

SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

People of the State of California)

) Case #: _____

v.)

) Declaration in Support of Arrest

Serhat Daniel GUMRUKCU)
(DOB: 11/15/1982))
_____)

The undersigned, Doug Beard, declares that he is a Detective with the Los Angeles Police Department, Major Crimes Division. This declaration is in support of an Arrest Warrant for Serhat Daniel GUMRUKCU:

On April 10, 2014, Serhat Daniel Gumrukcu (hereafter “Defendant”) bought property located at 9040 Dicks Street, West Hollywood, CA 90069. Defendant used Beverly Hills Escrow during the sale of that property and his escrow file number was 41572-MK.

On June 1, 2014, Defendant reached out to Ersin Akyuz (hereafter “Akyuz”) and asked about investing in a property located nearby at 8940 Dicks Street, West Hollywood, CA 90069. Defendant told Akyuz he had “flipped” multiple renovated properties in the past and has had success with it. Defendant convinced Akyuz to invest \$930,000 to purchase, renovate and re-sell the property at 8940 Dicks Street.

On July 2, 2014, Akyuz received an email from “Ben Kacev” with email address benkacev@gmail.com stating that he was the attorney retained by Defendant for the transaction. The email contained a signed Co-Ownership Agreement and a Joint Venture Agreement with instructions where to wire the initial payment of \$500,000. Akyuz agreed, signed the paperwork and returned the documents from Beverly Hills Escrow.

On July 3, 2014, Akyuz wired as instructed an initial payment of \$500,000 to the account “Ermes, LLC” at Boston Private Bank & Trust for the purpose of investing in the property at 8940 Dicks Street.

On July 8, 2015 Defendant met with Akyuz and gave him copies of the escrow paperwork that showed the sale of 8940 Dicks Street was completed along with tax documents regarding the sale with an escrow number of 41572-MK.

On July 10, 2014, Akyuz received a bill of sale for 8940 Dicks Street that showed Timothy J. Scully conveyed the property to Akyuz and Ermes, LLC.

On August 13, 2014, Akyuz received an email from attorney Ben Kacev that contained notes and future costs associated with the property.

On August 21, 2014, Akyuz wired \$150,000 to Ermes, LLC at Boston Private Bank & Trust for renovation costs.

On October 21, 2014, Akyuz received an email from attorney Ben Kacev that Defendant's friend accepted an offer to buy the house at 8940 Dicks Street and that a few more payments were required. On October 22, 2014 and December 18, 2014, Akyuz wired \$260,000 in total to Ermes, LLC at Boston Private Bank & Trust for renovation costs.

On June 1, 2015, Defendant provided Akyuz a promissory note, agreeing to pay Akyuz \$1,200,000 plus interest on or before July 30, 2015.

On July 31, 2015, having never received the money, Akyuz filed a civil suit in LA Superior Court. During the civil proceedings, attorney Ben Kacev submitted a declaration stating that he and the law firm Kilometer Partners, LLP never engaged to provide Defendant or Ermes, LLC with legal services. Kacev did not use or create the email address benkacev@gmail.com. Additionally, Kacev stated he did not send any emails from that email address, draft emails from there, cause emails to be sent or draft agreement documents.

On October 8, 2015, Michelle Kim (hereafter "Kim") from Beverly Hills Escrow was deposed and confirmed that the property at 9040 Dicks Street was purchased by Defendant. Kim reviewed the documents for the property at 8940 Dicks Street and stated she believed they were forged due to wrong information and the fact that the sale for 8940 Dicks Street had an identical escrow number as the property purchased by Defendant at 9040 Dicks Street. Beverly Hills escrow does not use the same

escrow number for different real estate transactions.

Page 2 of 6

On March 18, 2016, Defendant opened checking account #8321052162 at the Wells Fargo Sunset branch located in West Hollywood. On March 23, 2016 Defendant opened business account #6351531584 titled "Ermes, LLC" at the same branch.

On April 5, 2016, two (2) checks were deposited into the accounts at Wells Fargo. The checks were drawn from Bank of America account #483040475393. The first check, #1196, was in the amount of \$7,500 and made payable to "Ermes LLC." The second check, #1197, was in the amount of \$4,200 and made payable to "Serhat Gumrukcu." Both checks were deposited at the Wells Fargo West Hollywood ATM located in West Hollywood.

On April 12, 2016, both checks were returned, unpaid and the reason given was "Non-Sufficient Funds/Same Maker Payee." This caused the Wells Fargo accounts to become overdrawn in the amount of \$3,690 resulting in a loss to Wells Fargo.

