

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 15-584
	:	DATE FILED: March 23, 2016
v.	:	
VOLODYMYR KURYLO	:	VIOLATION:
a/k/a "Volodya,"	:	18 U.S.C. § 1028(f) (conspiracy to
a/k/a "Vova," and	:	produce an identification document
VITALII VITIUK	:	without lawful authority – 1 count),
	:	18 U.S.C. § 371 (conspiracy to defraud
	:	the United States – 1 count)
	:	Notice of Forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

BACKGROUND

At times relevant to Count One of this superseding indictment:

1. The federal commercial motor vehicle safety statutes, 49 U.S.C. § 30101 et seq., served to promote and improve highway safety by ensuring that drivers of motor carriers were qualified to operate motor vehicles. Title 49 prohibited an individual from operating a commercial motor vehicle without a valid commercial driver's license ("CDL"). 49 U.S.C. § 31302. Title 49 prohibited an individual operating a commercial motor vehicle from holding more than one CDL or CDL permit at a time. 49 U.S.C. § 31302. Under the Title 49, individual states retained the authority to issue CDLs, but federal law established minimum national standards which states must meet when issuing CDLs. 49 U.S.C. § 31308.

2. The United States Department of Transportation, through federal

regulations, 49 C.F.R. § 383 et seq., established minimum standards for individual states to issue a CDL, to ensure safety on interstate and national highways and roads. Except under limited circumstances, the federal regulations required that a person holding a CDL must be domiciled in the state that issues the CDL. 49 C.F.R. §§ 383.5, 383.71. Federal regulations defined state of domicile as the state where the licensee has a true, fixed and permanent home and principal residence, and to which the person has the intention of returning to whenever absent. 49 C.F.R. § 383.5.

3. The Pennsylvania Department of Transportation (“PennDOT”) was an agency of the Commonwealth of Pennsylvania which issued Pennsylvania non-commercial driver’s permits, non-commercial driver’s licenses, CDL learner’s permits, and CDLs. PennDOT issued CDLs to qualified applicants who passed a written knowledge test and a driving skills test, so that the applicant could lawfully operate a commercial vehicle, such as a tractor-trailer truck.

4. PennDOT required that applicants for a Pennsylvania CDL must first obtain a Pennsylvania non-commercial driver’s license. PennDOT required that an applicant for a non-commercial driver’s license must provide proof of identification, and proof of residency in Pennsylvania. Proof of residency in Pennsylvania could be established by documents such as tax records, lease agreements, and current utility bills, which identified the applicant’s residence in Pennsylvania. To obtain a Pennsylvania non-commercial driver’s license, a new resident of Pennsylvania had to surrender any driver’s license issued by any other state.

5. VN Trucking was a Pennsylvania corporation registered under the Pennsylvania Department of State, with a registered address of 34 Misty Meadow Drive, Richboro, Pennsylvania. Among other activities, VN Trucking provided training to persons seeking to obtain a Pennsylvania CDL. VN Trucking assisted CDL students in obtaining

Pennsylvania non-commercial driver's licenses, CDL permits and CDLs.

6. From approximately January 2011, through approximately December 14, 2015, defendant VOLODYMYR KURYLO operated VN Trucking. Defendant VITALII VITIUK worked for defendant VOLODYMYR KURYLO.

THE CONSPIRACY

7. From in or about June 2014 through in or about September 2015, in the Eastern District of Pennsylvania and elsewhere, defendants

**VOLODYMYR KURYLO,
a/k/a "Volody,"
a/k/a "Vova,"
and
VITALII VITIUK**

conspired and agreed together and with others known and unknown to the grand jury, to produce, knowingly and without lawful authority, an identification document, that is, Pennsylvania non-commercial learner's permits, non-commercial driver's licenses, CDL permits, and CDLs, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1028(a)(1).

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendants VOLODYMYR KURYLO and VITALII VITIUK assisted individuals in obtaining fraudulent Pennsylvania CDLs, under the auspices of VN Trucking. As part of the scheme, defendants VOLODYMYR KURYLO and VITALII VITIUK conspired to provide false residency documents to CDL students of VN Trucking who resided outside of Pennsylvania, so that the CDL students could obtain a Pennsylvania non-commercial driver's license, as a precursor to obtaining a Pennsylvania CDL permit and a Pennsylvania CDL.

