

**AFFIDAVIT OF SPECIAL AGENT KEVIN M. SHEAHAN
IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Kevin M. Sheahan, being duly sworn, depose and state:

INTRODUCTION AND BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation and have been so employed for approximately 14 years. I am currently assigned to the Securities Fraud squad in Chelsea, Massachusetts. In that capacity, my responsibilities include conducting criminal investigation into federal offenses, including financial crimes such as wire fraud, bank fraud, securities fraud, tax fraud, and money laundering.

2. I am currently conducting an investigation of NICOLE A. LESCARBEAU a/k/a Nicole Coulibaly (“LESCARBEAU”) for violations of certain federal laws, including bank fraud and wire fraud.

3. I make this affidavit in support of a criminal complaint charging LESCARBEAU with bank fraud, in violation of 18 U.S.C. § 1344. Specifically, as set forth below, I have probable cause to believe that LESCARBEAU engaged in a scheme and artifice to defraud and obtain money from her employer.

4. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from witnesses. This affidavit is intended to show merely that there is probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

**PROBABLE CAUSE TO BELIEVE THAT A
FEDERAL CRIME WAS COMMITTED BY LESCARBEAU**

5. LESCARBEAU is a resident of Canton, Massachusetts.

6. T.D. Bank, N.A. (“TD Bank”) is a financial institution whose deposits are insured

by the Federal Deposit Insurance Corporation. LESCARBEAU maintains a checking account ending in -3952 at TD Bank (“TD-3952 Account”), on which LESCARBEAU is the sole authorized signatory.

7. Rockland Trust Company (“Rockland Trust”) is a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation. Victim 2 maintains a business checking account ending in -5288 at Rockland Trust (“Rockland-5288 Account”).

LESCARBEAU’s Guilty Plea for Embezzling from Victim 1

8. On or about September 26, 2018, a federal grand jury in the District of Massachusetts returned an indictment charging LESCARBEAU with wired fraud, in violation of 18 U.S.C. § 1343, bank fraud, in violation of 18 U.S.C. § 1344, and aggravated identify theft, in violation of 18 U.S.C. § 1028A, for embezzling approximately \$1,389,317.42 from her employer, a non-profit located in Boston, Massachusetts (“Victim 1”). *See United States v. Nicole A. Lescarbeau*, 18-CR-10345-RGS at Dkt. 1 [Indictment]. The Indictment alleged that, from approximately 2013 to 2018, LESCARBEAU used her access to Victim 1’s financial accounts to: (a) issue unauthorized checks drawn upon Victim 1’s bank accounts, and then deposit these checks into bank accounts she owned or controlled, *see id.* at ¶¶ 11-14; (b) make unauthorized wire transfers out of Victim 1’s bank accounts to herself, to pay personal credit card bills, or to pay third parties for her own personal benefit, *see id.* at ¶¶ 15-18; and (c) make unauthorized charges on Victim 1’s credit cards personal items such as rental cars and hotel rooms, *see id.* at ¶¶ 19-21.

9. On or about December 13, 2019, LESCARBEAU plead guilty to all counts in the Indictment. *See* 18-CR-10345 at Dkt. 59. LESCARBEAU is scheduled to be sentenced in connection with that plea on December 9, 2020. *See id.* at Dkt. 67.

Victim 2 Hires LESCARBEAU

10. In or around March 2019, LESCARBEAU applied for the position of administrator at Victim 2, a non-profit organization located in Brookline, Massachusetts focused on providing affordable housing opportunities. During the application process, LESCARBEAU did not tell Victim 2 about the Indictment related to her embezzlement from Victim 1. LESCARBEAU also attempted to conceal her maiden name – the name under which she was charged in the Indictment – from Victim 2 by using her married name, “Nicole Coulibaly,” during the application process. For example, while submitting a resume that contained an email address reflecting her maiden name, LESCARBEAU’s resume said her name was “Nicole Coulibaly,” an applicant with “[o]ver 12 years Admin experience” who was “[a]dept at working with little or no supervision[.]”

11. In or about April 2019, LESCARBEAU was hired to be Victim 2’s administrator. As part of her duties, LESCARBEAU was responsible for assisting with certain financial transactions on behalf of Victim 2, including preparing checks as directed by Victim 2’s president (the, “Company President”), and purchasing items for board meetings using a debit card. LESCARBEAU was also given information concerning how to access various financial accounts held by Victim 2, including the ATM pin as well as the online account username and password for Rockland-5288 Account.

