each had accepted and would accept for credit the credits which students earned at TVU. When ICE began to investigate, however, ICE found that at least two of those agreements were false; authorized officials in two of those accredited colleges had not accepted TVU credits in the past and did not agree to accept TVU's credits in the future. Without such evidence from three accredited colleges or universities, DHS would not have approved TVU's I-17 application, and TVU would not have been authorized to issue the visa related documents to any enrolled foreign national. Relying on the evidence which TVU submitted and unaware that at least two of the articulation agreements were false, DHS approved the TVU application in February 2009. Thus, the paid tuition of the foreign nationals to whom TVU provided the visa related documents enabling them to illegally obtain student visas constitutes proceeds of the elaborate scheme to defraud.

19. After DHS approved TVU's I-17 application which contained false statements and misrepresentations, SU and TVU began to issue student visa related documents to foreign nationals who paid tuition in order to illegally acquire student immigration status that authorized them to remain in the United States. ICE's investigation uncovered that TVU is a sham university which SU, and others, are using to provide visa related documents that enable foreign nationals to illegally

1 obtain student visas in return for tuition fees, the payment of which in the aggregate has grown
2 rapidly at an exponential rate since TVU's I-17 petition was approved in February 2009. Since the
3 February 2009, SU through TVU has been paid millions of dollars by foreign nationals to illegally
4 obtain student visas that authorize them to remain in the United States.

5 20. In May, 2010, ICE began an investigation of SU and TVU. During the course of that
6 investigation, ICE reviewed TVU's records in SEVIS and observed that TVU received approval of
7 its I-17 petition on February 17, 2009, and that the DHS site visit as part of the approval process
8 confirmed capacity for approximately 30 students. The TVU SEVIS records showed that TVU had
9 11 active F-1 students by May 2009; 75 by September 2009; 447 by January 2010; and 939 by May
10 2010. More than 95% of the students in active status were citizens of India. And more than half of
11 the students were reported to be residing in a single apartment located at 555 E. El Camino Real,
12 Apartment 415, Sunnyvale, California. In June, ICE interviewed the property manager for 555 E.
13 El Camino Real. The property manager provided the lease agreements for Apartment 415, which
14 identified four TVU F-1 students living there between June 2007 and August 2009, and none since
15 2009. During the course of the investigation, ICE obtained information that the reason TVU reports
16 in SEVIS that most of its foreign students live at 555 El Camino Real, Apartment 415, is in order
17 to conceal that they do not live in California.

18 21. Also in the course of the investigation, ICE interviewed a witness who had worked
19 at TVU's office and stated that approximately 50% of the tuition fees were paid by credit card, 40%
20 by PayPal, and 10% by cash or check. TVU had Visa and Mastercard processing machines in the
21 TVU office, but SU told the witness that she processed all American Express payments from home.

22 22. On or about June 3, 2010, ICE equipped a witness with an audio recording device and
23 provided him with written identifying information for two foreign nationals (Student 1 and Student
24 2), whose student status had been terminated in SEVIS, and watched the witness enter TVU's office,
25 which SU had been observed entering previously. The witness told SU that he had two friends who
26 had been terminated in SEVIS and needed TVU admission and new I-20s reflecting their admission.
27 SU agreed and had him obtain the new I-20s from a foreign student-employee. This witness stated
28 that he saw SU sign the initial I-20s, both of which bear signatures in the name of another DSO.

1 23. In or shortly before July 2010, the same witness informed ICE that TVU had moved
2 its offices to 405 Boulder Court, Suites 700 and 800, in Pleasanton, California. At the request of
3 ICE, the witness on or about July 27, 2010 went into the new TVU office and paid SU \$2000 to
4 activate the status of the two students for whom SU had signed the initial I-20s. This witness
5 observed SU sign “active” I-20s, reflecting the students’ active-student status, using another DSO’s
6 name. A SEVIS search confirms that TVU activated the status of both students on July 27,
7 transmitting information that both were enrolled in Ph.D. programs. Despite the fact that neither
8 student actually attending classes at TVU, a SEVIS search on November 22, 2010, shows that TVU
9 still has not terminated their active status.

