

The Honorable James L. Robart

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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 PRADYUMNA KUMAR SAMAL,

14 Defendant.
15
16

NO. CR18-214JLR

**GOVERNMENT'S SENTENCING
MEMORANDUM**

FILED UNDER SEAL

17 The United States of America, by and through Brian T. Moran, United States
18 Attorney for the Western District of Washington, and Siddharth Velamoor and Michael
19 Dion, Assistant United States Attorneys, files this Sentencing Memorandum. The
20 Sentencing hearing in this case is scheduled for September 20, 2019 at 9:30 a.m.

21 As set out below, the Defendant has informed the Government that he intends to
22 object to three of the Sentencing Guidelines enhancements applied by the Presentence
23 Investigation Report ("PSR"). The Defendant nonetheless does not object to the Court
24 resolving the disputed enhancements on the basis of facts referred to herein, including the
25 transcripts, interview memoranda, emails, and other documents attached as exhibits
26 hereto. The Government therefore does not expect to call any witnesses to testify at the
27 Sentencing hearing.
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INTRODUCTION

1
2 The U.S. government grants work status and visas to a limited number of highly
3 skilled foreign nationals under the H-1B program each year. As conceived, the H-1B
4 program serves an important economic purpose by ensuring that the supply of workers
5 with specialized skills meets U.S. employers' demand. In turn, as the program's
6 popularity makes clear,¹ H-1B visas benefit employers, by allowing them to recruit and
7 retain skilled employees who cannot easily switch jobs upon entry into the United States.
8 Because of the program's narrow purpose and the risk that employers may misuse the
9 program to exploit vulnerable foreign nationals, the H-1B process is strictly regulated by
10 several Executive agencies, including USCIS, the Department of State, and the
11 Department of Labor.

12 The Defendant, Pradyumna Kumar Samal, pleaded guilty to orchestrating the
13 largest and most sophisticated H-1B scheme ever prosecuted in this District. He began
14 the scheme while serving a probationary sentence for a prior federal misdemeanor. As
15 set out below, Samal ran businesses that defrauded the government into issuing long-term
16 H-1B work status and visas to hundreds of foreign-national employees. Samal's
17 companies then marketed those H-1B employees to corporate clients for short-term
18 projects. Through his scheme, Samal obtained an advantage over his competitors, as he
19 had a standing pool (or "bench") of workers available immediately to meet the needs of
20 his end-clients, without any of the delays or uncertainty associated with the H-1B
21 application process. Samal and his subordinates took numerous steps to accomplish the
22 scheme, which required hundreds of fraudulent documents, lies to U.S. immigration
23 officials, and efforts to mislead Samal's corporate clients.

24 Although Samal's goal was to gain an advantage over his competitors, his fraud
25
26

27 ¹ See Exhibit K, M. Jordan, Visa Applications Pour In by Truckload Before Door Slams Shut, *New York Times*,
28 April 3, 2017, available at <https://www.nytimes.com/2017/04/03/us/tech-visa-applications-h1b.html> ("Last year, the government received 236,000 applications in the first week before deciding it would accept no more. A computer randomly chooses the winners.").

1 inevitably harmed hundreds of individuals. As Chief Magistrate Judge Tsuchida
2 remarked at the detention hearing, Samal’s scheme generated “wreckage” all around him.
3 The collateral damage from Samal’s scheme extended to scores of subordinates who he
4 conscripted into service as his co-conspirators, hundreds of foreign-national employees
5 who he exploited upon entry into the U.S., and corporate clients whose identities he stole
6 in furtherance of the scheme. Samal also obstructed the investigative process, by
7 destroying documents, lying to federal agents, and concealing forfeitable assets.

8 Samal has posed a serious financial danger for the better part of the last decade,
9 and his conduct (including his post-arrest conduct) reveals his utter contempt for the rule
10 of law. For the reasons set forth below, the Government respectfully recommends a 120-
11 month term of imprisonment, a fine of \$100,000, and a 3-year term of supervised release.
12 The Government’s recommendation falls in the middle of the relevant Sentencing
13 Guidelines range.

14 **BACKGROUND**

15 Samal is the owner and Chief Executive Officer of two defunct Seattle-area
16 companies named Divensi, Inc. (“Divensi”) and Azimetry, Inc. (“Azimetry”). He
17 established Divensi and Azimetry in 2010 and 2011 respectively, after a criminal
18 conviction caused him to dissolve his prior business. Specifically, in 2009, Samal
19 pleaded guilty to a misdemeanor charge of Computer Intrusion, for directing an employee
20 to disable a customer’s website, resulting in thousands of dollars of damage to the victim.
21 *See* Plea Agreement, *United States v. Samal*, CR09-00005MAT, Dkt. 8. In that case,
22 Samal admitted that he lied (and directed his employee to lie) to the Federal Bureau of
23 Investigation. *See* Def.’s Sentencing Memo., *United States v. Samal*, CR09-00005, Dkt.
24 27, at 13:18-21 (admitting that he “panicked and dissembled. In addition, he instructed
25 [his employee] to tell the [FBI] agent either that he knew nothing or not to say anything
26 or words to that effect.”). During the detention hearing in this case, Chief Magistrate
27 Judge Tsuchida pointed out that Samal’s conduct while serving his sentence of probation
28 in the prior case was “problematic” and a “red flag.”

1 Indeed, as the Presentence Investigation Report (“PSR”) explains, Samal
2 commenced the Mail Fraud scheme in this case while serving that prior probationary
3 sentence. *See* PSR ¶ 60. He now awaits sentencing for that mail-fraud offense (Count
4 One of the Second Superseding Information), as well as the separate offense of Failure to
5 Pay Over Tax under 26 U.S.C. § 7202 (Count Two). The government concurs with the
6 PSR’s factual statement regarding both offenses.

7 A. Mail Fraud

8 1. *Overview Of The Mail Fraud Scheme*

9 Samal’s mail-fraud conviction arises out of a multimillion-dollar scheme that
10 included thousands of false statements to U.S. immigration authorities, the exploitation of
11 hundreds of foreign nationals, and numerous efforts to obstruct justice. *See* PSR ¶¶ 9-19,
12 27-32. Samal has admitted that he generated more than \$1.5 million in profits from the
13 scheme. *Id.* ¶ 37.