Overview of LESCARBEAU’s Scheme

12. From at least in or about August 20, 2019, through in or about February 10, 2020, LESCARBEAU stole approximately \$56,963.67 from Victim 2 by making unauthorized withdrawals from Victim 2’s Rockland-5288 Account, including, but not limited to, by: (a) diverting checks to herself that Victim 2 had issued for legitimate business purposes; (b) opening an unapproved PayPal account in the name of Victim 2 to make unauthorized wire

transfers to herself and others; and (c) making unauthorized wire transfers directly from Victim 2's online checking account to third-parties for her personal benefit, such paying rent for LESCARBEAU's residence in Canton, Massachusetts.

13. LESCARBEAU used her position at Victim 2 to implement this scheme. During her employment, when directed to do so by the Company President, LESCARBEAU was responsible for assisting in the preparation of checks to pay for Victim 2's business expenses. From in or about August 2019, through in or about October 2019, without authorization, LESCARBEAU diverted approximately \$8,731.00 in money by fraudulently altering the name of payees on checks drawn on Victim 2's Rockland-5288 Account.

14. For example, on or about September 13, 2019, the Company President issued a check in the amount of approximately \$3,108.00 made payable to an organization that provides housing for the homeless in the Boston metro-area ("Check 1116"). The memo line of Check 1116 included the notation: "September Rent." Thereafter, without authorization from the Company President, the payee of Check 1116 was changed to LESCARBEAU. On or about the same day, LESCARBEAU deposited Check 1116 into her personal bank account at TD Bank. Rockland Trust then paid TD Bank \$3,108.00, and those funds were deposited into LESCARBEAU's TD-3952 Account.

15. In addition, on or about August 16, 2019, the day after Victim 2's treasurer resigned, LESCARBEAU opened an unauthorized PayPal account in the name of Victim 2 that enabled money to be transferred out of Victim 2's Rockland-5288 Account. Between in or about August 21, 2019, through in or about February 10, 2020, LESCARBEAU used this PayPal account to make approximately 74 unauthorized wire transfers totaling approximately \$29,008.26 from Victim 2's Rockland-5288 Account to herself and others for her personal benefit, including:

- On or about October 14, 2019, Victim 2's PayPal account made an unauthorized transfer of \$2,020.00 to "Nicole Coulibaly." The following day, Victim 2's Rockland-5288 Account was debited \$2,020.00 for the PayPal transfer and LESCARBEAU's TD-3952 Account received a deposit of approximately \$1,951.12 from PayPal.¹
- On or about December 6, 2019, Victim 2's PayPal account made an unauthorized purchase of \$218.18 worth of swimsuits from SwimOutlet.com. The shipping address listed for this purchase was LESCARBEAU's personal residence in Canton, Massachusetts. On or about December 9, 2019, Victim 2's Rockland-5288 Account was debited \$218.18 for the PayPal transfer.
- On or about December 13, 2019, Victim 2's PayPal account made an unauthorized purchase of \$20.00 at Target. The shipping address listed for this purchase was LESCARBEAU's personal residence in Canton, Massachusetts. On or about December 16, 2019, Victim 2's Rockland-5288 Account was debited \$20.00 for the PayPal transfer to "TARGETCORPO."
- On or about January 23, 2019, Victim 2's PayPal account made an unauthorized transfer of \$687.00 to "Nicole Coulibaly." The same day, LESCARBEAU's TD-3952 Account received a deposit of approximately \$660.11 from PayPal, and, the following day, Victim 2's Rockland-5288 Account was debited \$687.00 for the PayPal transfer.

16. LESCARBEAU also used Victim 2's money to pay rent for her personal residence.

In or about April 2019, LESCARBEAU began renting an apartment in Canton, Massachusetts for approximately \$3,060 per month. Four months later, in or about August 2019, LESCARBEAU owed her landlord approximately \$13,038.38 in back payments and late fees. Thereafter, without the knowledge or authorization of anyone at Victim 2, LESCARBEAU initiated approximately \$18,947.54 in wire transfers from Victim 2's Rockland-5288 Account to her landlord, as detailed in the following chart:

¹ PayPal sometimes charges fees for transfers. *See, e.g.,* PayPal Consumer Fees, available at <https://www.paypal.com/us/webapps/mpp/paypal-fees#transfers>.