10 24. On or about September 20, 2010, an ICE Special Agent placed a recorded call to the
11 TVU office while another ICE Special Agent conducted surveillance outside the office. Speaking
12 to a woman who identified herself as Dr. SU, the ICE Special Agent told SU that he was an officer
13 at San Francisco International Airport and that he had stopped Student 1 attempting to reenter the
14 United States. SU confirmed that her records reflect Student 1 as a current, full-time student at
15 TVU. The agent asked SU to email him scanned copies of Student 1’s I-20, transcripts, and a letter
16 confirming his active full-time status. After the call concluded, the ICE Special Agent surveiling
17 the TVU office saw SU quickly exit the TVU office, get an item from a car – a Mercedes Benz with
18 California license plate 6KHC985, registered to Susan SU – and go back into the TVU office. A few
19 minutes later, the ICE Special Agent who told SU he was calling from SFO received an email from
20 ssu@trivalleyuniversity.org with three attachments: an active Form I-20 for Student 1 bearing a
21 signature of “Sophie Su”; TVU transcripts for Student 1; and a letter signed by “Sophie Su”
22 representing that Student 1 is a “full time” graduate student “in good standing.”

23 25. On or about September 24, 2010, the same ICE Special Agent who telephoned TVU
24 on or about September 20 telephoned TVU again, and spoke to a woman identifying herself as SU
25 again. This time the ICE Special Agent said he was an immigration officer who had stopped Student
26 2 returning from Yemen. Again, SU advised that her records confirm Student 2 as a current TVU
27 student and, from the same email account, emailed the Special Agent an active I-20, transcript, and

28 ///

1 letter confirming that Student 2 is a full time student in good standing. The I-20 and letter again bore
2 the name "Sophie Su."

3 26. ICE's financial investigation of that SU and TVU have a number of accounts:

- 4 a. Wells Fargo business checking account ending in 0454 and held in the name
5 TRI-VALLEY UNIVERSITY, INC and Susan Xiao-Ping SU ("Account
6 0454");
- 7 b. Wells Fargo business savings account ending in 3640 and held in the name
8 TRI-VALLEY UNIVERSITY and Susan Xiao-Ping SU ("Account 3640");
- 9 c. Wells Fargo business savings account ending in number 4780 and held in the
10 name TRI-VALLEY UNIVERSITY, INC and Susan Xaio-Ping SU ("Account
11 4780");
- 12 d. PayPal, Inc., account ending in 1921 and held in the name of Susan SU and
13 linked to the email address ssu@trivalleyuniversity.org ("Account 1921");
- 14 e. Citibank account ending in 5029 and held in the name Susan X SU ("Account
15 5029"); and
- 16 f. Citibank account ending in 3045 and held in the name of Susan X SU
17 ("Account 3045").

18 Further, SU is the sole signatory on the three Wells Fargo accounts, ending in 0454, 3640 and 4780,
19 and also on the PayPal, Inc., online account ending in 1921. The Wells Fargo business accounts
20 were established in the business name of "TRI-VALLEY UNIVERSITY." The online PayPal
21 account is assigned to Susan SU and linked to email address ssu@trivalleyuniversity.org.

22 27. ICE's financial investigation of TVU has also revealed that TVU collects tuition fees
23 from its foreign nationals primarily through one or more of the following methods: (1) online PayPal
24 payment to Account 1921; (2) credit card payments, which are settled into Account 0454; (3) checks,
25 which are deposited into Account 0454; (4) checks, which are deposited into Wells Fargo account
26 ending in 3640; (5) wire transfers to Account 3640; (6) electronic transfers into Account 3640; (7)
27 cash that is deposited into Account 3640; and (8) cash that is deposited into Account 0454. The
28 revenue generated by TVU appears to come almost entirely from payments made by foreign
nationals seeking F-1 student status. TVU appears to have created little to no demand among non-
foreign nationals.

29 28. During the period from February 2009 through August 2010, TVU had more than
\$2,000,000 in deposits into Wells Fargo Bank account ending in 0454 and its PayPal account ending

1 in 1921. Significantly, a check of the records of the California Employment and Development
2 Department showed that no 2009 wages or earnings had been reported to the State of California for
3 Susan SU.

4 29. As will be described below, criminally derived proceeds from the deposit of tuition
5 fees in Accounts 0454, 4780, 1921 and 3045 were used to purchase the five, captioned defendant real
6 estate parcels.