14 Specifically, Samal defrauded the U.S. Citizenship and Immigration Service
15 (“USCIS”) and the State Department into granting H-1B work status and visas to
16 hundreds of foreign-national employees. Plea Agreement, Dkt. 51, ¶ 10(a). Samal
17 prepared and signed at least 250 H-1B petitions that claimed, falsely and under penalty of
18 perjury, that the foreign-national employees named in the petitions had been earmarked
19 for purported specialty-occupation projects, and that they would perform those projects at
20 the petitioning company (i.e., Divensi’s or Azimetry’s) offices. *Id.*; *see also* PSR ¶ 11.
21 The petitions characterized the purported projects as having been subcontracted to
22 Divensi and Azimetry by the companies’ clients. *Id.* The petitions also claimed that the
23 projects had durations that were equal to the maximum permissible duration for work
24 status under the H-1B program. *Id.* In reliance on these materially false statements,
25 USCIS granted H-1B work status to Samal’s foreign-national employees between 2012
26 and 2016, often for the maximum duration permitted by law. *Id.* In turn, the State
27 Department issued H-1B visas to Samal’s employees, which entitled them to enter the
28 United States. Plea Agreement ¶ 10(a).

1 In reality, the foreign nationals named in Samal's companies' H-1B petitions had
 2 not been earmarked for any specialty-occupation project. *Id.* Samal intended to create a
 3 standing pool of H-1B employees with long-term work status who could then be
 4 marketed to large corporate clients for short-term off-site projects. *Id.* ¶ 13; *see also* Plea
 5 Agreement ¶ 10(a).

6 2. *The Purpose And Gains From The Mail Fraud Scheme*

7 Samal gained a substantial competitive advantage over other staffing companies as
 8 a result of the scheme. **First**, the scheme enabled Samal to “bench” (in Samal's words)
 9 foreign nationals both after they entered the U.S. and between their short-term project
 10 assignments, because USCIS had granted them long-term work status in reliance on
 11 Samal's false claims. *Id.* ¶¶ 13-14. While benched, the foreign nationals were pitched by
 12 Samal's marketing team to large corporate clients for short-term, off-site, projects. *See*
 13 *id.* **Second**, the scheme enabled Samal to pitch foreign nationals to end clients who
 14 otherwise would not have interviewed or considered foreign nationals who did not
 15 already have work status in the United States. *Id.* ¶ 14. **Third**, Samal's scheme enabled
 16 him to use foreign nationals to fill non-specialty-occupation roles in his offices that
 17 otherwise would have required more expensive U.S.-citizen employees. *Id.* ¶ 14. [REDACTED]

18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 Samal also exploited his H-1B employees. For instance, Samal forced H-1B
 23 employees to submit phony sick and annual leave requests while they were on the
 24 “bench,” so that he would not need to pay them the salary to which they were entitled.
 25 PSR ¶ 17. Samal also circumvented regulations that require employers to pay H-1B
 26 employees prevailing wage, by claiming that the fictitious project assignments had
 27 prevailing-wage levels that were lower than the actual end-client projects to which
 28 Samal's H-1B employees eventually were assigned. *Id.* ¶ 16.

1 Finally, Samal forced H-1B employees to pay the filing fees associated with their
2 petitions, in contravention of DOL regulations that require employers to pay for those
3 fees. *Id.* ¶ 16. Samal styled these fee payments as purported “security deposits” in an
4 effort to doctor their actual purpose. *See id.* In fact, only a portion of the “deposit” was
5 refundable (such that Samal unlawfully used the non-refundable portion of the deposit to
6 pay for visa fees). *Id.*

7 The parties have stipulated that Samal gained \$1,625,532.84 from the scheme,
8 consisting of (a) the profits he earned from placing H-1B employees on client projects
9 and (b) the revenues he earned when he sold his H-1B operations in February 2018. *Id.*
10 ¶ 37. In addition to that stipulated gain, Samal also used his companies’ accounts as a
11 personal piggy bank, such as when he used approximately \$66,000 in H-1B employees’
12 “security deposits,” along with other funds from company bank accounts, to purchase
13 shares in a technology startup. *Id.* ¶ 18. When that startup was acquired, Samal obtained
14 the right to four annual distributions, beginning in 2018. *Id.* He received the first
15 distribution (of approximately \$400,000) in January 2018, and used that distribution to
16 capitalize Indian bank accounts, purchase consumer electronics, and buy flight tickets.²
17 *Id.* On September 1, 2019, the government learned that Samal received the second
18 distribution (of approximately \$41,120.91) on June 10, 2019. *See* Wire Transfer, Ex. B.

19 On August 2, 2019, less than two months after receiving the \$41,120.91
20 distribution, Samal told the Probation Office that his liquid assets were worth less than
21 \$300. *See* Def. Objections to PSR, Ex. C, at 6. In addition, at a date unknown to the
22 government, but which appears to have been within weeks of the \$41,120.91 distribution,
23 Samal told this Court that he “could no longer afford” the services of his financial
24 accountant. *See* Order, Dkt. 70, at 1:20.

25
26 ² As the government previously explained, Samal’s financial affidavit seeking Criminal Justice Act (“CJA”) representation falsely claimed that he had “reinvested” that \$400,000 payment into his companies. *See* Response to Mot. to Substitute Attorney, Dkt. 36. The financial affidavit contained other material misstatements and omissions. *See id.*

3. *Samal's Use Of Stolen Identifications And Other False Statements In Furtherance Of The Scheme*

USCIS requires petitioning employers to substantiate the statements they make in petitions. To satisfy that requirement, Samal and subordinates acting at his direction included forged and fraudulent materials in H-1B petitions, in order to substantiate the existence and duration of the so-called projects for which foreign-national employees had purportedly been earmarked. Plea Agreement ¶ 10(a). The forged and fraudulent materials included:

- **Fictitious employment contracts** between Samal's companies and H-1B employees, which reflected fake job titles. PSR ¶ 12.
- **Doctored H-1B employee resumes**, which made it appear as if Samal's foreign-national employees had specialty-occupation expertise and experience that they did not actually have. *Id.*
- **Forged client letters** that purported to have been issued by two of the clients for whom the H-1B employees purportedly had been earmarked, and included digital signatures belonging to senior executives at those clients. Plea Agreement ¶ 10(a). The forged client letters typically included language "verify[ing]" that the client "will be using the services of" the H-1B employee named in Samal's companies' petition.³ As explained in the section below regarding the relevant Sentencing Guidelines range, Samal both created some of the forged letters, and also applied forged digital signatures to other letters that his co-conspirators created. In his plea agreement, Samal's former Chief Operating Officer, Prasad Puvvala, admitted that he "prepared unsigned drafts" of forged client letters and then "asked SAMAL to affix signatures to those letters." Plea Agreement, *United States v. Puvvala*, CR019-19RAJ, ¶ 8.

