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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 13-1-01331-9 KNT

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
	Plaintiff,)
v.)	No. 13-1-01331-9 KNT
)	
KELLY WENGPING LEE,)	INFORMATION
)	
)	
)	
	Defendant.)

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse KELLY WENGPING LEE of the crime of Identity Theft in the Second Degree, committed as follows:

That the defendant KELLY WENGPING LEE in King County, Washington, on or about October 14, 2012, did knowingly obtain, possess, use or transfer a means of identification or financial information, to-wit: the name and Bank of America VISA account number ending in 3887 of another person, living or dead, to-wit: Marcela Hernandez and the Port of Seattle, with the intent to commit, or to aid or abet, any crime and obtained an aggregate total of credit, money, goods, services, or anything else of value that was less than \$1500 or obtained no credit, money, goods, services or anything of value;

Contrary to RCW 9.35.020(1), (3), and against the peace and dignity of the State of Washington.

COUNT II

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KELLY WENGPING LEE of the crime of Identity Theft in the Second Degree, a crime of the same or similar character and based on the same conduct as another crime charged herein, and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1
2 That the defendant KELLY WENGPING LEE in King County, Washington, during a
3 period of time intervening between October 17, 2012 through October 19, 2012, did knowingly
4 obtain, possess, use or transfer a means of identification or financial information, to-wit: the
5 name and Bank of America VISA account number ending in 7909 of another person, living or
6 dead, to-wit: Rob Holland and the Port of Seattle, with the intent to commit, or to aid or abet,
7 any crime and obtained an aggregate total of credit, money, goods, services, or anything else of
8 value that was less than \$1500 or obtained no credit, money, goods, services or anything of
9 value;

6 Contrary to RCW 9.35.020(1), (3), and against the peace and dignity of the State of
7 Washington.


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COUNT III

9 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KELLY
10 WENGPING LEE of the crime of Identity Theft in the Second Degree, a crime of the same or
11 similar character and based on the same conduct as another crime charged herein, and which
12 crimes were so closely connected in respect to time, place and occasion that it would be difficult
13 to separate proof of one charge from proof of the other, committed as follows:

12 That the defendant KELLY WENGPING LEE in King County, Washington, on or about
13 October 20, 2012, did knowingly obtain, possess, use or transfer a means of identification or
14 financial information, to-wit: the name and Bank of America VISA account number ending in
15 3156 of another person, living or dead, to-wit: Tom Albro and the Port of Seattle, with the intent
16 to commit, or to aid or abet, any crime and obtained an aggregate total of credit, money, goods,
17 services, or anything else of value that was less than \$1500 or obtained no credit, money, goods,
18 services or anything of value;

16 Contrary to RCW 9.35.020(1), (3), and against the peace and dignity of the State of
17 Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

19 By: 
Peter D. Lewicki, WSBA #39273
Deputy Prosecuting Attorney


1 CAUSE NO. 13-1-01331-9 KNT

2 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
3 CONDITIONS OF RELEASE

4 The State incorporates by reference the Certification for Determination of Probable
5 Cause written by Detective Doug Carlton of the Port of Seattle Police Department regarding
6 incident number 12-2469.

7 I, Peter D. Lewicki, am a Deputy Prosecuting Attorney assigned to the Economic Crimes
8 Unit. I have reviewed the Port of Seattle Police investigation referenced herein, am familiar with
9 the statements provided by witnesses, and the records associated with this investigation. I hereby
10 certify that the Visa credit cards referenced in Detective Carlton's certification were issued to the
11 Port of Seattle and each Commissioner of the Port, as well as Marcela Hernandez. Each card
12 bore the name of both the Port of Seattle, and each individual named in the charges. As to Count
13 One, the card issued in the name Marcela Hernandez, is an access device associated with an
14 account number ending in 3887. As to Count Two, the card issued in the name of Commissioner
15 Rob Holland, is an access device associated with an account number ending in 7909. As to
16 Count Three, the card issued in the name of Commissioner Tom Albro, is an access device
17 associated with an account number ending in 3156. Photocopies of these respective cards, and
18 several others belonging to other Port of Seattle Commissioners, were located in the Defendant's
19 apartment.

