

ORIGINAL

FILED  
LOS ANGELES SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA JUL 25 2012  
FOR THE COUNTY OF LOS ANGELES

JOHN A CLARKE, EXECUTIVE OFFICER/CLERK  
BY T Mkhitaryan Deputy

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

DECLARATION IN SUPPORT  
OF ARREST WARRANT AND  
WARRANT

Abraham Lew BERLIN

SC No.

DA No. BA 396198-01

Defendants.

I, SCOT HUNTER, declare:

That I am a Special Agent (SA) employed by the California Department of Justice (CA DOJ),  
and that I allege and state the following:

On April 19, 2012, CA DOJ SA Emilio Cotero began to investigate Abraham BERLIN after receiving information from eBay/PayPal Investigator Thomas Hutchings that BERLIN had obtained a total of approximately \$56,996.90 from eBay customers through fraudulent means resulting in a \$56,996.90 loss to eBay in customer reimbursements. SA Cotero, now retired, was a 15 year CA DOJ veteran, with over 20 years law enforcement experience. I took over the investigation on June 12, 2012. SA Cotero thoroughly briefed me on the investigation. I have also reviewed all of SA Cotero's reports and spoken to eBay Investigator Thomas Hutchings regarding this investigation.

Investigator Hutchings told special agents he documented and prepared a report (which your affiant has reviewed) dated February 13, 2012 about BERLIN's activities on eBay. The following summarizes Investigator Hutchings' report on BERLIN. SA Cotero also corroborated Investigator Hutchings report by interviewing multiple victims in this investigation. Between September 2004 and September 2011, BERLIN was registered with eBay under Identification Number (ID) ipventures2011 (using the name of Abraham L. BERLIN). During this period, BERLIN had listed

and/or sold a variety of miscellaneous low-value items on eBay without incident establishing good credit.

Between September 21, 2011, and October 20, 2011, BERLIN's history of selling inexpensive items drastically changed. BERLIN's listed 13 sealed bags claiming to contain Civil War nickels. The eBay nickel bag listings were uploaded to eBay's server from BERLIN's eBay account (ipventures2011) through BERLIN's IP address: 76.168.202.155. According to eBay no photographs of the nickels were included in the listing.

Based on the eBay listing, BERLIN received approximately \$87,215.32 in payments from several customers believing they were purchasing Civil War nickels from eBay ID: ipventures2011. In each case, BERLIN failed to deliver the nickels to the eBay customers, keeping approximately \$56,996.90 in payments. The customers paid BERLIN through his PayPal account which deposited the money into several Bank of America accounts (listed above).

On September 28, 2011, eBay customer Douglas Beebe paid \$5,426.90 to BERLIN for the purchase of one nickel bag (Item #330619536237). (Note: This item was previously sold to another customer in the amount of \$6,895.00) Mr. Beebe used PayPal to pay for the item. On November 11, 2011, Mr. Beebe contacted PayPal and told them that he had not received the nickels from BERLIN. Mr. Beebe told PayPal he requested photographs and a tracking number for the nickels from BERLIN on several occasions. Mr. Beebe told PayPal he never received a response from BERLIN. Mr. Beebe filed a claim with PayPal, and on November 22, 2011, eBay reimbursed Mr. Beebe for non-delivery of the nickels. The result was a \$5,246.90 loss to eBay.

On September 30, 2011, eBay customer Jim Viken paid \$17,250.00 to BERLIN for the purchase of three nickel bags (Items #330619536237). Mr. Viken used Pay/Pal to purchase the item. (Note: The item was previously sold two times to other customers) On November 03, 2011, Mr. Viken contacted PayPal requesting an update and shipment status. Mr. Viken filed a claim with PayPal. On November 12, 2011, and November 15, 2011, BERLIN initiated refunds to Mr. Viken through PayPal using Bank of America. On November 18, 2011, Bank of America notified PayPal that BERLIN's credit card (ending in 3166) did not have sufficient funds to cover the transaction. As a result, eBay was forced to reimburse Mr. Viken. The result was a \$17,250.00 loss to eBay.