7 30. TVU began its operations and opened its first business bank accounts in or around
8 April of 2008, approximately ten months before it obtained authorization from DHS to enroll foreign
9 students. The chart below illustrates the increase in demand for enrollment created by DHS approval
10 of the fraudulently obtained I-17 petition by comparing deposit activity before DHS approval to
11 deposit activity after DHS approval:

12 TRANSACTIONS 13 (Rounded to Nearest \$)	4/2008 – 2/2009	2/2009 – 9/2010
14 PayPal Payments Into Account 1921	\$ 1,477	\$1,159,656
15 Credit Card Payments Settled Into Account 0454	\$ 0	\$1,776,036
16 Checks Deposited Into Account 0454	\$ 4,500	\$ 109,349
17 Checks Deposited Into Account 3640	\$ 5,130	\$ 14,480
18 Wire Transfers Into Account 3640	\$ 0	\$ 29,589
19 Electronic Transfers Into Account 3640	\$ 0	\$ 25,124
20 Cash Deposited Into Account 3640	\$ 0	\$ 10,930
21 Cash Deposited Into Account 0454	\$ 880	\$ 3,049

22 31. As illustrated above, since obtaining DHS approval to enroll foreign students in
23 February 2009, TVU's foreign student enrollment rate and commensurate revenue have both
24 increased rapidly. As previously stated, each foreign national receiving F-1 status at TVU is charged
25 up to \$2,700 per semester to maintain their F-1 status. The number of active F-1 students at TVU

1 is reported and is tracked in the SEVIS, a DHS-operated data base of non-immigrant aliens' status.
 2 Thus, ICE is able to monitor the number of foreign nationals registered at TVU, and estimate TVU's
 3 expected revenue. Due to fluctuations in enrollment and the fact that TVU allows its fees to be paid
 4 in installments throughout the year, however, TVU's revenue cannot be estimated with exactness.
 5 Below is a table showing foreign student enrollment rates and a conservative estimate of expected
 6 revenue collected at the beginning of each new non-summer semester. Estimated revenue is arrived
 7 at by multiplying the number of students by a single semester's tuition fee of \$2,700.

MONTH	ACTIVE F-1 STUDENTS	ESTIMATED REVENUE
2009 February	2	
2009 May (Summer Term)	11	
2009 June	15	
2009 July	16	
2009 September (Fall Term)	75	\$ 202,500
2009 October	87	
2009 November	108	
2009 December	113	
2010 January (Spring Term)	447	\$ 1,206,900
2010 February	551	
2010 March	596	
2010 April	602	
2010 May	939	
2010 June	1,021	
2010 July	1,076	
2010 August	1,086	
2010 September (Fall Term)	1,555	\$ 4,198,500

26 As of December 30, 2010, SU reported 969 additional foreign nationals in initial status, pending
 27 active F-1 status for the Spring Term. Additional revenue is expected to be generated through
 28

1 January 2011, as the 1555 currently active foreign nationals, and an unknown percentage of the
2 foreign nationals in initial status start paying Spring Term tuition fees.

3 32. ICE's investigation has revealed that rapid and exponential growth in enrollment and
4 revenue exhibited in the above chart is largely due to TVU's referral/profit-sharing system, which
5 resembles a pyramid scheme. Once enrolled at TVU, each foreign national may collect up to 20
6 percent of the tuition of any new student that he or she refers. Foreign nationals may also collect up
7 to 5 percent of the tuition of any new student that his or her referred student refers. A large
8 percentage of foreign nationals at TVU participate in this referral/profit-sharing system.