20 Under penalty of perjury under the laws of the State of Washington, I certify that the
21 foregoing is true and correct to the best of my knowledge and belief. Signed and dated by me
22 this ____ day of February, 2013, at Seattle, Washington.

23 

24 Peter D. Lewicki, WSBA #39273

REQUEST FOR BAIL

Pursuant to CrR 2.2(b)(2)(i), the State requests that the Court issue a summons directing
the Defendant to appear in court. The defendant's criminal history includes a 2008 conviction
for Driving While Under the Influence in Sacramento, California. The Defendant's ties to this
community are unclear.

1 The State respectfully requests that the Defendant have no contact with Marcela
2 Hernandez, Tom Albro, Rob Holland, and all Port of Seattle property for the exception of travel
3 from the Seattle-Tacoma Airport.

4 Signed this ____ day of February, 2013.

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6 _____
7 Peter D. Lewicki, WSBA #39273
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**Port of Seattle Police Department
Probable Cause Statement**

PO Box 68727
Seattle, WA 98168
(206) 787-3490

CAUSE # *15-1-01331-9 KING*

**Port of Seattle Police Department
Certification for Determination of Probable Cause**

That I, Doug Carlton am a Detective with the Port of Seattle Police Department and I have reviewed the investigation conducted in Seattle, Washington, County of King, by the Port of Seattle Department Police, Case Number: 20122469

There is probable cause to believe that Kelly Lee, DOB 10/30/1970, has committed the crime(s) of:

1) RCW 9A.56.040 (Theft 2) and RCW 9.35.020 (Identity Theft)

This belief is based on the following facts and circumstances: On 10/22/12, Port of Seattle employee Marcela Hernandez received a phone call from the Nordstrom fraud department. Nordstrom was calling to verify several suspicious on-line orders that had been made using Bank of America Visa cards issued to the Port of Seattle. The orders were for Nordstrom gift certificates. The orders had been cancelled when Nordstrom was unable to reconcile the billing address on file with the bank and the billing address given by the person placing the order.

Marcela Hernandez is an executive assistant for the Port of Seattle Commission Office. The Port of Seattle credit cards that had been used for the Nordstrom order had been issued to Marcela Hernandez and to Port of Seattle Commissioners Tom Albro and Rob Holland. Hernandez knew that she had not used her Port issued Visa for the Nordstrom order and confirmed with Tom Albro and Rob Holland that the Nordstrom order had not been made by them and was unauthorized.

The Nordstrom investigator told Hernandez that they attempted to contact the person who had placed the orders to confirm that they were valid. Nordstrom did this by sending an email to the address given for the order. Nordstrom then received a phone call from 509-944-1415. The female who called claimed that the orders were valid. Nordstrom identified the phone number as a cell phone belonging to a Kelly Lee. Hernandez knew the name; the Commission Office was recently staffed by a temporary employee named Kelly Lee. The Port of Seattle had hired Kelly Lee from AppleOne employment services and she had worked for the Port from 10/1/12 to 10/12/12. During this time, Kelly Lee had worked at a desk in the Port Commission office and had access to a binder containing the credit card information for Marcela Hernandez as well as Commissioners Albro and Holland. Kelly Lee had been scheduled to work on Monday, 10/15. On Sunday night, 10/14, she left a voicemail with Hernandez stating that she had gotten a full time job and would not be coming into work. The number Lee called from when leaving the voicemail was 509-944-1415.

On 10/24/12, I contacted Port of Seattle Security Manager Russ Read. Read said that Kelly Lee had applied for and been granted a Port of Seattle security badge. The badge was deactivated when Lee quit. Read provided me with a copy of Lee's badge application. On the application, Lee had provided the following information: She listed her residential address as 3520 27th PI W #121, Seattle WA

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**Port of Seattle Police Department
Probable Cause Statement**PO Box 68727
Seattle, WA 98168
(206) 787-3490

98199, and her phone number as 509-944-1415. She listed her date of birth as 10/30/70 and her California driver's license as A1010722. Lee signed and dated the form on 10/2/12. Russ Read also provided me with the photograph of Lee that was taken for the badge.