³ The government previously exhibited an example of a forged end-client letter in its submission in support of pre-trial detention. *See* Ex. A to Mem. In Support of Detention, Dkt. 6-1.

1 Samal's companies also used an outside petition preparer—a
2 disbarred former immigration lawyer—to prepare forged client letters. As
3 set out in her plea agreement, the outside preparer created forged letters and
4 then asked Samal and Samal's former COO to affix forged signatures to
5 them. Plea Agreement, *United States v. Tomaszewski*, CR-18-213JLR, ¶ 7.

6 As set out below, the two clients whose identities Samal stole learned about the
7 forged letters and confronted Samal in March 2015. *See below* at 10. Samal responded
8 by disclaiming knowledge of the forged letters, blaming Puvvala for creating the forged
9 letters without Samal's knowledge, and removing any references to those clients in the H-
10 1B petitions that his companies filed in 2015 and 2016. *Id.* [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

21 ⁴ [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 In addition to misleading USCIS, Samal also directed his subordinates to send
2 forged materials to U.S. consulates, and to coach foreign-national employees to lie to
3 consular officers to ensure that their stories were consistent with the false statements in
4 their petitions. See Plea Agreement ¶ 10(a); *see also* PSR ¶ 12. Specifically, in the event
5 USCIS grants H-1B status to a foreign-national employee who is not already in the U.S.,
6 the foreign-national employee must ordinarily obtain a corresponding visa at a U.S.
7 consulate in their country of residence—a matter that falls under the ambit of the State
8 Department. *Id.* In deciding whether to grant the requested visa, the State Department
9 typically interviews the employee at a consulate. *Id.*

10 As Puvvala admitted in his plea agreement, he “consulted with, and received
11 instruction from, SAMAL about the contents of these false statements [by H-1B
12 employees] to immigration officials.” See Plea Agreement, *United States v. Puvvala*,
13 CR19-019, Dkt. 6, at 9:8-10:2 (referring to emails in which Puvvala sought guidance
14 from Samal about false statements to U.S. consulate officers, including email in which
15 Puvvala reported to Samal about coaching an H-1B employee to lie to U.S. consular
16 officers). [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Samal also deceived USCIS officers who conducted site visits to his companies’
21 offices. See PSR ¶ 28. USCIS agents occasionally conduct such site visits to verify that
22 H-1B employees are, indeed, working on the projects described in their petitions. *Id.* To
23 deceive these USCIS officers, Samal staged his offices (e.g., with fake workstations) in
24 advance of the site visits, thus making it appear as if the H-1B employees were working
25 at the companies’ offices (as the petitions claimed). See *id.* In reality, as explained
26 above, the H-1B employees were either benched without pay awaiting a potential project
27 assignment or had been assigned to an off-site short-term client project.

4. *Samal’s Obstruction Of Justice*

Samal has repeatedly obstructed justice in this case, both before and after his arrest last year. *See* PSR ¶¶ 27-32. Specifically, in the spring of 2015, the two clients whose identities Samal had stolen in the forged letters confronted him after each client received initial inquiries from the State Department about a letter bearing each of their letterhead and signatures. *See* Emails to Samal, Ex. F (“Pls advise on this his happened?”), Ex. G (asking for an explanation about “the facts including the actions you took and how you are ensuring that the Visa matter discussed does not happen again”).

In response, Samal and his then-Chief Financial Officer decided to blame Puvvala, because Puvvala recently had left the company earlier that year. PSR ¶¶ 28-29; *see also* Ex. H, Report of Interview of CFO, ¶ 64 (“It was decided to blame Prasad as he had left the company.”).⁵ Thus, in an email to one of the clients (which the CFO helped draft), Samal made multiple false claims, including that: (a) Puvvala “was completely in charge of our immigration”; and (b) Samal “did not spend any time overseeing [Puvvala’s] management of our immigration.” *See* Ex. G, at 1. As Samal has now admitted, and as investigators later learned, Samal obviously knew about the forged and fraudulent documents; indeed, he personally had created and directed Puvvala and other subordinates to create them. *See* Plea Agreement ¶ 10(a).

To make it appear as if he lacked knowledge of the falsehoods in his companies’ H-1B petitions, Samal destroyed incriminating documents in his companies’ offices. *See* PSR ¶ 30. Specifically, like other H-1B employers, Samal’s companies preserved hard copies of petitions at their offices, even after those petitions have been mailed to the government. *Id.* Samal removed the fraudulent documents (e.g., the phony employment contracts, the forged client letters) from his hard copy files, so that he could later claim that Puvvala inserted those documents before filing (and without Samal’s knowledge).

⁵ Samal’s former Chief Financial Officer had a federal felony conviction for bank fraud at the time Samal hired him. The government did not rely upon any statements by the CFO which were not otherwise corroborated by other materials generated during the investigation.

1 As Samal’s outside petition preparer explained in her plea agreement:

2 In or around the summer of 2015, the Defendant and two other employees of
3 SAMAL’s companies removed documents from hardcopies of visa petitions, at
4 SAMAL’s direction. Specifically, USCIS regulations require petitioning
5 companies, like Divensi and Azimetry, to preserve certain petition-related
6 materials. SAMAL directed the Defendant to remove materials from the petitions
7 that would assist the Government in its investigation into the false statements
8 made in those petitions. The Defendant removed the documents from the petitions
9 in a conference room in the companies’ offices, along with two other employees.
10 SAMAL regularly checked into the progress of the spoliation of these documents
11 while that process was ongoing. When removing the documents, the Defendant
12 knew that the documents were material to the Government’s investigation into
13 Divensi and Azimetry for the acts of visa fraud described above.