9 **Tracing Proceeds to 405 Boulder Court, Suite 800, Pleasanton California**

10 33. A review of Chicago Title Company escrow account #10-58203182-LE reflects that
11 Susan SU closed escrow on April 13, 2010 for the purchase of 405 Boulder Court (Building 1, Unit
12 800), Pleasanton, CA (APN 946-4547-297). SU's purchase price was \$225,000 and she made two
13 deposits to the escrow account from the TVU Wells Fargo business checking Account 0454. The
14 first deposit was posted to the escrow account on April 6, 2010 and was a \$50,000 check dated April
15 2, 2010. On April 6, 2010, Chicago Title issued a receipt for funds for the \$50,000 deposit received
16 from Susan Xiao-Ping SU. The second deposit was posted to the escrow account on April 9, 2010
17 and was a cashier's check dated April 9, 2010 in the amount of \$160,986.87. On April 9, 2010,
18 Chicago Title issued a receipt for funds for the \$160,986.87 deposit as received from Susan
19 Xiao-Ping SU. A third deposit was posted to the escrow account from the seller in the form of a
20 \$15,000 cashier's check from Boulder Court Development LLC. As part of the purchase agreement,
21 the seller agreed to pay a \$15,000 brokers commission to Colliers International and Charter
22 Properties. On April 9, 2010, Chicago Title issued a receipt for funds for the \$15,000 deposit
23 received from Boulder Court Development LLC.

24 34. With respect to the first deposit of \$50,000, a review of bank records reveals that on
25 April 2, 2010, Check# 1144 was written from TVU's Wells Fargo business checking Account 0454
26 in the amount of \$50,000 and made payable to Chicago Title. The handwritten notation "58203182"
27 appears in the memo portion of the check and "Susan Su" appears in the signature block.

28 ///

1 35. With respect to the second deposit of \$160,986.87, a review of bank records reveals
2 that on April 9, 2010, Susan SU made a withdrawal of \$160,986.87 from TVU's Wells Fargo
3 business checking Account 0454 and used the proceeds to purchase a \$160,986.87 Wells Fargo
4 cashier's check payable to "Chicago Title Company Escrow# 10-58203182-LE."

5 36. On April 13, 2010, a Grant Deed was recorded in the Recorder's Office for Alameda
6 County which transferred title to the real property at 405 Boulder Creek, Suite 800, Pleasanton,
7 California (APN 946-4547-297) to Susan Xiao-Ping SU, a married woman. On April 13, 2010, SU's
8 husband, Hong Sheng Yang, conveyed all of his right, title or interest in that property to SU through
9 an Interspousal Transfer Deed also filed in the Recorder's Office.

10 **Tracing Proceeds to 405 Boulder Court, Suite 700, Pleasanton California**

11 37. A review of Chicago Title Company escrow account #0058203281-LE reflects that
12 Susan SU closed escrow on July 12, 2010 for the purchase of 405 Boulder Court (Unit 700),
13 Pleasanton, CA (APN 946-4547-296). SU's purchase price was \$325,000 and she made two
14 deposits to the escrow account from the TVU Wells Fargo business checking Account 0454. The
15 first deposit was posted to the escrow account on June 14, 2010 and was a \$50,000 check dated June
16 10, 2010. On June 14, 2010, Chicago Title issued a receipt for funds for the \$50,000 deposit
17 received from TVU. The second deposit was posted to the escrow account on July 9, 2010 and was
18 a cashier's check dated July 8, 2010, in the amount of \$261,307.49. On July 9, 2010, Chicago Title
19 issued a receipt for funds for the \$261,307.49 deposit received from Susan Xiao-Ping SU. Two
20 additional deposits were made into escrow from UFM, Inc. on behalf of the seller in the form of two
21 cashier checks dated June 21, 2010 in the amounts of \$8,200 and \$6,800. On June 24, 2010,
22 Chicago Title issued a receipt for funds for each of the respective deposits received from UFM, Inc.
23 As part of the purchase agreement, the seller agreed to pay a \$15,000 brokers commission to Colliers
24 International and Charter Properties.

25 38. With respect to the first deposit of \$50,000, a review of bank records reveals that on
26 June 10, 2010, check #1014 was written from the TVU Wells Fargo business checking Account 0454
27 in the amount of \$50,000 and made payable to Chicago Title. The handwritten notation "58203281"
28 appears in the memo portion of the check and "Susan Su" appears in the signature block.

1 39. With respect to the second deposit of \$261,307.49, a review of bank records revealed
2 that on July 8, 2010, SU made a withdrawal of \$261,307.49 from the TVU Wells Fargo's business
3 checking Account 0454 and used the proceeds to purchase a \$261,307.49 Wells Fargo cashier's
4 check payable to Chicago Title Company Escrow #10-5203281.

5 40. On July 12, 2010, a Grant Deed was recorded in the Recorder's Office for Alameda
6 County which transferred title to the real property at 405 Boulder Creek, Suite 700, Pleasanton,
7 California (APN 946-4547-296) to Susan Xiao-Ping SU, a married woman.