On 10/25/12, I contacted Nordstrom fraud investigator Terri Banes. Banes gave me details on the attempted fraudulent orders:

Nordstrom.com order #728832996 was placed on 10/14/12 at approximately 0818 hrs from IP address 71.231.56.112. The name on the order was Marcella Hernandez and it was for a \$750 electronic gift card. The credit card used was a Port of Seattle Visa issued to Marcella Hernandez. The electronic gift card was supposed to be sent to the email address KBennett123@hushmail.com. The billing address used for the order was 2711 Alaskan Way, which is the physical headquarters for the Port of Seattle (Port of Seattle credit cards should have a PO Box for the billing address). The zip code used was 98121. Nordstrom sent an email to the hushmail.com address stating that they were unable to complete processing of the order and they received a phone call back from 509-944-1415. The woman claimed to be Marcela Hernandez but she was unable to provide the correct address or phone number for the Bank of America credit card and the order was eventually cancelled.

Nordstrom.com order #728958335 was placed on 10/17/12 at approximately 1555 hrs from IP address 131.107.147.88. The name on the order was Rob Holland and it was for a \$500 electronic gift card. The credit card used was a Port of Seattle Visa issued to Commissioner Rob Holland. The billing email address was KBennett@hushmail.com and the ship to email address was Gorgeous12@hushmail.com. The billing address used for the order was 2711 Alaskan Way but a different zip code was used: 98111. Nordstrom was unable to verify the order and eventually cancelled it.

Nordstrom.com order #729067057 was placed on 10/19/12 at approximately 2154 hrs from IP address 71.231.56.112. The name on the order was Robbie Holland and it was for a \$750 electronic gift card. The credit card used was a Port of Seattle Visa issued to Commissioner Rob Holland. The same email addresses and billing address used for the previous order was used. Nordstrom was unable to verify the order and eventually cancelled it.

Nordstrom.com order #729052758 was placed on 10/20/12 at approximately 1241 hrs from IP address 71.231.56.112. The name on the order was Tom Albro and it was for a \$750 electronic gift card. The credit card used was a Port of Seattle Visa issued to Commissioner Tom Albro. The billing email address was Tomalbro@hushmail.com and the ship to email address was Gorgeous12@hushmail.com. The billing address used for the order was 2711 Alaskan Way but a new zip code was used: 98199. When Nordstrom sent an email stating that they were unable to process the order, they received a phone call back from 509-944-1415. The female caller claimed to be Tom Albro's personal assistant and said that he was unavailable. The female also said that she might have used the wrong zip code for the order. Nordstrom told the female that Tom Albro needed to call them before they could process the order. Nordstrom eventually was able to contact the Port of Seattle Commissioners office and determined that the order was fraudulent and canceled it.

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On 10/25/12, I spoke with Port Commission Office executive assistant Marcela Hernandez. Hernandez had spoken with Commissioners' Holland and Albro and confirmed that neither of them had placed an on-line order with Nordstrom, nor had they authorized anyone to do so. The attempted charge made to Hernandez' Port of Seattle Visa was also unauthorized. Additionally, Hernandez stated that there shouldn't have been any recent activity on the cards other than some parking fees.

Marcela Hernandez' Port of Seattle Visa (#3887) was also used for a Groupon order. The charges were first noted on 10/22/12 by Port Visa P-Card administrator Patty Etzkorn. Two attempted charges were made on 10/15 (\$199 and \$249) and two were made on 10/16 (\$199 and \$249). The charges were automatically declined based on the merchant classification code. Hernandez confirmed that she had not placed the orders and that they were fraudulent.

I contacted Groupon manager Brian Mullins. Mullins confirmed that the order had been cancelled and he had shut down the account. Mullins sent me a link for what the order had been for: a Radiesse injection from the Cosmetic Surgical Arts Center in Lynnwood. The order was placed from IP address 131.107.174.88 and the email listed email address was gorgeous12@hotmail.com.