9. Defendants VOLODYMYR KURYLO and VITALII VITIUK assisted

CDL students who resided outside of Pennsylvania and who had obtained a fraudulent Pennsylvania non-commercial driver's license through the use of false residency documents, in obtaining Pennsylvania CDL permits and CDLs by using the fraudulent Pennsylvania non-commercial driver's licenses to apply for and obtain a Pennsylvania CDL.

10. Defendants VOLODYMYR KURYLO and VITALII VITIUK assisted CDL students who resided outside of Pennsylvania in obtaining Pennsylvania non-commercial driver's licenses, CDL permits, and CDLs, based on false residency documents, knowing that the CDL students of VN Trucking were not domiciled in Pennsylvania.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants VOLODYMYR KURYLO, VITALII VITIUK, and others, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about June 10, 2014, defendant VOLODYMYR KURYLO obtained possession of genuine utility bills bearing a Pennsylvania address.

2. On or about June 12, 2014, defendant VITALII VITIUK, acting pursuant to instructions from defendant VOLODYMYR KURYLO, arranged for a VN Trucking employee to fabricate a false utility bill for a CDL student of VN Trucking who did not reside in Pennsylvania, referred to as Student A, using the Pennsylvania address and other data from the genuine utility bills which KURYLO had obtained on June 10, 2014.

3. On or about June 13, 2014, Student A obtained a Pennsylvania non-commercial learner's permit license from PennDOT, using the false utility bill fabricated on June 12, 2014, so that Student A could later apply for and obtain a Pennsylvania non-commercial driver's license and a Pennsylvania CDL from PennDOT.

4. On or about June 13, 2014, defendant VOLODYMYR KURYLO directed Student A to pay \$200 to the person who had supplied the genuine utility bills to KURYLO on June 12, 2014.

5. On or about June 16, 2014, Student A obtained a Pennsylvania non-commercial driver's license from PennDOT, using the false utility bill fabricated on June 12, 2014, which Student A later used to apply for and obtain a Pennsylvania CDL from PennDOT.

6. On or about June 30, 2015, defendant VITALII VITIUK, with the knowledge and agreement of defendant VOLODYMYR KURYLO, fabricated a false lease document for two CDL students of VN Trucking who did not reside in Pennsylvania, referred to as Student B and Student C, using a Pennsylvania address.

7. On or about June 30, 2015, Student B and Student C obtained Pennsylvania non-commercial driver's licenses from PennDOT using the fraudulent lease document prepared by defendant VITALII VITIUK, which Student B and Student C later used to apply for and obtain Pennsylvania CDLs from PennDOT.

8. On or about June 30, 2015, defendant VOLODYMYR KURYLO directed Student B to pay \$600 to the person who had provided the Pennsylvania address used by defendant VITLIY VITIUK to fabricate the false lease document.

All in violation of Title 18, United States Code, Section 1028(f).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

BACKGROUND

At times relevant to Count Two of this superseding indictment:

1. VN Trucking, Inc. was a Pennsylvania corporation with a registered address of 34 Misty Meadow Drive, Richboro, Pennsylvania, and a principal office located in Bensalem, Pennsylvania. VN Trucking was a commercial motor carrier engaged in the intrastate and interstate transportation of freight and was operated by defendant VOLODYMYR KURYLO. VN TRUCKING was authorized by the Federal Motor Carrier Safety Administration ("FMCSA") to transport property by commercial motor vehicle in intrastate and interstate commerce until February 4, 2015.

2. AV Trinity, Inc. was a Pennsylvania corporation with a registered address of 87 Misty Meadow Drive, Richboro, Pennsylvania. The president of AV Trinity was VOLODYMYR KURYLO and the vice president was Individual R. AV Trinity was authorized by FMCSA to transport property by commercial motor vehicle in intrastate and interstate commerce until April 1, 2015.

3. Company A was a Colorado corporation with a registered address in Denver, Colorado. Company A was operated by defendant VOLODYMYR KURYLO and Individual M. Company A was authorized by FMCSA to transport property by commercial motor vehicle in intrastate and interstate commerce.

4. VTB Transport, Inc. was a Pennsylvania corporation, with a registered address in Morrisville, Pennsylvania. VTB Transport was authorized by FMCSA to transport property by commercial motor vehicle in intrastate and interstate commerce.