8 **Tracing of Proceeds to 1087 Murrieta Boulevard #133, Livermore, California**

9 41. A review of Fidelity National Title Company escrow account #0003025282 reflects
10 that SU closed escrow on February 26, 2010 for the purchase of 1087 Murrieta Blvd. #133,
11 Livermore, California (APN 097-0085-132). SU's purchase price was \$80,000 and she made two
12 deposits to the escrow account from the TVU Wells Fargo business checking Account 0454. The
13 first deposit was posted to the escrow account on February 18, 2010 and was a \$3,000 check dated
14 January 8, 2010. The second deposit was posted to the escrow account on February 25, 2010 and
15 was a wire transfer to Fidelity National Title Escrow No. 09-3025282 in the amount of \$78,700.

16 42. With respect to the first deposit of \$3,000, a review of bank records revealed that on
17 January 8, 2010, check #1046 was written from the TVU Wells Fargo business checking Account
18 0454 in the amount of \$3,000 and made payable to "Title Company." The handwritten notation
19 "3025282" appears in the memo portion of the check and "Susan Su" appears in the signature block.

20 43. With respect to the second deposit of \$78,700, a review of bank records revealed that
21 on February 25, 2010, a wire transfer was made from the TVU Wells Fargo business checking
22 Account 0454 in the amount of \$78,700 to Fidelity National Title. Escrow number 09-3025282 is
23 referenced in the transaction.

24 44. On February 26, 2010, a Grant Deed was recorded in the Recorder's Office for
25 Alameda County which transferred title to the real property at 1087 Murrieta Boulevard #133,
26 Livermore, California (APN 097-0085-132) to Susan Xiao-Ping SU, a married woman as sole and
27 separate property. Escrow number 09-3025282-AS appears on the document. On February 26,

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1 2010, SU's husband, Hong Shen Yang, conveyed all of his right, title or interest in that property to
2 SU through an Interspousal Transfer Deed also filed with the Recorder's Office.

3 **Tracing of Proceeds to 2890 Victoria Ridge Court, Pleasanton, California**

4 45. A review of Placer Title Company escrow account #811-2212 reflects that SU closed
5 escrow on July 21, 2010 for the purchase of 2890 Victoria Ridge Court, Pleasanton, California
6 (APN 946-4580-018). The contract purchase price was \$825,000 and SU made three deposits to the
7 escrow account. The first deposit was made on July 7, 2010 and was a \$5,000 check dated July 1,
8 2010 from SU's personal Citibank Account 3045. The source of this \$5,000 was a \$30,000 TVU
9 check made payable to SU from TVU Wells Fargo Account 0454 dated May 7, 2010 and deposited
10 into SU's personal Citibank Account 3045. The second deposit to escrow was a \$700,000 Wells
11 Fargo cashier's check dated July 20, 2010 payable to "Placer Title Company Escrow #811-2212."
12 The third and final deposit to escrow was a \$122,990.90 Wells Fargo cashier's check dated July 20,
13 2010 payable to "Placer Title Company Escrow #811-2212."

14 46. With respect to the second deposit of \$700,000, its source was seven \$100,000
15 deposits from the TVU PayPal Account #1921 to the TVU Wells Fargo Account 3640 on July 9,
16 2010. On July 20, 2010, SU withdrew \$700,000 from Account 3640, and used the proceeds to
17 purchase the \$700,000 Cashier's Check payable to Placer Title Company Escrow #811-2212.

18 47. With respect to the third deposit of the Cashier' Check for \$122,990.90, its source
19 was \$100,000 withdrawn from the TVU Wells Fargo Account 4780 and \$22,990.90 withdrawn from
20 the TVU Wells Fargo Account 0454. On July 20, 2010, SU used both of these withdrawals to
21 purchase the \$122,990.90 Wells Fargo cashier's check payable to Placer Title Company Escrow
22 #811-2212.

23 48. On July 21, 2010, a Grant Deed was recorded in the Recorder's Office for Alameda
24 County which transferred title to the real property at 2890 Victoria Ridge Court, Pleasanton,
25 California (APN 946-4580-018) to Susan SU, a married women as her sole and separate property.
26 Escrow number 811-2212-EV appears on the document. On July 21, 2010, SU's husband, Hong S.
27 Yang, conveyed all of his right, title and interest in that property to Susan through an Interspousal
28 Transfer Deed also filed with the Recorder's Office.