On 10/26/12, I checked IP address 71.231.56.112 with the internet resource whatismyipaddress.com. It stated that the internet service provider for the IP address was Comcast Cable. I then contacted Comcast directly and they confirmed that the IP address 71.231.56.112 belonged to them. This was the IP address used in three of the four Nordstrom orders. I then checked IP address 131.107.147.88 with whatismyipaddress.com and it stated that the IP address belonged to Microsoft. This was the IP address used for the Nordstrom order placed on 10/17/12 at 1555 hrs. On 10/26/12, I applied for and was granted a search warrant for Comcast Cable and for Microsoft for information pertaining to the above IP address.

On 11/6/12, I received a fax from Comcast with the results of my search warrant request. The subscriber name for IP address 71.231.56.112 was Tara MacKay and the service address was 3520 27th Place W #121, Seattle. This was the same address that Kelly Lee listed as her residence on the Port of Seattle Badge application.

On 11/13/12 at about 0650 hrs, I went to the residence of Kelly Lee. I observed that Lee's Nissan Xterra (registered to her) was parked in a spot underneath the apartment complex. At about 0700 hrs, Lee got into her car and I contacted her just as she began to pull out. I told Lee that she was under arrest for theft and placed her in handcuffs. I then read Lee her Miranda warnings from my department issued card. Lee was transported to the Port of Seattle Police Harbor office and I interviewed her there.

Lee said that she started working for the Port of Seattle the beginning of October as an executive assistant. Lee knew of the white binder which contained the Commissioners credit card information. Lee said the binder was thick and it contained numerous documents, including copies of the Commissioners passports, driver's licenses, and other information. Lee said that she didn't find the binder on her own, but was shown the binder by Marcela Hernandez and told that she might need to use it to make travel arrangements for the Commissioners. Lee said that she copied some of the

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information from the binder and took it with her. She admitted that some of the copied information might still be in her apartment. Lee said that she lived alone at the 3520 27th PI W address. I asked Lee who Tara MacKay was, as it was the name listed by Comcast as the IP account holder at Lee's residence. Lee said that MacKay was a friend of hers. MacKay was currently living in Arizona, but planned to move in with Lee in Seattle. When they set up the Comcast account, they decided to do it in MacKay's name.

Lee admitted to fraudulently placing orders with Nordstrom and Groupon. She had attempted to order electronic gift certificates from Nordstrom to purchase items for herself. She said she had no intentions to sell or refund the certificates for cash. Lee said that she realized that it sounded selfish or superficial on her part, but she had gone through such a rough patch in her life and the Nordstrom order was a way to treat or take care of herself. Lee also said that she had planned to use the Groupon order for own cosmetic services.

Lee confirmed that the Hushmail.com email addresses used for the orders were hers; she had opened them up to make the fraudulent purchases. She thought that the Hushmail account was temporary and she had intended to use it to receive the email gift certificates.

Lee agreed to return to her apartment with me to pick up items taken from the white binder. I filled out a POSPD voluntary Permission to Search form for Lee's apartment and then read it to her. Lee signed the form and I drove her back to her residence. Inside her residence, Lee went to a table/desk in the living room area. Lee again confirmed that she was the only occupant of the apartment. Lee located the following items at the desk:

- Both a front side and backside photocopy of Commissioner Bill Bryant's Port Visa card (#9950) and Commissioner Gael Tarleton's Visa (#6050).
- Two copies of Marcela Hernandez' corporate travel card (#8098) and purchasing card (#3887). One copy had what appeared to be notes in Lee's handwriting (based on comparison to her handwritten Port of Seattle badge application). "PO Box 1609 98111" was written as well as "800-499-0104," which was a number for Nordstrom customer financial services.
- Copies of the personal contact sheets for Commissioners Gael Tarleton and John Creighton. These sheets included home addresses, personal phone numbers, personal credit cards, dates and places of birth, social security numbers, frequent flyer program plans and driver's license information.

I noted that of the papers Lee had found so far, nothing contained the credit card information for Commissioners Tom Albro or Bill Bryant. I asked Lee where that information was and she said that it might be in her car. Lee then offered to go down to her car to look, which we did. Inside of Lee's Nissan Exterra, Lee located the following additional documents:

- A copy of a piece of paper containing the credit card information for Commissioners Creighton, Holland, Tarleton, Albro and Bryant. This paper also appeared to have the following notes in Lee's handwriting: "729067057," "729052758," (fraudulent Nordstrom order numbers) and "portcommissioner12."

