

**SEALED**  
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AO 91 (Rev. 11/11) Criminal Complaint

*Felony*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
FILED

UNITED STATES DISTRICT COURT

FEB 16 2022

for the

Southern District of Texas

NATHAN OCHSNER  
CLERK OF COURT

United States of America )

v. )

Itzel Arlete Vega )

Case No. )

*1:22-MJ-215*

\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 26, 2021 in the county of Hidalgo in the  
Southern District of District, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code § 656	Theft, embezzlement, or misapplication by bank officer or employee;
Title 18, United States Code § 1344	Bank Fraud

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed. R. Crim.P. 4.1,  
on:

Date: February 16, 2022

City and state: Brownsville, TX

*Byron M. Jones*

*Complainant's signature*

Byron M. Jones, HSI Special Agent

*Printed name and title*

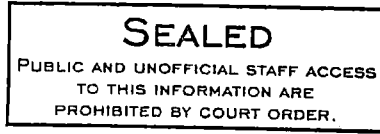
*Ignacio Torteya III*

*Judge's signature*

Ignacio Torteya III, United States Magistrate Judge

*Printed name and title*

FEB 16 2022



1:22-MJ-215

NATHAN OCHSNER **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**  
CLERK OF COURT

I, Byron M. Jones Sr., a Special Agent with U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) of the U.S. Department of Homeland Security (DHS), being duly sworn, deposes and avers as follows:

1. I make this affidavit in support of a Criminal Complaint charging Itzel Arlete Vega with being an officer, director, agent or employee of any Federal Reserve bank, member bank, national bank, insured bank who embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such bank, branch, agency, or organization or holding company or any moneys, funds, assets or securities entrusted to the custody or care of such bank, branch, agency, or organization, or holding company or to the custody or care of any such agent, officer, director, employee in violation of 18 U.S.C. § 656 (theft, embezzlement, or misapplication by bank officer or employee).

2. This affidavit further supports a Criminal Complaint charging Itzel Arlete Vega with knowingly executing, or attempting to execute, a scheme or artifice to defraud a financial institution, and to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises in violation of 18 U.S.C. § 1344 (bank fraud).

3. As a Special Agent with DHS/ICE/HSI I am authorized to conduct investigations into Title 8, 18, 19, 21, 31 and 50 of the United States Code and related offenses.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses throughout the course of this investigation. This affidavit is intended to show merely that there is sufficient probable cause and does not set forth all my knowledge about this matter.

5. In July 2019, Itzel Arlete Vega ("VEGA") was employed as a Branch Sales Representative for International Bank of Commerce, National Association / International Bancshares Corporation (hereinafter "IBC Bank") assigned to the Nolana IBC Bank branch located at 2900 W Expressway 83, McAllen, Texas. IBC Bank is a Federal Deposit Insurance Corporation member bank, chartered in the State of Oklahoma. VEGA's assigned duties included, but were not limited to, assisting customers with check orders, debit cards, deposits and general account customer service.

6. In July 2021, VEGA was assigned the duties of contacting customers whose accounts had gone into dormant status, which is one of the final stages of an account prior to IBC Bank closing the account due to account inactivity.

7. On or about July 22, 2021, VEGA attempted to contact an IBC Bank customer hereinafter known as "Customer A" via telephone and upon speaking with family members learned that Customer A passed away in 2018. According to bank records, Customer A established IBC Bank account ending in 1596 (last four digits of account number) on May 22, 2017. Customer A subsequently passed away on July 26, 2018. An internal bank audit system revealed that, after speaking with the family of Customer A via telephone, VEGA initiated and submitted a Status Code Change on a Dormant Accounts Form. This form changes the account from an inactive, dormant account into an active account thus allowing regular transactions and activity to occur on the account. This form requires the signature of the customer and VEGA is suspected by bank officials of forging Customer A's signature on the form. Once the form was processed, Customer A's account was changed to an active account. This allowed changes and activity to include debit and withdrawal transactions to be performed on the account that were unavailable while the account was in dormant status.

