

Department of Justice

U.S. Attorney's Office

Middle District of Florida

FOR IMMEDIATE RELEASE

Monday, August 1, 2022

Tampa Man Sentenced To Over 5 Years For Conspiracy To Commit Access Device Fraud And Aggravated Identity Theft Related To COVID Unemployment Insurance Benefits

Tampa, Florida – U.S. District Judge Steven D. Merryday today sentenced Devaris McClain (30, Tampa) to five years and one month in federal prison for conspiracy to commit access device fraud and aggravated identity theft. As part of his sentence, the Court also ordered McClain to pay \$92,346.54 to the U.S. Department of Labor and various financial institutions. McClain had pleaded guilty on January 18, 2022.

According to court documents, from approximately January 2015 through August 2016, McClain and his co-conspirators made counterfeit credit and debit cards by obtaining prepaid gift cards, embossing them with their names and other persons' stolen personal identifying information (PII), and obliterating the magnetic strips on the backs of the cards to ensure employees at retail establishments would have to hand-key in the stolen account numbers embossed on the fronts of the cards. McClain and his co-conspirators then used the cards to purchase items, including gift cards, from retail establishments to convert the cards to cash.

McClain also participated in a scheme to fraudulently obtain unemployment insurance (UI) benefits from various state workforce agencies. These UI benefits were transferred to bank accounts or loaded onto debit cards issued in the names of victims whose PII had been stolen. In particular, McClain used a fraudulently obtained debit card in the name of a victim to withdraw money using ATMs. The U.S. Department of Labor determined that McClain obtained \$86,804 in UI benefits to which he was not entitled.

In March 2020, the President signed the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act, which expanded states' ability to provide UI for many workers impacted by COVID-19, including for workers who were not ordinarily eligible for benefits.

On May 17, 2021, the Attorney General established the COVID-19 Fraud Enforcement Task Force to marshal the resources of the Department of Justice in partnership with agencies across government to enhance efforts to combat and prevent pandemic-related fraud. The Task Force bolsters efforts to investigate and prosecute the most culpable domestic and international criminal actors and assists agencies tasked with administering relief programs to prevent fraud by, among other methods, augmenting and incorporating existing coordination mechanisms, identifying resources and techniques to uncover fraudulent actors and their schemes, and sharing and harnessing information and insights gained from prior enforcement efforts. For more information on the Department's response to the pandemic, please visit <https://www.justice.gov/coronavirus>

Anyone with information about allegations of attempted fraud involving COVID-19 can report it by calling the Department of Justice's National Center for Disaster Fraud (NCDF) Hotline at [866-720-5721](tel:866-720-5721) or via the NCDF Web Complaint Form at: <https://www.justice.gov/disaster-fraud/ncdf-disaster-complaint-form>.

This case was investigated by the Federal Bureau of Investigation, the U.S. Department of Labor – Office of Inspector General, and the Tampa Police Department. It was prosecuted by Assistant United States Attorneys John Cannizzaro and Gregory D. Pizzo.

Topic(s):

Coronavirus
Identity Theft

Component(s):

USAO - Florida, Middle