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Probable Cause Statement**

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- A printed copy of a Groupon order for one 0.8 Radlesse Injection. The Groupon had been sent via email on 10/20 to gorgeous12@hushmail.com

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me on this date, 12/5/2012, at Seattle, Washington.

 # 322

Detective's Signature

CAUSE NO. 0 CASE NO. 20122469

SUPERFORM

CCN/JCN NUMBER	B/A NUMBER	PCN NUMBER
AGENCY: <input type="checkbox"/> Unincorporated King County <input checked="" type="checkbox"/> City of Port of Seattle	12 -	2469
<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	COURT	FILE NUMBER

S U S P E C T D A T A	DATE OF ARREST/TIME 11/13/12/0700	BOOKING DATE/TIME 11/13/12/1300	ARREST LOCATION 3520 27 th PI W #121, Seattle WA			
	NAME (LAST, FIRST, MIDDLE/JR., SR., 1 st , 2 nd) Lee, Kelly, Wengping			ALIAS, NICKNAMES		
	IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 10/30/70	SEX F	RACE A	HGT 5'6	WGT 110
	SCARS, MARKS, TATTOOS, DEFORMITIES			EYES Bro	HAIR Bro	SKIN TONE
	LAST KNOWN ADDRESS 3520 27 th PI W #121			CITY Seattle	STATE WA	ZIP 98199
	OCCUPATION Administrative Assistant		EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER) Microsoft		RESIDENCE PHONE 509-944-1415	BUSINESS PHONE CITIZENSHIP
	DRIVER'S LICENSE #	STATE CA	AFIS #	FBI # 933204TC3	SOCIAL SECURITY NUMBER CA26817428	
	VEHICLE LICENSE #	STATE	YEAR	MAKE	MODEL	VEHICLE LOCATION
	PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP	ADDRESS	CITY	STATE PHONE
	O F F E N S E D A T A	1) OFFENSE <input type="checkbox"/> DV Theft 2nd		RCW/ORD# RCW 9A.56.040	COURT/CAU# King County Super	CITATION #
2) OFFENSE <input type="checkbox"/> DV ID Theft		RCW/ORD# RCW 9.35.020	COURT/CAU# King County Super	CITATION #		
3) OFFENSE <input type="checkbox"/> DV		RCW/ORD#	COURT/CAU#	CITATION #		
4) OFFENSE <input type="checkbox"/> DV		RCW/ORD#	COURT/CAU#	CITATION #		
DATE & TIME OF VIOLATION 10/14/12/0818 hrs		CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input type="checkbox"/>	ACCOMPLICES			
P R O P E R T Y	LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL					
	LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES DESCRIBE: (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)					
	TOTAL CASH OF ARRESTEE \$	WAS CASH TAKEN INTO EVIDENCE? YES <input type="checkbox"/> NO <input type="checkbox"/> AMOUNT: \$		SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #		
O F F	ARRESTING OFFICER/SERIAL # D. Carlton #322		TRANSPORTING OFFICER/SERIAL #		SUPERVISOR SIGNATURE/SERIAL # #235	
	SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) D. Carlton		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE) D. Carlton #322 206-787-5401			
MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides. OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.						
C O U R T F I L E	SUPERIOR COURT FILING INFO.		COURT CAUSE (STAMP OR WRITE) 13-1-01331-9KNT			
	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND					
	COURT/DIST. CT.NO.	DIST. CT. BOND \$	SUP. CT. DATE	WARRANT NUMBER		
W A R R A N T I N F O / E X T R A D I T E	WARRANT DATE		OFF CODE OFFENSE	AMOUNT OF BAIL \$	FELONY <input type="checkbox"/> BENCH <input type="checkbox"/> MISD <input type="checkbox"/> ARREST <input type="checkbox"/>	
	POLICE AGENCY ISSUING		COURT	WARRANT RELEASED TO: SERIAL UNIT DATE TIME		
	PERSON APPROVING EXTRADITION		SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ALL 50 STATES <input type="checkbox"/>
	CCN# 1908882	DOE _____	TOE _____	OP# _____	DOC _____	TOC _____