14 Plea Agreement, *United States v. Tomaszewski*, CR18-213JLR, ¶ 7.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 When interviewed by law-enforcement agents on May 31, 2017, Samal made
22 statements which showed that the document-destruction episode was part of his plan to
23 plead ignorance and blame Puvvala. PSR ¶ 31. Specifically, Samal falsely claimed that
24 he lacked knowledge about the forged letters because Puvvala had failed to “maintain[.]”
25 hard copies of those documents in the companies’ offices:

26 _____
27
28 ⁶ While Samal was not successful in destroying all the incriminating documents, agents noticed missing documents
in several hardcopy petitions when they searched Samal’s companies’ offices in September 2017. PSR ¶ 30.

1 Samal told [Reporting Agent] that it was only after Puvvala resigned that he
2 realized that the only documents Puvvala maintained for
3 Azimetry/Divensi's visa petitions were the I-129s, LCAs, and Cover
4 Letters. As such, Samal stated that *he did not have a copy of the false
[client] letter and he also does not know how many false [client] letters
were ultimately submitted to DHS.*

5 Ex. I, Report of Interview, at 5 (emphasis added); *see also id.* at 8 (“[Reporting Agent]
6 asked Samal if he had ever seen the letter, to which he responded no and reiterated that
7 Divensi did not have many of the supporting documents for Divensi/Azimetry's H-1B
8 petitions *since Puvvala did not scan them in and/or retain them* during the period when
9 he (Puvvala) worked there.”) (emphasis added); *id.* at 12 (noting that Samal falsely
10 suggested he had no prior knowledge of the forged end-client letters before the victim
11 clients confronted him in 2015).

12 5. Samal's Trip to India And Dissipation Of Forfeitable Assets

13 In February 2018, about one month after the government first approached his two-
14 conspirators (Puvvala and Tomaszewski), Samal sold the entirety of Divensi's and
15 Azimetry's H-1B operations to a Georgia company named Synapse Technologies LLC
16 (“Synapse”). PSR ¶ 32. He then flew to India where he coordinated the transfer of
17 hundreds of thousands of dollars out of U.S. bank accounts and into overseas bank
18 accounts. *Id.* On or about the day he landed in India, Samal immediately reached out to
19 Puvvala over the encrypted messaging application WhatsApp. *See* Ex. J, Email from
20 Aoki to Velamoor, et al. (attachment) (“Prasad PK here in India ! Let me know if I can
21 call you ?”). Puvvala, who had already admitted to his role in the offense, did not
22 respond to Samal's message. *Id.*

23 Samal engaged in other financial misconduct while in India, for which he now
24 faces potential civil liability and administrative sanctions. For instance, Synapse has sued
25 Samal in King County Superior Court, alleging that he locked Synapse out of a client
26 payment portal and thus misappropriated hundreds of thousands of dollars. *See Synapse
27 Technologies, LLC v. Azimetry Inc., et al.*, King County Superior Court No. 18-2-20495.
28

1 In addition, the 401K retirement fund administrator used by Samal's companies
 2 discovered that Samal's companies had failed to turn over employee 401K-plan
 3 contributions for numerous employees. *See* PSR ¶ 26.⁷ Although the inherent liquidity
 4 of money makes it impossible to trace the exact disposition of these stolen 401K
 5 contributions, it bears emphasis that Samal used his companies' bank accounts to make
 6 luxury car payments, pay off his home mortgage, and make large financial transfers to his
 7 bank accounts in India. *Id.* ¶ 21; *see also id.* ¶ 24.

8 Samal returned to the United States on August 28, 2018, and was arrested upon his
 9 arrival at Seattle-Tacoma Airport.⁸ He has been detained since his arrest. *See* Detention
 10 Order, Dkt. 14; Minute Entry, Dkt. 61.

11 B. Failure to Pay Over Tax

12 Samal also pleaded guilty to one count of Failure to Pay Over Tax, in violation of
 13 18 U.S.C. § 7206. Specifically, in his role as owner and CEO of Divensi, Azimetry, and
 14 a third company named Divensi Technology, Inc., Samal employed various employees
 15 and maintained authority over the companies' finances and other business-related
 16 decisions. Plea Agreement ¶ 10(b). Samal was required by federal law to collect,
 17 truthfully account for, and pay over payroll and employment taxes, including income and
 18 Social Security and Medicare (FICA) withholdings, to the U.S. Department of Treasury,
 19 Internal Revenue Service. *Id.*

21
 22 ⁷ It is the government's understanding that Samal is facing civil and administrative sanctions by the Department of
 23 Labor for his misappropriation of 401K contributions. An aggravating factor may be that he engaged in similar
 24 conduct in 2010 (while serving his term of probation for his earlier misdemeanor conviction). *See* Mot. to Modify
 Conditions of Release, *United States v. Samal*, CR09-0005, at 5 (letter from defense counsel to Probation Officer)
 ("These employees also complained that he collected 401(k) monies from them and did not remit them to
 Dynatech.").

25 ⁸ The government respectfully disagrees with the Probation Office's statement that Samal "voluntarily return[ed] to
 26 the United States to face these charges." Recommendation, at 4. Samal unsuccessfully made that very same claim
 27 in seeking pre-trial release. *See* Opp. to Mot. for Detention, Dkt. 10. As the government explained in its written
 28 submission, Samal returned to the United States without knowledge of the under-seal warrant for his arrest. Mem.
 In Support of Detention, Dkt. 6. Indeed, Samal's behavior before and at the time of his arrest, including his
 possession of digital devices loaded with incriminating information, are flatly inconsistent with his claim that he
 expected to be arrested upon arrival in the United States.

