

Findings of Forensic Investigation: Certain Body Alive members have set up fictitious accounts to exploit promotional offers. In doing so, such members have committed various federal and state crimes, depending on the specific circumstances and jurisdiction. In all states in which Body Alive is conducting business, creating fictitious accounts to exploit Body Alive promotional offers constitutes federal and state criminal activity, some of which are described hereinbelow:

1. **Wire Fraud (18 U.S.C. § 1343)**
 - a. Definition: Using electronic communications (e.g., internet, email) to carry out a scheme to defraud.
 - b. Relevance: Creating fictitious accounts online or transmitting false information to exploit promotions constitute wire fraud.
 - c. Penalties: Up to 20 years in prison, fines, or both.
2. **Access Device Fraud (18 U.S.C. § 1029)**
 - a. Definition: Fraudulently using or creating access devices, such as credit card numbers, account credentials, or other tools to obtain value or services.
 - b. Relevance: Fictitious accounts involving fraudulent access to promotions through the unauthorized use of devices or credentials constitute Access Device Fraud.
 - c. Penalties: Up to 10 years in prison for a first offense and higher for subsequent offenses, along with substantial fines.
3. **Computer Fraud and Abuse Act (18 U.S.C. § 1030)**
 - a. Definition: Prohibits unauthorized access to computers or exceeding authorized access to commit fraud or obtain value.
 - b. Relevance: Using automated scripts, bots, or unauthorized methods to create fictitious accounts or bypass security measures violates this act.
 - c. Penalties: Civil and criminal penalties, including imprisonment (up to 10 years for a first offense) and significant fines.
4. **Mail Fraud (18 U.S.C. § 1341)**
 - a. Definition: Using the postal system to execute a fraudulent scheme.
 - b. Relevance: If the fraudulent activity involves physical promotional materials sent by mail, this statute may apply.
 - c. Penalties: Up to 20 years in prison and substantial fines.
5. **Identity Theft (18 U.S.C. § 1028)**
 - a. Definition: Using, possessing, or creating false identification or personal information of others to commit fraud.
 - b. Relevance: If the fictitious accounts use stolen or fabricated identities, it constitutes identity theft.
 - c. Penalties: Up to 15 years in prison for basic offenses, with enhanced penalties for more severe cases.
6. **Conspiracy to Commit Fraud (18 U.S.C. § 371)**
 - a. Definition: Conspiring with others to commit any offense against the United States, including fraud.
 - b. Relevance: If multiple individuals collaborate to create fictitious accounts for promotional exploitation, there has been a conspiracy to commit fraud.
 - c. Penalties: Up to 5 years in prison and fines.
7. **Theft by Deception (ORC 2913.02) (KRS 514.040) (ARS 13-1802)**

- a. Definition: Knowingly obtaining or exerting control over someone else's property or services through deception, with the intent to deprive the owner constitutes theft by deception.
 - b. Relevance: Creating fictitious accounts to unlawfully gain promotional benefits is considered theft by deception.
 - c. Penalties: Up to 36 months in prison and a fine up to \$10,000.
- 8. **Telecommunications Fraud (ORC 2913.05) (KRS 514.065) (ARS 13-3707)**
 - a. Definition: Devising a scheme to defraud and executing it through telecommunications, including the internet.
 - b. Relevance: Using fictitious accounts online to exploit promotions constitutes Telecommunications Fraud.
 - c. Penalties: Up to 36 months in prison and a fine up to \$10,000
- 9. **Forgery (ORC 2913.31) (KRS 516.020) (ARS 13-2002)**
 - a. Definition: Creating, altering, or using any writing with the purpose to defraud.
 - b. Relevance: Setting up fictitious accounts involves falsifying information, constituting forgery.
 - c. Penalties: Up to 12 months in prison and a fine up to \$2,500.
- 10. **Identity Fraud (ORC 2913.49) (KRS 514.160) (ARS 13-2008)**
 - a. Definition: Using, obtaining, or possessing personal identifying information of another person with the intent to hold the person out as the other person, without their consent.
 - d. Relevance: Fictitious accounts involving real individuals' information without consent constitutes Identity Fraud.
 - e. Penalties: Up to 36 months in prison and a fine up to \$10,000.
- 11. **Unauthorized Use of Property (ORC 2913.04) (KRS 514.060) (ARS 13-1802)**
 - a. Definition: Knowingly using or operating someone else's property without consent.
 - b. Relevance: The use of fictitious accounts for the unauthorized use of a platform or services is a crime.
 - c. Penalties: Up to 180 days in jail and a \$1,000 fine.
- 12. **Counterfeiting (ORC 2913.30) (KRS 434.415) (ARS 3-1209)**
 - a. **Definition:** Creating or using any counterfeit access device with the purpose to defraud.
 - b. Relevance: Setting up fictitious accounts involves counterfeit instruments constitutes counterfeiting.
 - c. Penalties: Up to 8 years in prison and a fine up to \$15,000.