5. Company B was a Connecticut corporation, with a registered address in Stamford, Connecticut. Company B was authorized by FMCSA to transport property by commercial motor vehicle in intrastate and interstate commerce

6. Total Freight Lines, Inc. was a Florida corporation with a registered address in Hallandale Beach, Florida.

Federal Motor Carrier Safety Regulations

8. The United States Department of Transportation (“DOT”) was an agency of the United States.

9. FMCSA was an administration within the DOT. To promote highway safety, FMCSA regulated the activities of motor carriers transporting property or passengers in interstate commerce. The primary mission of FMCSA was to prevent fatalities and injuries involving commercial motor vehicles.

10. Title 49, United States Code, Sections 31131 through 31151 and 31501 to 31504 contain laws relating to the safety of motor carriers.

11. Title 49, United States Code, Section 31144 prohibits an owner or operator of a motor carrier from operating if FMCSA determines that the owner or operator is not fit to operate safely.

12. The Motor Carrier Safety Regulations are codified at Title 49, Code of Federal Regulations, Parts 350-399.

13. If a motor carrier is rated unsatisfactory, FMCSA notifies the carrier that it will be placed out of service after 60 days if it fails to submit an acceptable corrective action plan. 49 C.F.R. § 385.13.

14. FMCSA has authority to determine whether a motor carrier that has been

ordered to cease operating has reincarnated itself, and continued its operations, in the name of another motor carrier. 49 C.F.R. § 386.73.

15. If FMCSA determines a new motor carrier to be a reincarnation of a carrier that was ordered to cease all transportation, it may issue a records consolidation order (“RCO”) which consolidates the records of both motor carriers. 49 C.F.R. §386.73(b). In an RCO, FMCSA may order both the original motor carrier and the reincarnated motor carrier to cease all transportation in interstate and intrastate commerce.

FMCSA ORDERS

16. On or about December 4, 2014, FMCSA concluded a compliance review of the operations of VN Trucking. VN Trucking received an unsatisfactory safety rating and, by an order issued on January 16, 2015, FMCSA ordered VN Trucking to cease all transportation in interstate and intrastate commerce. The order took effect on February 4, 2015.

17. On or about March 11, 2015, FMCSA issued an Operations Out-of-Service and Record Consolidation Order directed to VN Trucking and AV Trinity. By this order, FMCSA found that AV Trinity was a reincarnation of VN Trucking, and ordered VN Trucking and AV Trinity to cease all operation of any commercial motor vehicle in interstate and intrastate commerce. The order took effect on April 1, 2015.

THE CONSPIRACY

18. From in or about February 2015 through at least December 2015, in the Eastern District of Pennsylvania and elsewhere, defendant

VOLODYMYR KURYLO,
a/k/a “Volody,”
a/k/a “Vova,”

conspired and agreed together with Individual R and with others known and unknown to the grand

jury, to defraud the United States, and its Department of Transportation, for the purpose of obstructing or interfering with one of the United States government's lawful functions.

MANNER AND MEANS

It was part of the conspiracy that:

19. Defendant VOLODYMYR KURYLO and Individual R continued the operations of VN Trucking, in violation of FMCSA orders placing VN Trucking out of service, by continuing to dispatch trucks and drivers to transport property using VN trucks, keeping records and conducting the business of VN Trucking at its offices in Bensalem, Pennsylvania, using a VN Trucking bank account to receive proceeds of its operations and pay its expenses, and by using other motor carriers to conceal the operations of VN Trucking.

20. Defendant VOLODYMYR KURYLO and Individual R continued the operations of VN Trucking using the name of AV Trinity, by, among other things, creating leases in which VN Trucking purported to lease its vehicles to AV Trinity, and using VN Trucking personnel and facilities to dispatch trucks and drivers, and transport property on VN trucks using the operating authority of AV Trinity.

21. Defendant VOLODYMYR KURYLO and Individual R continued the operations of VN Trucking using the name of Company A, by, among other things, opening a bank account in the name of Company A for use by KURYLO and VN Trucking, creating leases which purported to lease VN Trucking's vehicles between Company A and VN Trucking, registering VN Trucking's vehicles in Colorado, and using VN Trucking personnel and facilities to dispatch trucks and transport property on VN trucks using the operating authority of Company A.

22. Defendant VOLODYMYR KURYLO and Individual R continued the operations of VN Trucking using the name of VTB Transport, by, among other things, purchasing

VTB Transport, and using VN Trucking personnel and facilities to dispatch trucks and transport property on VN Trucking's vehicles using the operating authority of VTB Transport.