Finally, there is the fraud scheme Defendant engaged in which victimized Quadrant Financial Group located in Minneapolis, MN and its owner Gregory Gac (hereafter "Gac"). Defendant claimed he was the owner of Luran Trading, LLC, a company from Oman, and as such entered into a management agreement with Mode Commodities, LLC regarding certain contracts with Shell Oil. The new venture would be called "Mode Luran, LLC" and the agreement between the two companies was signed on November 9, 2015. Quadrant Financial agreed to be the escrow agent for both parties since Gac had done some business with Defendant before and trusted him. As per the agreement, Defendant sent Gac 4 checks, each in the amount of \$150,000 and made payable to Quadrant Financial. All four (4) checks were drawn from Bank of America account ending 5393 in the name of "HRH Prince Serhat D. Gumrukcu."

On May 13, 2016, Defendant went to the Wells Fargo Sunset branch located in West Hollywood and deposited checks #1202 and #1203 each in the amount of \$150,000 to business account ending 5118 in the name of "Quadrant Financial." On May 16, 2016, Defendant deposited checks #1211 and #1212 each in the amount of \$150,000 to business account ending 5118 in the name of "Quadrant Financial."

Once Gac received the deposits from Defendant's checks into his business account for Quadrant Financial, he sent out wire transfers based on the instructions from the parties. On May 16, 2016 and May 23, 2016, all 4 checks were returned and unpaid with the reason "Frozen/Blocked." Gac attempted

Page 3 of 6

to call the Defendant but the phone has already been disconnected. Gac was able to recall some of the wire transfers but not all of them and he paid the bank \$119,176.53 to cover their losses.

Declaration in Support of Petition to Preserve Property and Assets Pursuant to PC 186.11: I have been advised that CA Penal Code section 186.11 allows the Superior Court to preserve any asset or property that is in the control of the defendant until the conclusion of the criminal prosecution. Upon conviction of two related felonies as specified in PC 186.11(a), these assets may be levied upon by the Superior Court to pay restitution to the victims of the alleged crimes and fines imposed pursuant to PC 186.11(c). (PC section 186.11(e)(1))

Based upon this investigation, I have probable cause to believe that Serhat Daniel GUMRUKCU has committed the acts alleged in the complaint and that the losses in this crime are in excess of \$1,00,000.00. The Superior Court has jurisdiction to preserve up to triple the value of the taking (PC 186.11(c)) in assets under Serhat Daniel GUMRUKCU's control, which in this case would be \$3,000,000.00.

During the course of my investigation, I learned that Defendant purchased real property in the city of West Hollywood. I reviewed records given to me by Beverly Hills Escrow as well as online computations from Zillow to determine the approximate value of the property. Also, LAPD Officers conducted surveillances in December 2016 and, based upon these searches and surveillances, I determined the following:

9040 Dicks Avenue, West Hollywood, California 90069 has assessor's parcel number 4340-019-02, Lot 75 of Tract No. 5934 in the City of West Hollywood, County of Los Angeles. The listed owners are Serhat Daniel Gumrukcu and William Anderson Wittekind. Beverly Hills Escrow documents dated March 2014 show that there were loans issued on the property for just under

\$1,200,000. A Zillow search shows the property to have a value of \$1,400,000.

Page 4 of 6

During my investigation, I also executed search warrants at Wells Fargo and Bank of America. Based on the information I received from those search warrants, I determined that the Defendant maintained the following accounts:

1. WELLS FARGO

Including, but not limited to, checking account number 8321052162 in the name of “Serhat D. Gumrukcu,” business account number 6351531584 in the name of “Ermes LLC” and account number 3500095118 in the name of “Quadrant”

2. BANK OF AMERICA

Including, but not limited to, business account 483040475393 in the name of “HRH Serhat D. Gumrukcu” and Money Market Savings account 4830478387 in the name of “Serhat Gumrukcu.”

I, Detective Doug Beard, hereby request a Warrant of Arrest be issued for the arrest of Serhat GUMRUKCU, good cause being shown therefore, for the crimes of California Penal Code section 530.5(a) – Identity Theft; Penal Code section 532(a) – Theft by False Pretenses; Penal Code section 529(2)(3) – False Personation; Penal Code section 459 – Second Degree Commercial Burglary; Penal Code section 476a(a) – Passing Non-Sufficient Funds Check; and Penal Code section 487 (a) – Grand Theft.

Serhat Daniel GUMRUKCU is described as a male, Caucasian, 5’10”, 180 lbs., brown hair, blue eyes; DOB 11/15/1982; CDL F5360981; and last known address: 9040 Dicks Street, West Hollywood, CA

90069.

This declaration references and incorporates the felony complaint, reports and documents attached.

Page 5 of 6

LAW ENFORCEMENT:

JUDICIAL OFFICER:

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Approved _____ Disapproved Bail:

_____ Date: _____

Date: _____

Signature

Signature

Print Name

Print Name