Tracing of Proceeds to 1371 Germano Way, Pleasanton, California

1
2 49. A review of escrow account #4120-SP at Prominent Escrow Services, Inc., reflects
3 that SU closed escrow on December 21, 2010 for the purchase of 1371 Germano Way, Pleasanton,
4 CA (APN 950-29-18). SU's purchase price was \$1.8 Million dollars and she made three deposits
5 to the escrow account. The first deposit was posted to the escrow account on December 7, 2010 and
6 was a \$20,000 Wells Fargo cashier's check dated December 6, 2010 payable to "Prominent Escrow
7 Service Re: 1371 Germano Drive, Pleasanton." The second deposit was posted to the escrow
8 account on December 15, 2010 and was a wire transfer to Prominent Escrow Services, Inc., escrow
9 #4120-SP in the amount of \$1,200,000 dollars from SU's Citibank Account 3045. The third deposit
10 was posted to the escrow account on December 15, 2010 and was a wire transfer to Prominent
11 Escrow Services, Inc., escrow #4120-SP in the amount of \$600,000 from the TVU Wells Fargo
12 business savings account 4780.

13 50. With respect to the first deposit of the cashier's check for \$20,000, its source was
14 from SU and, on December 7, 2010, Prominent Escrow Services, Inc. issued Receipt No. 6466 to
15 Susan SU for the sum of \$20,000 in earnest money for property 1371 Germano Way, Pleasanton,
16 California 94566.

17 51. With respect to the second deposit of \$1,200,000, its source was twelve \$100,000
18 withdrawals from TVU PayPal Account #1921 which were all transferred to SU's Citibank Account
19 #3045. On December 15, 2010, SU wire transferred \$1,200,000 from her Citibank Account #3045
20 to Prominent Escrow Services, Inc. escrow #4120-SP. On December 15, 2010, Prominent Escrow
21 Services, Inc. issued Receipt No. 6568 to Susan SU for the sum of \$1,200,000 for escrow deposit
22 for property 1371 Germano Way, Pleasanton, California.

23 52. With respect to the third deposit of \$600,000, its source was the TVU Wells Fargo
24 business savings Account 4780. SU used this TVU Wells Fargo business savings account to hold
25 large amounts of proceeds because the account was a high yield saving account. On December 15,
26 2010, Prominent Escrow Services, Inc. issued Receipt No. 6588 to SU for the sum of \$600,000 for
27 escrow deposit for property 1371 Germano Way, Pleasanton, California.

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1 53. On December 21, 2010, a Grant Deed was recorded in the Recorder's Office for
2 Alameda County which transferred title to the real property at 1371 Germano Way, Pleasanton,
3 California (APN 950-29-18) to Susan SU, a married woman as sole and separate property. Escrow
4 number escrow #4120-SP appears on the document. On December 21, 2010, SU's husband, Hong
5 S. Yang, conveyed all of his right, title and interest in that property to Susan through an Interspousal
6 Transfer Deed also filed with the Recorder's Office.

7 FIRST CAUSE OF ACTION
8 (forfeitable property to which proceeds from fraud and
 misuse of visas, permits and other documents are traceable)

9 54. The United States incorporates by reference the allegations in paragraphs one
10 through paragraph 53 as though fully set forth.

11 55. Section 1546(a) makes it unlawful for any person who
12 knowingly forges, counterfeits, alters or falsely makes any immigrant or
13 nonimmigrant visa, permit, border crossing card, alien registration receipt card or
14 other document prescribed by statute or regulation for entry into or as evidence of
15 authorized stay or employment in the United States, or utters, uses, attempts to use,
16 possesses, obtains, accepts, or receives any such visa, permit, border crossing card,
17 alien registration receipt card, or other document prescribed by statute or regulation
18 for entry into or as evidence of authorized stay or employment in the United States,
19 knowing it to be forged, counterfeited, altered, or falsely made, or to have been
20 procured by means of any false claim or statement, or to have otherwise procured by
21 fraud or unlawfully obtained

22 18 U.S.C. § 1546(a). Section 1546(a) is a specified unlawful activity ("SUA") pursuant to 18 U.S.C.
23 § 1961(1).

