

Legal Research on the Subject of:

EIN Fraud, Identity Theft and Perjury in the Case of RC Sproul, Jr.'s application to Wacovia Bank for Demand Deposit Checking Account and Credit Card Merchant Account, and his obtaining of said banking services by knowingly making false statements.

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State Law, Perjury:

RC Sproul Jr. did perjure himself by signing one or more bank signature cards, as well as other bank forms, swearing that the information he furnished was true and correct, while knowing that the Tax Identification Number he furnished the bank belonged to the Associate Reformed Presbyterian Church, and having stated to several different persons on several different occasions that he knew it was the ARP's EIN, and that he knew that, "It's probably not okay to use it," and that he had never obtained permission from the ARP to use said number.

*Code Of Virginia § 18.2-434.
What deemed perjury; punishment and penalty.*

If any person to whom an oath is lawfully administered on any occasion willfully swears falsely on such occasion touching any material matter or thing, or if a person falsely make oath that any other person is 18 years of age or older in order to obtain a marriage license for such other person, or if any person in any written declaration, certificate, verification, or statement under penalty of perjury pursuant to § 8.01-4.3 willfully subscribes as true any material matter which he does not believe is true, he is guilty of perjury, punishable as a Class 5 felony. Upon the conviction of any person for perjury, such person thereby shall be adjudged forever incapable of holding any office of honor, profit or trust under the Constitution of Virginia, or of serving as a juror.

State Law, Identity Theft:

The improper or unauthorized use of one or more identifiers belonging to another person or entity for the purpose of obtaining benefits or services is known as Identity Theft. Identity Theft is a crime in Virginia, and it may occur through nothing more than the unauthorized use of another's Tax Identification Number (TIN). RC Sproul Jr committed Identity Theft by absconding with the Associate Reformed Presbyterian Church's EIN in order to open one or more bank accounts and a credit card merchant account:

Code Of Virginia § 18.2-186.3.

Identity theft; penalty; restitution; victim assistance.

A. It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:

2. Obtain goods or services through the use of identifying information of such other person;

C. As used in this section, "identifying information" shall include but not be limited to: (i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number; (v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services.

Federal Case Law:

United States v. Anthony A. Nichols, 229 F.3d 975

Petitioner-Appellant Anthony Allan Nichols pled guilty to using a false social security number with the intent to deceive for the purpose of obtaining checking accounts at two Oklahoma banks in violation of 42 U.S.C. § 408(a)(7)(B). He was sentenced to twenty-one months imprisonment, three years supervised release, and ordered to pay restitution of \$ 2,530.89.

United States v. Peter Sabatino, 485 F.2d 540

Sabatino was "convicted of unlawfully making false statements of material facts upon an application for an automobile loan for the purpose of influencing the action of Bankers Trust Company, in violation of 18 U.S.C. §1014." Sabatino was tried after he had already repaid the loan. As such, Sabatino was never charged with making false statements for the purpose of defrauding the bank. He was merely charged with making false statements to a federally-insured bank and thereby obtaining bank services that he would not have otherwise been able to obtain. He was charged with a federal crime because the bank was FDIC insured.

USCS 18 § 1014 Elements Of Offense:

Violation of 18 USCS § 1014 is making of false statement with intent to influence lender, and is not dependent upon accomplishment of that purpose; § 1014 offense is crime of subjective intent requiring neither reliance by bank officers nor actual defrauding. United States v Shaid (1984, CA5 Tex) 730 F2d 225, cert den (1984) 469 US 844, 83 L Ed 2d 89, 105 S Ct 151.

18 USCS § 1014 applies to all false statements made to influence action of state banks insured by FDIC. United States v Sabatino (1973, CA2 NY) 485 F2d 540, cert den (1974) 415 US 948, 39 L Ed 2d 563, 94 S Ct 1469.