In contravention of his obligations under federal law, and together with employees at his companies' offices, Samal willfully failed to pay over such taxes to the IRS. The chart below shows the financial quarters and dollar amounts associated with Samal's non-payment of taxes:

| # | Company | Tax Return Period | Tax Return Filed | Taxes Due to IRS | Taxes Paid to IRS | Unpaid Tax Balance |
|----|--------------|-------------------|------------------|---------------------|---------------------|--------------------|
| 1 | Azimetry | 2nd Quarter 2017 | 10/09/2018 | \$ 125,770 | \$ (166) | \$ 125,604 |
| 2 | Azimetry | 3rd Quarter 2017 | 01/01/2018 | \$ 120,875 | \$ (22,930) | \$ 97,945 |
| 3 | Azimetry | 4th Quarter 2017 | 04/02/2018 | \$ 114,225 | \$ (40,091) | \$ 74,133 |
| 4 | Azimetry | 1st Quarter 2018 | 07/02/2018 | \$ 52,413 | \$ - | \$ 52,413 |
| 5 | Azimetry | 2nd Quarter 2018 | 10/08/2018 | \$ 30,302 | \$ - | \$ 30,302 |
| 6 | Divensi | 1st Quarter 2017 | 06/26/2017 | \$ 176,432 | \$ (56,936) | \$ 119,496 |
| 7 | Divensi | 2nd Quarter 2017 | 09/18/2017 | \$ 219,690 | \$ - | \$ 219,690 |
| 8 | Divensi | 3rd Quarter 2017 | 01/01/2018 | \$ 185,695 | \$ - | \$ 185,695 |
| 9 | Divensi | 4th Quarter 2017 | 03/26/2018 | \$ 151,486 | \$ (51,788) | \$ 99,699 |
| 10 | Divensi | 1st Quarter 2018 | 07/02/2018 | \$ 81,930 | \$ - | \$ 81,930 |
| 11 | Divensi Tech | 4th Quarter 2017 | 04/02/2018 | \$ 73,424 | \$ (40,465) | \$ 32,958 |
| | | | Totals | \$ 1,332,242 | \$ (212,375) | \$1,119,867 |

See PSR ¶ 20.

Samal has a history of engaging in this type of tax evasion, and has been cited on multiple prior occasions by the IRS, starting as early as 2012. Samal was permitted to resolve these earlier deficiencies through civil resolution with the IRS, but was warned that future non-payment could result in his criminal prosecution.

PENALTIES AND SENTENCING GUIDELINES CALCULATIONS

A. Maximum Statutory Penalties

The maximum statutory penalties for Samal's two crimes are as follows:

| | Mail Fraud | Failure to Pay Over Tax |
|-----------------------------------|-------------------|---|
| Maximum Imprisonment | 20 years | 5 years |
| Maximum Supervised Release | 3 years | 3 years |
| Maximum Fine | \$250,000 | \$250,000, together with the costs of prosecution |

1 B. Advisory Sentencing Guidelines Range

2 The government concurs with the PSR's calculation of Samal's Sentencing
3 Guidelines range. *See* PSR ¶ 36-60. As the Probation Office calculates, Samal's total
4 offense level is 30,⁹ and his Criminal History Category is II (3 points). *Id.* As a result,
5 Samal's advisory Sentencing Guidelines range is: (1) a term of imprisonment of 108 to
6 135 months; (2) a fine of \$35,000 to \$350,000; and (3) a term of supervised release of 1
7 to 3 years.

8 Through counsel, Samal has informed the government that he objects to the PSR's
9 application of the three enhancements addressed in the sub-sections below. As set out
10 below, these objections are baseless.

11 1. *Enhancement For Sophisticated Means And/Or International Nexus*
12 *(USSG § 2B1.1(b)(10))*

13 Section 2B1.1(b)(10) of the United States Sentencing Guidelines provides for a
14 two-level enhancement if any one of three factors is present. Here, the two-level
15 enhancement is applicable to the mail-fraud offense for two *independent* reasons: (a) a
16 substantial part of Samal's mail-fraud scheme was committed from outside the United
17 States; and (b) the offense otherwise involves sophisticated means and Samal
18 intentionally engaged in or caused the conduct constituting sophisticated means. *See*
19 USSG § 2B1.1(b)(10)(B), (C).

20 (a) International Nexus (USSG § 2B1.1(b)(10)(B))

21 Samal's mail-fraud scheme plainly was committed, in substantial part, from
22 outside the United States. *See* PSR ¶ 37.

23 *First*, as explained above, Samal's employees coached H-1B employees to lie at
24 their consular interviews in India. The interview was a prerequisite to obtain a visa from
25 the State Department that permitted the employees' entry into the United States.

26 _____
27 ⁹ Although the PSR does not give Samal a three-point reduction for acceptance of responsibility under USSG
28 § 3E1.1, the Probation Officer informed counsel for the government that the Probation Office will recommend its
application after receiving a letter from Samal in which he formally accepts responsibility for his conduct.

1 **Second**, many of the fraudulent documents used by Samal’s companies were
 2 created by prospective employees while those employees still lived in India. *Id.* As
 3 Samal himself admitted when interviewed by law-enforcement agents, “Divensi’s office
 4 in Bhubanesar, India” was “responsible for overseas recruitment of potential H-1B
 5 workers.” Ex. I, Report of Interview, at 3. Indeed, *while they were still in India*, and
 6 before Samal’s companies petitioned for their work status, foreign nationals completed
 7 documents that were used to substantiate the false statements in H-1B petitions. Samal’s
 8 human-resources team asked prospective H-1B employees based in India to sign and
 9 return electronically the fraudulent employment agreements, with the understanding that
 10 false information in the contract was “*for USCIS purpose only.*” *See, e.g.,* Ex. L
 11 (reflecting email chain between prospective employee in India and Samal, in which
 12 employee stated that he “signed the agreement which Prasad sent me for USCIS
 13 purpose”); Ex. M (reflecting email chain in which Divensi recruiter instructed
 14 prospective employee based in India to sign fraudulent contract and noting that
 15 information in the contract “is only for the purpose of filing the LCA, will be revised
 16 later on approval of H1B”); Ex. N (same). As explained above, these and other steps
 17 completed by foreign nationals *before* they even entered the United States were essential
 18 to the fraud and material to USCIS’ adjudication of Samal’s companies’ petitions.

19 **Third**, [REDACTED]

20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED] In his objections to the draft PSR, Samal
 25 himself admitted that he gave H-1B workers the “option” to “return to India” while
 26 benched, to the extent they chose not to submit to his requirement that they take sick and
 27 annual leave while in the United States. *See* Ex. C, ¶ 9.
 28

(b) Sophisticated Means (USSG § 2B1.1(b)(10)(C))

Samal's scheme also involved sophisticated means of his own design. As set out above, Samal's fraud scheme was extraordinarily complex and involved dozens of illegal acts by employees at virtually every level of Samal's organization.