24 56. In light of the foregoing and because the five defendant parcels of real property were
25 purchased with the proceeds from one or more violations of 18 U.S.C. § 1546(a), the five defendant
26 parcels are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)©.

27 SECOND CAUSE OF ACTION
28 (forfeitable property to which proceeds from mail fraud are traceable)

29 57. The United States incorporates by reference the allegations in paragraphs one
30 through paragraph 56 as though fully set forth.

31 58. Section 1341 makes it unlawful for any person, having devised a scheme or artifice
32 to defraud, or for obtaining money or property by false pretenses, to send or cause to be sent by the
33 postal service or other authorized depository for mail, any matter or thing for the purpose of

1 executing the fraudulent scheme or artifice. 18 U.S.C. § 1341. Section 1341 is a SUA pursuant to
2 18 U.S.C. § 1961(1).

3 59. In light of the foregoing and because the five defendant parcels of real property were
4 purchased with the proceeds from one or more violations of 18 U.S.C. § 1341, the five defendant
5 parcels are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)©.

6 THIRD CAUSE OF ACTION
7 (forfeitable property to which proceeds from wire fraud are traceable)

8 60. The United States incorporates by reference the allegations in paragraphs one
9 through paragraph 59 as though fully set forth.

10 61. Section 1343 makes it unlawful for any person, having devised a scheme or artifice
11 to defraud, or for obtaining money or property by false pretenses, to be transmitted by means of wire
12 for the purpose of executing such fraudulent scheme or artifice. 18 U.S.C. § 1343. Section 1343 is
13 a SUA pursuant to 18 U.S.C. § 1961(1).

14 62. In light of the foregoing and because the five defendant parcels of real property were
15 purchased with the proceeds from one or more violations of 18 U.S.C. § 1343, the five defendant
16 parcels are subject to judicial forfeiture pursuant to 18 U.S.C. § 981(a)(1)©.

17 FOURTH CAUSE OF ACTION
18 (property involved in money laundering)

19 63. The United States incorporates by reference the allegations in paragraphs one
20 through paragraph 62 as though fully set forth.

21 64. Section 1957(a) makes it unlawful for any person who knowingly engages in a
22 monetary transaction in criminally derived property of a value greater than \$10,000 and is derived
23 from specified unlawful activity. Specified unlawful activity includes fraud and misuse of visas,
24 permits, and other documents; mail fraud; and wire fraud. 18 U.S.C. § 1961(1).

25 65. In light of the foregoing and because defendant parcels of real property were
26 purchased with money involved in Section 1957(a) money laundering, the five defendant parcels are
27 subject to judicial forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

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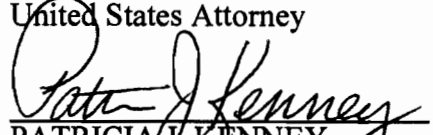
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Accordingly, plaintiff United States of America requests that due process issue to enforce the forfeiture of defendants, that notice be given to all interested parties to appear and show cause why forfeiture should not be decreed, that judgment of forfeiture be entered and that plaintiff be awarded such other relief as may be proper and just.

Respectfully submitted,

MELINDA HAAG
United States Attorney


PATRICIA J. KENNEY
Assistant United States Attorney

Dated: January 19, 2011

VERIFICATION

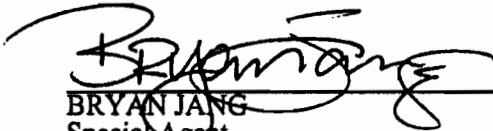
I, Special Agent Bryan Jang, state as follows:

1. I am a Special Agent with the United States Department of Homeland Security – Homeland Security Investigations. I am the case agent in connection with this case, and familiar with the facts, and the investigation leading to the filing of this Complaint for Forfeiture. The information in the Complaint is based on my personal knowledge and on information which came to me in the ordinary course of this investigation

2. I have read the Complaint for Forfeiture and believe the allegations contained in it to be true.

* * * * *

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18 day of January, 2010, in SAN FRANCISCO, California.


BRYAN JANG
Special Agent
United States Department of Homeland Security
Homeland Security Investigations