



PREVENTIVE LAW SERIES  
**COUNTERFEIT CHECK SCAMS**



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## ARE YOU BEING SCAMMED?

**Scam 1:** Nigerian Fraud, also known as Advance Fee Fraud and 419 Fraud. In this scam you receive an e-mail supposedly from a government official in Nigeria who claims to be in possession of a large sum of money. The person claims to need your help in accessing the funds, and the only way to do this is if YOU first deposit the money into your U.S. bank account. This person offers to pay you a certain percentage for assisting with the transfer and deposit of the funds, but says that first you must give them your personal financial information to enable them to transfer the money to your bank account. **REALITY:** You just opened the door to your account being emptied by this person. If anyone tells you they need your account number to deposit money in your bank and they will “pay” you to deposit the money in your bank, you are being scammed. **This scam is occurring in San Diego.**

**Scam 2:** The scammer uses counterfeit cashier's checks or counterfeit money orders to defraud potential victims. In this fraud, you are selling a relatively expensive item online or in the paper and are approached by a potential buyer, usually from a foreign country, who wants to buy the item and pay with a cashier's check. The buyer will contact you by phone, mail, or email. The buyer will arrange to view the item but suddenly has an emergency and tells you that it will have to be bought without seeing it or that the photo of the item is sufficient. The buyer sends a cashier's check in an amount far exceeding the price agreed upon. The buyer then calls you or sends an email telling you to deposit the original check and wire the difference to a person somewhere else who will arrange for pick-up or delivery of the item being sold. You deposit the check in your personal bank account, withdraw the cash and wire it as directed. The bank will deposit the check and credit your account. You find out later the check was a fake. Your bank then notifies you that you have passed a counterfeit check and are liable for the overage. **This scam is occurring in San Diego.**

**Scam 3:** You have won a lottery! The scammers usually ask for money and will keep on asking for money. Legitimate lotteries, also known as sweepstakes, never ask for money. If you win a legitimate lottery or a sweepstakes, the only money you owe is the tax you personally pay directly to the government. This tax is **never** paid through or by anyone else. This is true worldwide. The scammers tell you that you must pay money for bank fees, or storage, or shipping, and give you a long list of other false reasons that may actually sound reasonable to an unsuspecting person. **This scam is occurring in San Diego.**

**Scam 4:** What appears to be lottery money or sweepstakes (free lottery) money is sent to you by check using DHL, UPS, or FedEx, or it is sent in an envelope with NO RETURN ADDRESS! Would you send \$3,500 to someone in the form of a cashier's check and not put your return address on the envelope? No, you wouldn't, and neither would anyone else who is really sending you \$3,500. The checks sent appear to be from a legitimate lottery company and have the lottery company name and address. With all the information being correct, many unsuspecting people assume that it is legitimate. **This scam is occurring in San Diego.**

## IF IT SOUNDS TOO GOOD TO BE TRUE, IT PROBABLY IS

Beware of notices received in the mail or via email that say "Congratulations, you are a winner!" If you receive what appears to be a cashier's check or a money order from someone or some business you never heard of, beware. **DO NOT CASH THAT CHECK!** The check you have received is counterfeit and you are responsible for the entire amount. You are responsible for any money you spend and any money you send to anyone else (the scammers). You could even be arrested and charged with a crime for passing one of these fake checks. See 18 U.S.C. § 1344.

Most people trust cashier's checks are genuine, especially when they appear to be from a reputable bank. Well, sure, the bank is real but the check or money order is NOT REAL. Cashier's checks are generally considered much safer than personal checks because supposedly the funds are guaranteed as sufficient and available. The counterfeits are generally of excellent quality and in fact, some are on paper stolen from the bank or financial institutions. Unfortunately, many times even the bank that you take the cashier's check to will tell you it is valid, give you funds, but only later discover later that it was counterfeit - after you have passed it and after you have sent those same funds to a third party in the hope of getting a huge payoff in return.

In summary, if you receive an offer in the mail or through the internet, beware. If you pass a counterfeit check or money order, you could be charged with a crime, need to raise bail to get out of jail, hire a criminal defense attorney to defend you, explain the circumstances to your command, and defend your security clearance as you are facing the possibility of being prosecuted. Legal assistance can help you verify whether or not your lucky day is REALLY a lucky day. Remember, *if it sounds too good to be true, it probably is.*

### LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday through Thursday from 0800 - 1030 and 1300 - 1500, and Friday from 0900 - 1100. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

### RESOURCES

**Federal Trade Commission:** (877) FTC-HELP; [www.consumer.ftc.gov/features/feature-0009-military-families](http://www.consumer.ftc.gov/features/feature-0009-military-families)

- Consumer Information: [www.consumer.ftc.gov](http://www.consumer.ftc.gov); (877) FTC-HELP
- File a Consumer Complaint: [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov)

**California Office of the Attorney General:** P.O. Box 944255, Sacramento, CA 94244-2550; [www.oag.ca.gov](http://www.oag.ca.gov)

File a Consumer Complaint: [www.oag.ca.gov/consumers](http://www.oag.ca.gov/consumers)

Federal Trade Commission Consumer Information, *Fake Checks* (2012), [www.consumer.ftc.gov/articles/0159-fake-checks](http://www.consumer.ftc.gov/articles/0159-fake-checks).

Federal Counterfeiting and Forgery Crimes, 18 U.S.C. §§ 470–514 (2012)

Federal Fraud Crimes, 18 U.S.C. §§ 1341–1351 (2012)