Approx. Date	Approx. Amount	Victim 2's Rockland-5288 Account Statement Description
October 8, 2019	\$3,130.38	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly
October 15, 2019	\$3,115.81	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly
November 5, 2019	\$3,171.40	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly
December 3, 2019	\$3,170.74	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly
January 3, 2020	\$3,167.73	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly
February 4, 2020	\$3,191.48	GREYSTAR-MAAVB/WEB PMTS NicoleCoulibaly

LESCARBEAU's Efforts to Conceal the Scheme

17. LESCARBEAU also took steps to conceal her embezzlement from Victim 2. For example, on or about December 18, 2019, LESCARBEAU sent Victim 2's new treasurer (the, "Treasurer") a report purporting to show Victim 2's expenses and income from in or about October 15, 2019, through in or about December 11, 2019. The report reflected approximately sixteen entries with \$46,063.76 in expenses. Victim 2's bank statements for the same period, however, actually contain approximately 81 entries with \$74,973.00 in expenses. Notably, the report sent by LESCARBEAU to the Treasurer did not identify any of the unauthorized payments to herself or to others for her personal benefit, including the checks, PayPal transfers, or rent payments discussed above.

18. In addition, on or about February 7, 2020, the Treasurer sent an email to the Company President and LESCARBEAU, writing: "Sorry to pester you both[.] Can you please tell me what these are? [T]hey are not checks so they are obscure to me." The Treasurer included in this email the following screenshot:

FEB 4 2020	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,191.48)	⋮
NOV 5 2019	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,171.40)	⋮
DEC 3 2019	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,170.74)	⋮
JAN 3 2020	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,167.73)	⋮
OCT 24 2019	CHECK - 1120	(\$3,146.20)	⋮
OCT 8 2019	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,130.38)	⋮
OCT 15 2019	GREYSTAR-MAAVAB-/WEB PMTS NicoleCoulibaly	(\$3,115.81)	⋮

Later that day, the Company President responded: “I have no idea what these checks are for.”

19. On or about February 10, 2020, LESCARBEAU replied to the Treasurer’s February 7, 2020 email, writing: “These are automatic payments made (see attached). I can get you all of the months reports if you’d like, I’m just attaching November for now.” LESCARBEAU also attached the following false report to her email that purported to show a \$3,171.40 payment from Victim 2 to a public housing agency on or about November 1, 2019:

Payment Summary					
Agency Name	Payee Name	Payment Number	Payment Date	Payment Method	Payment Total
[REDACTED]	Victim 2	90858	11/1/2019		\$3,171.40

Payment Details			
Tenant	Location	Description	Amount
[REDACTED]	Brookline MA 02445	Auto HAP For 11/2019	\$1,187.00
[REDACTED]	Brookline MA 02445	Auto HAP For 11/2019	\$1,984.40

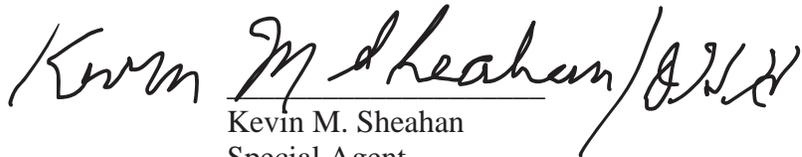
Victim 2’s financial records, however, confirm that the information LESCARBEAU included in her report was false. Account statements Victim 2’s Rockland-5288 Account show that \$3,171.40 was paid directly to LESCARBEAU’s landlord on or about November 5, 2019.

20. On or about February 12, 2020, LESCARBEAU sent another email to the Company President and the Treasurer requesting a meeting. LESCARBEAU wrote: "I would like an opportunity to speak with you and try to explain things a bit. I realize you probably don't think I deserve it, however I am asking you as a parent and human being to please consider it." She continued: "Could we schedule something for the week of February 24th? I don't want you to think I am 'fleeing,' I am not." Thereafter, rather than respond to her request for a meeting, Victim 2 reported LESCARBEAU to law enforcement.

CONCLUSION

21. Based on my knowledge, training and experience, and the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that LESCARBEAU committed bank fraud, in violation of Title 18, United State Code, Section 1344, by, on or about September 13, 2019, fraudulently misrepresenting herself to be an appropriate payee of a \$3,108.00 check belonging to Victim 2.

Sworn to under the pains and penalties of perjury,



Kevin M. Sheahan
Special Agent
Federal Bureau of Investigation

Subscribed and sworn via telephone in accordance with Federal Rule of Criminal Procedure 4.1 on December 2, 2020. 11:53 a.m.



DAVID H. HENNESSY
UNITED STATES MAGISTRATE JUDGE