In his objections to the draft PSR, Samal minimized his conduct as the mere submission of "forged signatures on official documents," followed by their mailing to the government. Ex. C, ¶ 24. But that factual account is not consistent with the facts in the plea agreement and PSR. As explained above, Samal and others acting at his direction sent hundreds of fraudulent documents to separate federal agencies, used forged digital signatures, and coordinated activity between offices in India and the United States. *See* PSR ¶¶ 9-19, 38. Samal also churned H-1B employees through short-term projects for large technology clients, all the while concealing from those clients that the employees had arrived in the United States on fraudulent grounds. *See* Plea Agreement ¶ 10(a); PSR ¶ 9. Finally, Samal induced numerous subordinates to participate in the fraud, including recruiters who found prospective employees in India, human-resources staff who prepared fraudulent documents, and marketers who pitched H-1B employees to clients.

In sum, there are two separate, independent, bases for the application of a two-level enhancement under USSG § 2B1.1(b)(10).

2. *Enhancement For Using Means of Identification to Produce Five Or More Means of Identification (USSG § 2B1.1(b)(11)(C)(ii))*

USSG 2B1.1(b)(11)(C)(ii) provides for a two-level enhancement where the offense involved "the possession of 5 or more means of identification that unlawfully were produced from, or obtained by the use of, another means of identification." The guideline incorporates the definition of the phrase "means of identification" in 18 U.S.C. § 1028, the federal identity theft statute. *See* App. Note 1 to USSG § 2B1.1. That statute defines "means of identification" to include "any name . . . that may be used, alone or in conjunction with any other information, to identify a specific individual." *See* 18 U.S.C. § 1028(d)(7). As the Ninth Circuit held in *United States v. Blixt*, "forging another's

1 signature constitutes the use of that person’s name and thus qualifies as a ‘means of
2 identification’ under 18 U.S.C. § 1028A.” 548 F.3d 882, 887 (9th Cir. 2008).

3 Samal does not and cannot dispute that the scheme involved the use of forged
4 client signatures (a means of identification) to produce dozens of letters bearing those
5 same forged signatures (other means of identification). In his Plea Agreement, Samal
6 admitted that he and others “attached forged letters that appeared to have been issued and
7 signed by the Companies’ clients to H-1B petitions.” Plea Agreement ¶ 10(a); *see also*
8 Ex. C, ¶ 24 (acknowledging that offense involved submission of “forged signatures on
9 official documents”). His co-conspirators have referred to specific instances in which
10 Samal created and reviewed these forged client letters before they were sent to USCIS.
11 *See* Plea Agreement, *United States v. Puvvala*, CR19-019, Dkt. 6, ¶ 8 (noting that the
12 scheme involved dozens of forged letters, identifying three instances in which Samal
13 affixed forged signatures to letters, and identifying five other instances in which Samal
14 reviewed forged letters before submission to USCIS); Plea Agreement, *United States v.*
15 *Tomaszewski*, CR18-213, Dkt. 7, ¶ 7 (referring to Samal’s participation in creation of
16 forged documents).

17 Rather than disputing the factual basis for this enhancement, Samal appears to rely
18 on a fundamentally incorrect reading of the law. Specifically, in his objections to the
19 draft PSR, Samal seemed to assert that only the *ultimate* objective of the offense conduct
20 can be considered, rather than the steps taken in pursuit of that objective. *See* Ex. C,
21 ¶ 25. Thus, under Samal’s reasoning, even though the scheme involved the use of used
22 “fraudulent signatures” in H-1B petitions, *see id.*, the guideline still does not apply
23 because the ultimate objective of the scheme was to obtain H-1B work status. *Id.*

24 Samal’s arguments lack any merit. The guideline does not require that the *goal* of
25 the scheme was to produce means of identification, but merely requires that the offense
26 “*involved*” their production. *See* USSG § 2B1.1(b)(11). Indeed, courts routinely and
27 sensibly apply the enhancement in cases where means of identification are produced in
28 furtherance of some other goal. *See, e.g., United States v. Sardariani*, 754 F.3d 1118,

1 1120 (9th Cir. 2014) (use of forged signatures to obtain loans); *United States v. Kleiner*,
2 765 F.3d 155, 157 (2d Cir. 2014) (use of driver’s license to withdraw money).

3 In sum, Samal’s novel argument is contradicted by the guideline’s plain language,
4 and has no basis in the law. This offense plainly involved the use of a means of
5 identification to produce five or more means of identification.

6 3. *Enhancement For Obstruction Of Justice (USSG § 3C1.1)*

7 Samal’s objection to the PSR’s two-level enhancement for obstruction of justice is
8 also meritless. USSG § 3C1.1 requires that: (a) “the defendant willfully obstructed or
9 impeded, or attempted to obstruct or impede, the administration of justice with respect to
10 the investigation, prosecution, or sentencing of the instant offense”; and (b) the
11 obstructive conduct related to” either “the defendant’s offense of conviction and any
12 relevant conduct” or “a closely related offense.” As the application note to that guideline
13 explains, “[o]bstructive conduct that occurred prior to the start of the investigation of the
14 instant offense of conviction may be covered by this guideline if the conduct was
15 purposefully calculated, and likely, to thwart the investigation or prosecution of the
16 offense of conviction.” App. Note 1 to USSG § 3C1.1.

17 Samal’s document-destruction episode is a textbook example of obstruction of
18 justice. The guideline itself defines obstruction to include “destroying” or “directing
19 another person to destroy” evidence “that is material to an official investigation.” App.
20 Note 4(D) to USSG § 3C1.1. Courts regularly apply the obstruction enhancement in
21 cases involving the destruction or concealment of incriminating evidence. *See, e.g.*,
22 *United States v. Chaudhary*, 451 Fed. Appx. 713, at *1 (9th Cir. 2011) (affirming
23 application of obstruction enhancement where defendant concealed “computers and
24 incriminating documents” from discovery by law-enforcement agents); *United States v.*
25 *Bowser*, 667 Fed. Appx. 188, 189 (9th Cir. 2016) (affirming obstruction enhancement
26 where defendant destroyed “material evidence”); *United States v. Shetty*, 130 F.3d 1324,
27 1334 (9th Cir. 1997) (concealment of money that served as evidence of tax crimes
28 supported application of obstruction enhancement). In short, Samal destroyed

1 | incriminating evidence upon learning about the government’s investigation, thereby
2 | obstructing justice.

