

House Energy and Commerce Committee
Subcommittee on Oversight and Investigations Hearing:
“Internet Data Brokers and Pretexting: Who has Access to Your Private Records?”
June 21, 2006

Testimony of Mr. Adam Yuzuk

Chairman Whitfield, Ranking Member Stupak, thank you for inviting me to testify before the Subcommittee today. My name is Adam Yuzuk, and I appreciate this opportunity to explain what has happened to me and the possible consequences of Steve Kahn and Michelle Gambino’s actions. The fiasco that has unfolded is a sad state of affairs, as I will attempt to explain.

- 1) On or about June 6, 2006, I contacted Cingular wireless with a question concerning my bill; the Cingular rep informed that I could get the same info online. I inquired how that would be possible and she explained by using my online account. I informed her I did not have an online account. She was very insistent that I did have one and that I had just set it up a couple of weeks prior.
- 2) She and I proceeded to go thru the personal information needed to set-up the on-line account, as I knew I had not set up such an account. The personal information matched until we got to the e-mail address. My e-mail address is [adam \[redacted\] @yahoo.com](mailto:adam [redacted] @yahoo.com) the e-mail address on the account was hammyballs@yahoo.com. At this point I knew there was a problem. My understanding from the Cingular rep was that someone set up this online account and had not made any changes, just viewed my account history.
- 3) I couldn’t understand how this had happened. Shortly thereafter, I spoke with a Cingular supervisor and as we went thru all the information on the false account again, it became clear someone was pretending to be me to review my cell phone records. I was adamant that I wanted my information protected and that this situation was unacceptable. I wanted the highest level of security possible. I was assured that by putting a password on the account and having the account flagged this could not happen again.
- 4) On or about June 2, 2005, I also filed a Police report with the Nassau County Police an Officer Brennan, Case # CK-47835-05. It was assigned to a Detective Gildbride.

Detective Gildbride tried to track down the e-mail address hammyballs@yahoo.com by subpoenaing the info from Yahoo. This turned out to be a dead end. Since we had no other info we were stuck.

- 5) On September 22, 2005, I spoke to a Cingular employee named Brad to inquire if anyone had tried access my account again. He informed me that someone did try to get in on September 14, 2005, but was unsuccessful (it would appear in retrospect his information was wrong). I called him repeatedly as he promised to check and see if on the off chance the phone call was recorded. He said he was e-mailing Little Rock to see if this had occurred. He would not return my phone calls and I dropped the issue, thinking no harm was done and that Cingular kept them out.
- 6) On September 26, I called Detective Gildbride back asking him to add the September 14 incident to the Police Report. We also determined that his spelling of the e-mail address was wrong and that he would resubmit to Yahoo. Upon sending Yahoo the correct address they informed us that they hammyballs@yahoo.com was shutdown two years earlier and they had no info.
- 7) On October 17, 2005, my lawyers filed a Federal Lawsuit /Complaint, in the United States District Court For The Southern District of New York, Judge Karas presiding, 05 CV 8802. The lawsuit alleges fraud by former partners at Cipriani Accessories, Steve Kahn, Jarrod Kahn and Evan Mittman. Also named in the Complaint were the Accountants that handled the Company's accounting and my own Tax Returns, Sol and Mark Karpman of "Karpman and Co." I have additionally filed a complaint against the Accountants with New York "Office of Professional Discipline" Case #2603687
- 8) We started the discovery process and we requested "All documents concerning any investigative or other investigative service that performed any investigation of the Plaintiff on your behalf" they initially responded that they "objected to this request as it seeks information which is protected by the work product privilege"
- 9) We pushed and got them in mid April of '06 to give us the documents in their possession, these include
 - A) a retainer agreement dated May 9, 2005 between Gambino information Services and The Max Leather Group signed by Michelle Gambino and Steve Kahn. It states "Cellular Phone records shall also be conducted as part of the request of the

CLIENT, The COMPANY'S fee for this investigation will be \$300.00 (Three Hundred Dollars"

- B) a packet of information dated June 9, 2005 File #9288 stating that the have conducted an investigation to my (Adam Yuzuk) phone records and the following is their report. Attached is my Cell phone bill detail, 17 pages obviously printed from my online account. Billing Cycle 5/3/05-6/2/05.
 - C) 6/16/05 invoice #6965, including "2 telephone information," I am assuming they broke into someone elses account, keeping in mind that it may be a different phone company.
 - D) Cancelled Checks from Cipriani Accessories and The Max Leather Group to pay the invoice, it was split between the two companies.
 - E) My phone bill with detail for time period 7/3/05-8/3/05, missing pages 1-4 and 10-14.
 - F) My phone bill with detail for time period 8/3/05-9/2/05.
 - G) My phone bill with detail for time period 9/3/05-10/2/05.
- 10) From the paperwork it is clear that the July and August records were printed from my online account on 9/14/05.
- 11) The September record was printed on 10/12/05.
- 12) This means that someone broke into my Cingular account two additional times after my account was password protected and I was given what I believed was the highest level of security.
- 13) When I realized the severity of what had occurred, I started calling Cingular to get explanations and help. This was extremely frustrating, while Cingular employees were unfailingly polite they refused to push my request higher up the chain.
- 14) In the process I also spoke with a private investigator who was very familiar with all of these issues, he put me in touch with your Committee's staff.
- 15) A CNBC reporter also contacted me for a documentary they will run in July regarding privacy issues. We conducted the interview in my lawyers' office on Monday 5/15/06.
- 17) I also spoke with the FTC who wants me to send them the documents (I haven't yet) and the FCC who also wants the documents. The FCC in turn gave me a phone number to a

Jim Bugel who is a Vice President of Government Affairs at Cingular, he in turn put me in touch with Cingular's General Counsel, Mr. Tom Meiss.

- 18) Cingular is now suing Cipriani Accessories/Steve Kahn and Gambino Information Services in Federal court in the Northern District of Georgia. They are requesting damages and "replevin of the documents."
- 19) Mr. Meiss at Cingular also ran the fake e-mail address (hammyballs@yahoo.com) thru Cingulars system and found several more accounts that this e-mail was listed, we can only assume that all these accounts (PEOPLE) had their information taken.
- 20) Additionally we have gone back to Cipriani requesting more documents regarding Gambino that must exist, we want the invoices for the 9/14/05 and 10/12/05 incidents. To date we have not received the requested information.

QUESTIONS

Why is it they so easily opened an on line account in my name ?

Why is it they could so easily break into my account after it was was protected and Cingular knew of the problem?

Why is it illegal to steal my phone records from my mailbox or my home but seemingly ok to pretend to be me (pretext) access my information, print it out and then sell it?

Why is it so seemingly acceptable that they (Gambino & Kahn) would enter into a legal contract the "retainer agreement" stating they will get "Cellular Phone Records," which invoices and paperwork clearly indicate are mine?

After the Amy Boyer murder case in New Hampshire, how is Gambino still in business and openly selling telephone information?

Respectfully Yours,

Adam Yuzuk