23. Defendant VOLODYMYR KURYLO and Individual R continued the operations of VN Trucking using the name of Company B, by, among other things, using VN Trucking personnel and facilities to dispatch trucks and transport property on VN Trucking's vehicles using the operating authority of Company B.

24. Defendant VOLODYMYR KURYLO attempted to continue operations of VN Trucking by causing the incorporation of Total Freight Lines in the State of Florida, causing the registration of Total Freight Lines with FMCSA, and causing Total Freight Lines to apply for authority to transport property in intrastate and interstate commerce, so that VN Trucking could use Total Freight Lines to continue the operations of VN Trucking.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant VOLODYMYR KURYLO and Individual R committed the following overt acts in the Eastern District of Pennsylvania and elsewhere.

AV TRINITY

1. On or about February 2, 2015, defendant VOLODYMYR KURYLO and Individual R caused the creation of leases that purported to lease vehicles owned by VN Trucking to AV Trinity.

2. On or about February 5, 2015, defendant VOLODYMYR KURYLO caused AV Trinity to file with FMCSA an MCS-150 form stating that AV Trinity utilized six term-leased tractor trailers.

3. During February and March 2015, defendant VOLODYMYR KURYLO

and Individual R caused the transportation of property using vehicles owned by VN Trucking and using the operating authority of AV Trinity, including the following instances, on or about the dates listed below:

	<u>Load Confirmed</u>	<u>Load Booked By</u>	<u>Transported By</u>	<u>Using Authority of Motor Carrier</u>	<u>Invoice</u>
3a	February 6, 2015	AV Trinity	VN Truck #7	AV Trinity	AV Trinity invoice in the amount of \$4,606
3b	February 12, 2015	AV Trinity	VN Truck #10	AV Trinity	AV Trinity invoice in the amount of \$2,473.50
3c	March 3, 2015	AV Trinity	VN Truck #6	AV Trinity	AV Trinity invoice in the amount of \$5,412
3d	March 9, 2015	AV Trinity	VN Truck #5	AV Trinity	AV Trinity invoice in the amount of \$3,900
3e	March 16, 2015	AV Trinity	VN Truck #10	AV Trinity	AV Trinity invoice in the amount of \$6,600

4. During April 2015, defendant VOLODYMYR KURYLO and Individual R caused transportation of property using vehicles owned by VN Trucking, while using AV Trinity to contract with and invoice the shipper or broker, and using the operating authority of VTB Transport, Company A, and Company B, including the following instances, on or about the dates listed below:

	<u>Load Confirmed</u>	<u>Load Booked By</u>	<u>Transported By</u>	<u>Using Authority of Motor Carrier</u>	<u>Invoice</u>
4a	April 7, 2015	AV Trinity	VN Truck #888	Company A	AV Trinity invoice in the amount of \$7,056
4b	April 13, 2015	AV Trinity	VN Truck #10	VTB Transport	AV Trinity invoice in the amount of \$6,370
4c	April 13, 2015	AV Trinity	VN Truck #13	Company B	AV Trinity invoice in the amount of \$7,665

VTB TRANSPORT

5. On or about March 24, 2015, defendant VOLODYMYR KURYLO caused

VN Trucking check #7098, in the amount of \$20,000, to be made payable to Company C for the purchase of VTB Transport.

6. On or about April 1, 2015, defendant VOLODYMYR KURYLO caused an Agreement of Sale to be executed for the purchase of VTB Transport.

7. During 2015, defendant VOLODYMYR KURYLO and Individual R caused the creation of leases that purported to lease vehicles owned by VN Trucking to VTB Transport.

8. At various times during 2015, defendant VOLODYMYR KURYLO and Individual R caused transportation of property on vehicles owned by VN Trucking, while using Company A to contract with and invoice the shipper or broker, and transporting the property using the operating authority of VTB Transport, including the following instances, on or about the dates listed below:

	<u>Load Confirmed</u>	<u>Load Booked By</u>	<u>Transported By</u>	<u>Using Authority of Motor Carrier</u>	<u>Invoice</u>
8a	April 22, 2015	Company A	VN Truck #11	VTB Transport	Company A invoice in the amount of \$5,820
8b	April 27, 2015	Company A	VN Truck #11	VTB Transport	Company A invoice in the amount of \$7,000
8c	May 27, 2015	Company A	VN Truck #10	VTB Transport	Company A invoice in the amount of \$7,375
8d	September 22, 2015	Company A	VN Truck #11	VTB Transport	Company A invoice in the amount of \$5,516

9. On or about April 3, 2015, defendant VOLODYMYR KURYLO caused the opening of a bank account in the name of VTB Transportation at TD Bank. KURYLO and Individual A had signatory authority for this account.