3 | In his objections to the draft PSR, Samal did not dispute that he and others acting
4 | at his direction removed forged client letters and other fraudulent documents from
5 | hardcopy petition files kept at his offices. *See* Ex. C, ¶ 27. Instead, Samal claimed that
6 | the episode was a mere “reassembly” of his companies’ files, purportedly performed at
7 | the “behest” of an immigration law firm that had audited his files. *Id.* This argument
8 | lacks any factual basis. Indeed, the letter from Samal’s outside counsel, which Samal
9 | attached to his objections to the draft PSR, was dated November 3, 2016, which is more
10 | than one year after the document-destruction episode. *See* Ex. C (attaching outside
11 | counsel’s letter). Nor does the letter direct Samal to remove his employees’ employment
12 | agreements or the client letters submitted in support of his petitions. *See id.*

13 | In reality, Samal’s purge of incriminating documents was consistent with his plan
14 | to make Puvvala the scapegoat for his crimes. On the heels of his decision to blame
15 | Puvvala, Samal directed Tomaszewski and other subordinates to remove incriminating
16 | documents from the companies’ hard copy files. Samal then *repeatedly relied* on the
17 | absence of those incriminating documents during his interview with law-enforcement
18 | agents as purported proof that he did not participate in the fraud scheme, and claimed that
19 | Puvvala purportedly concealed the existence of the fraudulent documents from Samal
20 | when sending those documents to USCIS. In sum, Samal’s own actions confirm that the
21 | purpose of removing incriminating documents from his companies’ hardcopy files was to
22 | obstruct the government’s discovery of his role in the criminal offense.

23 | **SENTENCING RECOMMENDATION**

24 | For the foregoing reasons, and pursuant to the factors set forth in Title 18, United
25 | States Code, Section 3553(a), the government recommends a term of imprisonment of
26 | 120 months, a fine of \$100,000, and a 3-year term of supervised release.

1 A. Samal's History And Characteristics

2 As Chief Magistrate Judge Tsuchida observed, the record in this case “paint[ed]
3 the picture of an individual who has a long and consistent history of a dishonesty and
4 theft.” Order, Dkt. 14, 2:7-9. Indeed, for more than a decade, Samal has subsisted
5 almost exclusively on lies and deceit. He lied to the FBI in connection with his prior
6 federal misdemeanor conviction, performed poorly on probation, and then launched a
7 scheme in which he lied compulsively to his clients, his employees, government
8 administrators, law-enforcement agents, and the courts in this District.

9 Samal's greed harmed many lives. Although his H-1B employees were not true
10 crime victims in light of their complicity in the false statements to the government, they
11 indisputably were exploited by Samal. Samal illegally forced vulnerable H-1B
12 employees to take unpaid leave, illegally collected visa fees, and enlisted a host of people
13 into his scheme. Samal then blamed others to save himself.

14 Though Samal deserves credit under the Guidelines for accepting responsibility in
15 this case, his other behavior during this criminal investigation and prosecution is
16 consistent with his history of concealment, dishonesty and minimization. While under
17 criminal investigation, Samal moved hundreds of thousands of dollars of forfeitable
18 assets into overseas accounts, diverted his employees' 401K contributions, and
19 misappropriated company funds to his personal use. In the days after his arrest, Samal
20 coordinated financial misconduct from the Federal Detention Center, culminating in his
21 submission of a CJA financial affidavit that materially misstated his assets. *See*
22 *Response*, Dkt. 38.

23 Samal apologies profusely to this Court in his letter of acceptance. The letter also,
24 however, includes Samal's characteristic minimizations and inaccuracies. Samal portrays
25 himself as an ambitious businessman who was driven by his Olympian goals and
26 “urgen[t]” demands from clients to take “short cuts.” In truth, Samal's businesses were
27 riddled with fraud and criminality from top to bottom. Forgery, lies and deceit were part
28 of the everyday routine at Azimetry and Divensi, and that was the case from the inception

1 of those businesses – businesses which began before Samal’s probation from his prior
2 case had even expired.

3 Samal also claims that, when he returned from India in 2018, he expected to be
4 arrested, and decided – against the advice of “others” – to return to the United States to
5 “confront this indictment.” The evidence shows that this is a convenient fiction. In
6 reality, Samal returned to the United States because his spiritual advisor told him it was
7 safe, and Samal was shocked and furious when he was arrested.

8 More specifically, following Samal’s arrest, agents searched Samal’s computer
9 and found instant messages between Samal and “Babaji,” the spiritual advisor. These
10 messages show that in the two months before his decision to return to the United States,
11 Samal agonized about whether it was a good idea to do so and sought guidance from his
12 spiritual adviser. In response, his spiritual adviser repeatedly advised Samal to “go [to
13 the U.S.] my child,” promising that “God will take care that the entire journey is without
14 problem” and that “everything will be alright,” “everything will surely be alright.” Samal
15 eventually decided to take Babaji’s advice, telling Babaji that he was booking a flight to
16 the United States and was “leaving everything to you and Guruji [a spiritual figure].”

17 Samal clearly regretted following Babaji’s advice. After being arrested and
18 ordered detained, Samal called his family from the Federal Detention Center and raged
19 against his Babaji. As Samal told his family after the detention hearing:

20 I knew Jhummi that I can’t escape. I knew that. Babaji literally killed us. He
21 destroyed our family. Babaji ruined it. Totally finished it. He just finished the
22 whole family. I had taken advice only from one person in my life, not from
23 anyone else. I have trusted him so much. Mark also prevented me.

23 Translation of Telephone Call, Ex. O, 4:22-28.

24 Samal also told his wife to tell Babaji that he “ha[s] spoiled our whole family.
25 Our family is ruined because of you.” In an apparent reference to his lawyer’s advice not
26 to return to the United States, Samal told his wife and son that the “lawyer clearly
27 advised me not to come to that place,” but that Samal followed his Babaji’s advice
28 instead. Translation of Telephone Call, Ex. O., at 4-5.

1 Nothing in Samal's history or characteristics excuses his crimes. He is not the
2 product of a difficult background. *See* PSR ¶¶ 70. He was not destitute. *Id.* ¶ 71. In
3 sum, Samal history and characteristics weigh strongly in favor of a lengthy term of
4 imprisonment.