8. On or about July 24, 2021, a Change of Address Form changing the phone number and address on Customer A's account was submitted and executed by VEGA. After researching the new address, IBC Bank officials concluded that the address was an unimproved, empty lot in Brownsville, Texas. Additionally, official correspondence sent from the bank was returned as "undeliverable" and the account was subsequently assessed an undeliverable mail fee. IBC Bank officials suspect that the signature on the change of address form was also forged by VEGA. VEGA also initiated and submitted an Instant Issue ATM/Debit Card Acknowledgement Form creating a debit card in the name of Customer A (hereinafter "Customer A's debit card").

9. On or about July 26, 2021, a transaction on was conducted on Customer A's debit card for approximately \$173.02 at Walmart Supercenter located at 2800 W. Nolana Avenue, McAllen, Texas. Additionally, a subsequent withdrawal was conducted at the IBC Bank ATM machine inside the same Walmart. A review of IBC Bank video surveillance corresponding to the withdrawal transaction revealed that VEGA had conducted the transaction. Within the same surveillance video footage, multiple Walmart grocery bags were observed inside VEGA's Walmart shopping cart.

10. Between July 26 to August 18, 2021, VEGA conducted approximately twenty-seven (27) transactions utilizing Customer A's debit card totaling approximately \$2,822.68 in purchases and \$7,616.00 in ATM Withdrawals and fees with a total amount of \$10,465.05.

11. On or about September 22, 2021, Customer A's account was closed by VEGA. IBC Bank issued a cashier's check in the amount of the closing balance and mailed it to the address provided by VEGA. According to bank records, the family of Customer A has not yet received the cashier's check and it is still outstanding.

12. On or about September 27, 2021, the beneficiary of Customer A's account went to the IBC Bank in McAllen, Texas, to claim the money left in the account. The beneficiary provided Customer A's death certificate. At that time, the beneficiary was first made aware that the account had been closed and was advised that a cashier's check had been sent out on September 22, 2021.

13. On or about September 28, 2021, an IBC Bank officer interviewed VEGA. Vega initially told the bank officer that Customer A's son requested the account actions. After being shown video surveillance of the ATM withdrawals, VEGA stated that she falsified the actions on the account and fraudulently used Customer A's debit card. VEGA indicated a desire to pay the funds back and on or about September 30, 2021, VEGA tendered a cashier's check in the full amount of \$10,465.05.

14. Further investigation revealed that Vega had performed the same fraudulent activities on two other accounts. The accounts were identified as IBC Bank account 9661 (last four digits of account number) hereinafter "Customer B" and IBC Bank account 6756 (last four digits of account number) hereinafter "Customer C".

15. With respect to Customer B's account, VEGA had conducted approximately nine (9) transactions, including seven (7) ATM Withdrawals, one (1) purchase and one (1) transaction closing out the account, totaling approximately \$5,543.90. When questioned by IBC Bank officials, VEGA admitted the theft and stated that this was the last account that she took money from and was willing to reimburse the bank the amount taken. VEGA tendered a check in the amount of \$5,543.90 to cover the loss on Customer's B account.

16. With respect to Customer C's account, VEGA conducted approximately 230 transactions including ATM Withdrawal and retail purchases totaling approximately

\$70,577.19, leaving Customer C with approximately \$19,754.15 in the account at the time of the account takeover discovery. The aggregate total taken from the three accounts is approximately \$86,582.14.

17. Agents obtained video surveillance of VEGA that showed VEGA at multiple locations conducting multiple withdrawals of currency from ATM machines using the fraudulently obtained ATM cards and then depositing the funds into a personal bank account held with PNC Bank, NA.

18. On December 1, 2021, IBC Bank Vice President Marty Charles spoke to VEGA via telephone. During the phone conversation, VEGA told Charles that she paid the money back on two accounts; however, she did not have any additional money in her savings account to pay the bank back for the money taken from Customer C's account. VEGA then terminated the phone call.

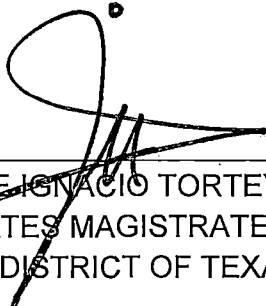
Respectfully submitted,



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Byron M. Jones Sr.  
Special Agent / Criminal Investigator  
Homeland Security Investigations

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed. R. Crim.P. 4.1, on this 16<sup>th</sup> day of February 2022.



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HONORABLE IGNACIO TORTEYA, III  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF TEXAS