TOTAL FREIGHT LINES

10. During in or about March and April, 2015, defendant VOLODYMYR KURYLO recruited Individual B and Individual C to incorporate Total Freight Lines in the State of Florida. KURYLO caused Total Freight Lines to file a registration form with FMCSA, and caused Total Freight Lines to apply to FMCSA for authority to transport property by motor vehicle in intrastate and interstate commerce.

COMPANY A

11. At various times beginning in or about March 2015, defendant VOLODYMYR KURYLO caused the creation of leases which purported to cause Company A to lease to VN Trucking certain vehicles that were owned by VN Trucking.

12. From in or about March 2015, to in or about July 2015, defendant VOLODYMYR KURYLO caused vehicles owned by VN Trucking to be registered with the Colorado Department of Revenue, Motor Carrier Services, in the name of Company A.

13. On or about March 30, 2015, Individual R and Individual D, a driver for VN Trucking, executed a lease agreement which purported to cause VN Trucking to lease a specific vehicle to Company A.

14. On or about April 16, 2015, defendant VOLODYMYR KURYLO caused KURYLO to be added as an authorized signer to a bank account at Wells Fargo Bank in the name of Company A.

15. On or about June 3, 2015, defendant VOLODYMYR KURYLO caused to be filed with FMCSA a form MCS-150 stating that Company A utilized 22 term-leased tractor trailers.

16. At various times during 2015, defendant VOLODYMYR KURYLO and

Individual R caused transportation of property on vehicles owned by VN Trucking using the operating authority of Company A, including the following instances, on or about the dates listed below:

	<u>Load Confirmed</u>	<u>Load Booked By</u>	<u>Transported By</u>	<u>Using Authority of Motor Carrier</u>	<u>Invoice</u>
16a	April 24, 2015	Company A	VN Truck #888	Company A	Company A invoice in the amount of \$3,298
16b	June 17, 2015	Company A	VN Truck #18	Company A	Company A invoice in the amount of \$6,444
16c	October 5, 2015	Company A	VN Truck #18	Company A	Company A invoice in the amount of \$5,614.50
16d	October 6, 2015	Company A	VN Truck #7	Company A	Company A invoice in the amount of \$4,925
16e	October 30, 2015	Company A	VN Truck #9	Company A	Company A invoice in the amount of \$4,728
16f	December 10, 2015	Company A	VN Truck #19	Company A	Company A invoice in the amount of \$5,197

17. At various times during 2015, defendant VOLODYMYR KURYLO caused the transfer of funds from a Wells Fargo Bank account in the name of Company A to a TD Bank account in the name of VN Trucking, in a total amount in excess of \$2,000,000, including the following transfers, on or about the dates listed below:

	<u>Date Deposited</u>	<u>From Account</u>	<u>To Account</u>	<u>Amount</u>
17a.	June 9, 2015	Company A	VN Trucking	\$95,000
17b.	June 29, 2015	Company A	VN Trucking	\$99,000
17c.	July 6, 2015	Company A	VN Trucking	\$144,500
17d.	July 27, 2015	Company A	VN Trucking	\$98,500
17e.	August 6, 2015	Company A	VN Trucking	\$98,050
17f.	September 8, 2015	Company A	VN Trucking	\$90,000
17g.	September 22, 2015	Company A	VN Trucking	\$95,500
17h.	October 2, 2015	Company A	VN Trucking	\$140,000
17i.	October 30, 2015	Company A	VN Trucking	\$95,500

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1028(a)(1) and (f), set forth in this superseding indictment, defendants

**VOLODYMYR KURYLO,
a/k/a "Volody,"
a/k/a "Vova,"
and
VITALII VITIUK**

shall forfeit to the United States of America: (a) any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses; and (b) any property used or intended to be used to commit the offenses.

2. If any of the property subject to forfeiture, 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 party;
- (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 divided without difficulty;

then it is the intent of the United States, in accordance with Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property that is subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B), 1028(b)(5)
and 1028(h).

A TRUE BILL:

GRAND JURY FOREPERSON



ZANE DAVID MEMEGER
United States Attorney