5 B. Nature And Circumstances Of The Offense

6 The offense conduct also weighs in favor of a lengthy term of imprisonment. Both
7 the mail-fraud offense and the tax offense are crimes of greed. The mail-fraud offense
8 was particularly egregious because Samal built an entire organization around the fraud
9 and conscripted his subordinates to carry it out at his direction. In other words, the mail-
10 fraud scheme was not an isolated instance of financial misconduct in an otherwise lawful
11 business operation. Rather, it *was* the driving purpose of Samal's companies, and the
12 source of millions of dollars in revenue, between 2012 and 2016.

13 The mail-fraud offense is also serious because it impaired and tarnished the proper
14 functioning of the U.S. immigration system, resulting in serious competitive harm to
15 other U.S. employers.¹⁰ Because H-1B visas are subject to annual cap, Samal's scheme
16 deprived other, deserving, employers of access to H-1B employees. Samal's scheme also
17 provided him an unfair advantage over other law-abiding staffing firms, who lacked
18 access to a standing "bench" of employees. Finally, Samal's scheme necessarily
19 impaired the ability for U.S. citizens with specialized skills to compete for jobs against
20 Samal's H-1B employees (who had been forced to accept wages below the prevailing-
21 wage standards).

22 Samal's exploitation of H-1B workers is another feature of the offense conduct
23 that justifies a lengthy term of imprisonment. As explained above, Samal took advantage
24

25
26 ¹⁰ The defense has claimed that Samal was the victim of a criminal prosecution of "administrative-style fraud that
27 was typically not prosecuted in prior presidential administrations." Motion for Release, Dkt. 54, at 13:7-9. This is
28 inaccurate. H-1B schemes have been prosecuted in prior presidential administrations. *See, e.g., United States v.*
Deguzman, 133 Fed. Appx. 501 (10th Cir. 2005); *United States v. Kalu*, 791 F.3d 1194 (10th Cir. 2015); *United*
States v. Trichy, 2012 WL 2094409 (6th Cir. 2012); *United v. Ramirez*, 420 F.3d 134 (2d Cir. 2005). Indeed, as
explained above, the criminal investigation in this case commenced in 2015.

1 of foreign-national employees' obvious desire to immigrate to the United States, by
2 forcing them to cover their visa fees and go without pay while benched. At the same time
3 that he deprived his employees of money to which they were entitled, Samal used his
4 companies' bank accounts to enrich himself, by diverting funds for his investments, his
5 house, his car, his travel, and other luxuries.

6 Finally, Samal's obstructive conduct also justifies a lengthy term of imprisonment.
7 Samal did not simply destroy documents in an effort to save himself. He forced other
8 subordinates to participate in the obstructive conduct, attempted to blame Puvvala, and
9 then dissipated assets to protect them from forfeiture.

10 C. Respect For The Rule Of Law, Deterrence, And Incapacitation

11 A lengthy sentence in this case will promote respect for the rule of law, ensure
12 adequate deterrence, and incapacitate Samal from continued financial danger to this
13 community.

14 *First*, as explained in this memorandum's introduction, the H-1B program and the
15 immigration system generally serve critical purposes in promoting this country's
16 economic growth and cultural diversity. Samal's crimes fuel cynicism about the entire
17 H1-B program. A long sentence can promote respect for the law by showing the public
18 that those who abuse the program face stiff punishment.

19 *Second*, a lengthy sentence serves important deterrent purposes. Like any
20 government program with a high volume of applicants, the H-1B program cannot
21 properly function if criminality escapes serious punishment. USCIS agents and U.S.
22 consulate officers cannot verify every statement in every one of the hundreds of
23 thousands of petitions filed each year. H-1B fraud is therefore a crime best addressed
24 through general deterrence, by imposing serious punishment on the few offenders who do
25 get caught. Samal is a worthy candidate for serious punishment because he did not
26 simply abuse the H-1B system, but also engaged in other, serious, criminal behavior, as
27 described above.

1 *Third*, Samal deserves to be incapacitated because of his long history of crimes,
2 his continued misconduct after his arrest, and the absence of any evidence that he intends
3 to reform himself.

4 D. The Need to Avoid Sentencing Disparity

5 In reviewing the sentences imposed in other “bench-and-switch” prosecutions over the
6 last several years, the government has found no consistent trend in the terms of
7 imprisonment that have been imposed. Instead, courts appear to have imposed sentences
8 of varying length in other cases involving the submission of fraudulent H-1B petitions,
9 relying heavily on the specific facts of each case. As a result, the sentence issued in this
10 case is unlikely to result in disparity one way or the other.

11 E. Restitution

12 In the plea agreement, Samal agreed to make restitution to the Internal Revenue
13 Service “in a total amount equal to the amounts accounted for but not paid over” in
14 connection with Count Two. In an email to the Probation Officer and counsel for the
15 government, Samal accepted the PSR’s calculation of the tax loss as \$1,119,687. PSR,
16 ¶ 20. Thus, at sentencing, the government will request the imposition of a restitution
17 order in the amount of \$1,119,687.

18 F. Recommended Fine

19 The Probation Office recommended the imposition of a \$10,000 fine. With
20 respect, the government submits that a substantially higher fine is warranted in this case,
21 and asks that the Court impose a fine of \$100,000. Although the Probation Office relies
22 on Samal’s claims about his purported lack of assets, he has not earned the benefit of the
23 doubt. Samal’s history of financial misconduct in this case includes the transfer of
24 hundreds of thousands of dollars to overseas bank accounts—a fact that he was forced to
25 admit only after the government produced bank records that evidenced the transfers. *See*
26 *Mot. for Release*, Dkt. 54, 4:15-18 (conceding that Samal transferred nearly \$200,000 to
27 Indian bank accounts in February 2018). Samal also has continued to receive payouts
28 from his shareholdings, such as the distribution he received on June 10, 2019.

1 In short, Samal does not have a history of being candid about his assets, and his
2 financial transfers suggest that he continues to hold substantial assets in overseas account.
3 The government respectfully requests the imposition of a \$100,000 fine in this case.

4 **CONCLUSION**

5 For the foregoing reasons, the Government respectfully requests that the Court
6 sentence Samal to a 120-month term of imprisonment, a fine of \$100,000, and a three-
7 year term of supervised release. The Government also requests that the Court order
8 Samal to pay restitution to the Internal Revenue Service in the amount of \$1,119,687.

9
10 DATED this 13th day of September, 2019.

11 Respectfully submitted,

12
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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via e-mail and/or telefax.

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