On October 18, 2011, eBay customer Daniel Knauth paid \$5,750.00 to BERLIN for the purchase of one nickel bag (Item #330628140092). On November 10, 2011, Mr. Knauth attempted to purchase an additional three nickel bags (Items #330619838390, #330619837111, and #330619833487) in the amount of \$17,250.00 from BERLIN. Mr. Knauth used Pay/Pal to purchase the items. On November 10, 2011, Mr. Knauth filed a claim with PayPal for non-delivery. On November 16, 2011, PayPal reimbursed Mr. Knauth. The result was a \$23,000.00 loss to eBay.

On October 19, 2011, eBay customer Martin Peters paid \$5,750.00 to BERLIN for the purchase of one nickel bag (Item 330629422059). On November 14, 2011, Mr. Peters sent an email via eBay to BERLIN at eBay ID: ipventures2011 requesting an update on the nickels. On November 15, 2011, and November 16, 2011, Mr. Peters sent additional emails to eBay ID: ipventures2011 canceling his order and requesting a refund. BERLIN did not respond to Mr. Peters. On November 29, 2011, Mr. Martin filed a claim with eBay for non-delivery of the item, and not refunding the payment. On December 7, 2011, eBay reimbursed Mr. Martin. The result was a \$5,750.00 loss to eBay.

On October 19, 2011, eBay customer Gary Hamm paid \$5,750.00 to BERLIN for the purchase of one nickel bag (Item #330628139454-S). On November 13, 2011, Mr. Hamm sent an email via eBay to BERLIN at eBay ID: ipventures2011 stating that he had not received the nickels. On November 14, 2011, BERLIN responded to Mr. Hamm via eBay ID: ipventures2011 (using IP Address: 76.168.202.155). BERLIN apologized to Mr. Hamm for the delay and promised to send the nickels. On November 25, 2011, Mr. Hamm filed a claim with eBay for non-delivery. On December 7, 2011, eBay reimbursed Mr. Hamm. The result was a \$5,750.00 loss to eBay.

On November 8, 2011, due to the non-delivery complaints by eBay customers, eBay/PayPal placed a restriction on BERLIN's account. PayPal attempted to contact BERLIN and request documentation related the Civil War nickel bags including shipment tracking numbers, photographs, and proof of ownership. BERLIN never responded to PayPal nor provided any documentation regarding the nickels.

On November 14, 2011, BERLIN's PayPal account was accessed by email account [REDACTED]. The user of the email (believed to be BERLIN) attempted to delete BERLIN's PayPal account, but was unable due to PayPal security features. The IP address (IP Address:

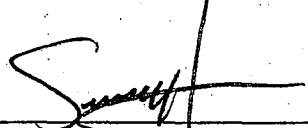
76.168.202.155) used to access PayPal was the same IP Address (IP Address: 76.168.202.155) used by BERLIN to contact the above eBay customers.

BERLIN has an extensive criminal history related to fraud that includes convictions for Theft, Mail Fraud, Check Fraud, and Fraud Schemes. Based on the above information, I believe BERLIN used eBay/PayPal in furtherance of another fraudulent scheme to steal money from eBay customers.

I, the affiant, hereby request a Warrant of Arrest be issued for the arrest of BERLIN, good cause being shown therefore, for the crimes of California Penal Code (PC) Section 487(a) (Grand Theft).

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.  
Executed in Los Angeles County, California, on July 25, 2012.

Bail Recommendation: \$180,000

  
Declarant: Special Agent Scot Hunter

**PERSON TO BE ARRESTED**

NAME AND AKA's: BERLIN, Abraham Lew						
SEX: Male	RACE: Caucasian	D.O.B.: 2/24/1949	HEIGHT: 6'01"	WEIGHT: 150	HAIR: Black	EYES: Blue
MARKS:						
VEHICLE YEAR: 1996	MAKE: Jaguar	MODEL: Black	VEH. LIC. NO: [REDACTED]	STATE: CA		
RESIDENCE ADDRESS: [REDACTED] (hotel)						
ADD'L RESIDENCE ADDRESS: [REDACTED]						
TELEPHONE NUMBERS: [REDACTED]						
CII NO: A10373372		OTHER NOS: [REDACTED]				