

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	Criminal No.	24cr10091
	)		
v.	)	Violation:	
	)		
FRANK CASTRO,	)	<u>Count One</u> : Unlawful Production of	
	)	Identification Documents	
Defendant	)	(18 U.S.C. §§ 1028(a)(1) and 2(b))	
	)		
	)	<u>Forfeiture Allegation</u> :	
	)	(18 U.S.C. §§ 982(a)(2)(B) and 1028(b)(5))	

INDICTMENT

At all times relevant to this Indictment:

General Allegations

1. Frank CASTRO (“CASTRO”) was a resident of Roxbury, Massachusetts.
2. Beginning no later than October 2021 and continuing until December 2021, CASTRO, and others known and unknown to the Grand Jury, participated in a scheme to unlawfully produce a Commercial Driver’s License (“CDL”).
3. Between October and December 2021, CASTRO provided an undercover agent with answers to the commercial learner’s permit (“CLP”) test in real time using a Bluetooth device.

Federal Regulations for Commercial Driver’s Licenses

4. The Federal Motor Carrier Safety Administration (“FMCSA”) is part of the United States Department of Transportation (“USDOT”). The FMCSA is charged with the nationwide regulation of the trucking and motor carrier industry. Its mission is to prevent commercial motor vehicle-related deaths and injuries.
5. A driver needs a CDL to operate certain heavy or large vehicles, such as tractor-

trailers and school buses. FMCSA regulations set mandatory standards for CDL licensing. These regulations are located in 49 C.F.R. part 383.

6. Although CDL licensing standards are established by federal regulations, testing and issuance of CDLs are handled by states. 49 U.S.C. § 31311(a)(1)-(2).

7. Before a person may take a CDL road skills test, they must obtain a CLP and, in most cases, pass a USDOT medical exam. An applicant for a Massachusetts CLP must pass a written test administered at RMV service centers.

8. An applicant must make an appointment to take the CLP written exam. The appointment is for a specific location, date, and time. Applicants are given 60 minutes to complete the 50-question general knowledge exam.

#### The Production

9. Beginning in or about October 18, 2021, CASTRO had a series of communications with an HSI undercover agent (the “UCA”) during which CASTRO outlined how he could help the UCA obtain a CDL. CASTRO stated that for \$3,000 up-front, he would be able to help the UCA obtain a CLP in Massachusetts. CASTRO instructed the UCA to provide certain documents (a copy of his driver’s license, the last four digits of his social security number, an email, and a copy of a medical card) that CASTRO would need to schedule an appointment for the UCA at the Registry of Motor Vehicles (“RMV”). CASTRO also explained that he had previously helped people from Florida get a Massachusetts CLP.

10. On or about November 10, 2021, the UCA delivered the requested information and documents to CASTRO via text message.

11. On or about December 10, 2021, the UCA called CASTRO. During that call, CASTRO explained the exam cheating procedure to the UCA. CASTRO stated that the UCA

would sneak a Bluetooth device into the testing area at the RMV, surreptitiously place the device into his ear, then cover it with the headphones used during the exam. CASTRO explained that he would be connected with the UCA through the Bluetooth device, allowing CASTRO to hear the audio questions and respond with the answers in real time.

12. On or about December 17, 2021, the UCA called CASTRO. During that call, CASTRO told the UCA that he would send him the phone number of Person 1 (“Person 1”) who had recently obtained a CDL using CASTRO’s method. CASTRO told the UCA that Person 1 could coach the UCA through the process, and that Person 1 would provide the UCA with the Bluetooth device. That same day, CASTRO texted the UCA the phone number for Person 1.

13. On or about December 19, 2021, CASTRO sent the UCA his bank account information via text message.

14. On or about December 21, 2021, the UCA met with Person 1 at a McDonald’s in Lynn, MA. During this meeting, Person 1 explained the CLP exam process to the UCA and gave the UCA the Bluetooth device to use during the exam.

15. Also on or about December 21, 2021, CASTRO called the UCA to tell him that CASTRO was scheduling an appointment for the UCA’s CLP exam for the following day, December 22, 2021, at 2:30 p.m. in Danvers, MA. CASTRO also sent the appointment information to the UCA via text message.

16. In a subsequent call on or about December 21, 2021, CASTRO confirmed that the UCA had received the Bluetooth device from Person 1 and further instructed the UCA about how to conceal the device while taking the exam.

17. On or about December 22, 2021, the UCA deposited \$3,000 into CASTRO’s bank account at Eastern Bank in Danvers, MA.

18. On or about December 22, 2021, at approximately 2:30 p.m., the UCA arrived at the Danvers RMV to take his CLP exam. Approximately 30 minutes before taking the exam, the UCA called CASTRO and connected the call to the Bluetooth device. CASTRO told the UCA to sit in the far-right corner of the testing area so that the Bluetooth device placed in the UCA's right ear would not be visible to the surveillance camera.

19. On or about December 22, 2021, the UCA took the CLP exam while connected with CASTRO via phone call through the Bluetooth device. CASTRO was able to hear the exam questions and provided the answers to the UCA.

20. The UCA passed the exam using the answers provided by CASTRO. The UCA returned to an RMV clerk after the exam and received a Massachusetts CLP.

COUNT ONE

Unlawful Production of Identification Documents  
(18 U.S.C. §§ 1028(a)(1) and 2(b))

21. The Grand Jury re-alleges and incorporates by reference the allegations contained in Paragraphs 1 through 20 of this Indictment, as if fully set forth herein.

22. The Grand Jury charges that, on or about December 22, 2021, in the District of Massachusetts, the defendant,

FRANK CASTRO,

did knowingly and without lawful authority produce an identification document, to wit, a commercial learner's permit, which was produced in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 1028(a)(1) and 2(b).

FORFEITURE ALLEGATION  
(18 U.S.C. §§ 982(a)(2)(B) and 1028(b)(5))

23. Upon conviction of the offense alleged in Count One, the defendant,

FRANK CASTRO,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the commission of the offense; and pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offense.

24. If any of the property described in paragraph 23, above, as being forfeitable pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b)(5), 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 to, 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;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1028(g), to seek forfeiture of all other property of the defendant up to the value of the property described in subparagraphs (a) through (e) of this paragraph.

All pursuant to Title 18, United States Code, Sections 982 and 1028.

A TRUE BILL

Karlus Pentecostas  
Foreperson of the Grand Jury

Eugenia M. Carris  
EUGENIA M. CARRIS  
LAUREN MAYNARD  
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS: April 11, 2024

Returned into the District Court by the jurors and filed.

/s/Douglas Warnock  
Deputy Clerk 1:45 PM