UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA v. (1) ANDY VICENTE, (2) NATHALIE MENDES, (3) JENSEN VATEL, (4) RONALD GAMBLE, and (5) BRIAN PFAFFINGER, Defendants.	Criminal No. 25cr10197 Violations: Counts One to Six: Falsification of Records; Aiding and Abetting (18 U.S.C. §§ 1519 and 2) Counts Seven to Twelve: False Statements; Aiding and Abetting (18 U.S.C. §§ 1001(a)(2) and 2)

INDICTMENT

At all times relevant to this Indictment:

Relevant Individuals and Entities

1. The Massachusetts Bay Transportation Authority ("MBTA") is an agency of the State of Massachusetts.

2. The Massachusetts Department of Public Utilities ("DPU") is an agency of the state of Massachusetts.

3. The Department of Transportation ("DOT") is a federal agency of the United States.

4. The Federal Transit Administration ("FTA") is an agency within DOT.

5. Defendant Andy Vicente ("VICENTE") is a former employee of the MBTA and was previously employed as a Red Line system repairperson. In 2024, VICENTE's base salary was $85,988.35, and he received $79,450.40 in overtime. In addition to other compensation, VICENTE's total compensation was approximately $167,157.57.

6. Defendant Nathalie Mendes ("MENDES") is a former employee of the MBTA and was previously employed as a Red Line system repairperson. In 2024, MENDES's base salary was $91,311.52, and she received $58,847.78 in overtime. In addition to other compensation, MENDES's total compensation was approximately $152,356.50.

7. Defendant Jensen Vatel ("VATEL") is a former employee of the MBTA and was previously employed as a Red Line system repairperson. In 2024, VATEL's base salary was $88,481.93, and he received $69,376.71 in overtime. In addition to other compensation, VATEL's total compensation was approximately $161,912.80.

8. Defendant Ronald Gamble ("GAMBLE") is a former employee of the MBTA and was previously employed as a Red Line section foreman. In 2024, GAMBLE's base salary was $102,095.48, and he received $121,476.51 in overtime. In addition to other compensation, GAMBLE's total compensation was approximately $241,014.67.

9. Defendant Brian Pfaffinger ("PFAFFINGER") is an employee of the MBTA and previously a supervisor of the Red Line. In 2024, PFAFFINGER's base salary was $129,237.60, and he received $3,606.84 in overtime. In addition to other compensation, PFAFFINGER's total compensation was approximately $144,009.82.

Overview of the MBTA

10. The MBTA provides public transportation services within the Greater Boston area. The transportation services provided include the commuter rail, the rail transit system (or subway system), buses, ferries, and a paratransit service. The MBTA's rail transit system is the only rail transit system in Massachusetts. The system is divided into the Red, Orange, Green, and Blue Lines and the Mattapan Trolley.

11. Each of the rail transit system lines has a Maintenance of Way ("MOW") Division, which oversees the track maintenance, inspection, and safety for that line. The Red Line MOW Division is further divided into the inspection and maintenance departments. The inspection department performs the inspections of the tracks, and the maintenance department fixes any defects discovered during inspections.

12. All Red Line MOW employees have access to lockers and a breakroom within a building at Cabot Yard, a train yard located between South Boston and South End in Boston. The breakroom is also referred to as the Trackman's Lobby. Attached to the Trackman's Lobby is a garage, which is typically used to store the maintenance department's equipment (hereinafter, "Cabot Garage").

13. The MBTA maintains an internal handbook which covers track inspection protocol for the Red Line, titled, "Track Maintenance and Safety Standards: Blue, Orange and Red Lines" (the "Handbook"). The Handbook also outlines the chain of command for the inspection department in Part F, Section T213.243, titled "Responsibilities of Supervisors, Section Foreman, and System Repairpersons." Pursuant to Section T213.243, system repairpersons are assigned sections of tracks to visually inspect daily. System repairpersons are also responsible for communicating any track abnormalities or issues with the section foremen, and/or supervisors. System repairpersons report directly to the section foremen.

14. Section foremen are responsible for all the activities of the system repairpersons within a territory. Section foremen review the inspection reports of the system repairpersons and conduct monthly inspections of tracks. Section foremen report to their supervisor.

15. Supervisors are responsible for all MOW-related issues for their assigned line. They are required to inspect their line twice a year. Supervisors review the inspection reports of section foremen. The Red Line supervisor has an office next to the Trackman's Lobby in Cabot Yard.

Track Inspections

16. The FTA established State Safety Oversight ("SSO") programs throughout the United States to oversee the safety of rail transit systems. The programs are carried out through a SSO Agency ("SSOA"), selected by the FTA, in eligible states with rail transit systems.

17. In Massachusetts, the SSOA is the DPU. Within the DPU, the Rail Transit Safety Division is charged with overseeing the MBTA's rail transit safety. The DPU maintains a "Standard Operating Guidance Manual" ("SOG"), which provides procedures and guidance for DPU's exercise of its SSOA responsibilities with respect to the MBTA's rail transit system. Regulations within 220 CMR 151 also govern DPU's oversight of MBTA. The SOG, together with the regulations within 220 CMR 151, form the program standard for the SSO Program in Massachusetts.

18. The FTA conducts triennial reviews of DPU's implementation of the SSO Program. In addition, the FTA may directly conduct Safety Management Inspections of MBTA, as the FTA did in 2022 relating to the MBTA's safety management practices.

19. Relevant here, the DPU's regulations under 220 CMR 151.11 and 220 CMR 151.12 govern track inspections and track maintenance. The MBTA Handbook closely adheres to DPU's regulations.

20. Under 220 CMR 151.11 Section 2(a), heavy rail passenger-service tracks, such as tracks on the Red Line, are required to be inspected twice weekly with at least one calendar day interval between inspections. Under 220 CMR 151.11 Section 5, the MBTA must maintain track and rail inspection reports for DPU to inspect or copy.

21. Section 5 requires the reports must specify: (1) the track inspected; (2) date of inspection; (3) location of any deviation; (4) nature of the deviation; (5) and any remedial action taken by the inspector. Section 5 further requires that the reports are signed by the person completing the inspection. The truthfulness and accuracy of the information within the inspection reports are material information to the MBTA and the FTA.

22. The MBTA utilizes a program called "Trapeze," which generates scheduled track inspection work orders consistent with how often DPU requires inspections. Work orders are then assigned to track inspectors.

23. System repairpersons, section foremen, and supervisors are all issued MBTA cellular phones. The cellular phones contain an application called "MaxTrax," which records track inspections. To begin an inspection, an inspector (e.g., system repairpersons, section foremen, and supervisors) must open and start the MaxTrax application. The inspector then walks the track, recording any defects or deviations. Once the inspection is complete, the inspector must confirm its completion and sign the application by touching a finger to the phone and signing one's name. Each inspection report automatically lists the MBTA email address of the inspector. The inspection reports are automatically emailed to all MBTA section foremen, supervisors, and superintendents across all MBTA rail transit system lines.

24. Once a scheduled inspection is completed, the reports are uploaded into Trapeze to close out the work orders. Either the section foremen or the supervisor can review and upload the reports completed by the system repairperson. Only the supervisor reviews and uploads the reports completed by the section foremen.

Falsified Track Inspection Reports

25. As system repairperson and section foremen, VATEL, VICENTE, MENDES, and GAMBLE's job responsibilities included performing and completing track inspections and track inspection reports.

26. Instead of performing the inspection however, VATEL, VICENTE, MENDES, and GAMBLE submitted falsified inspection reports for inspections they did not conduct.

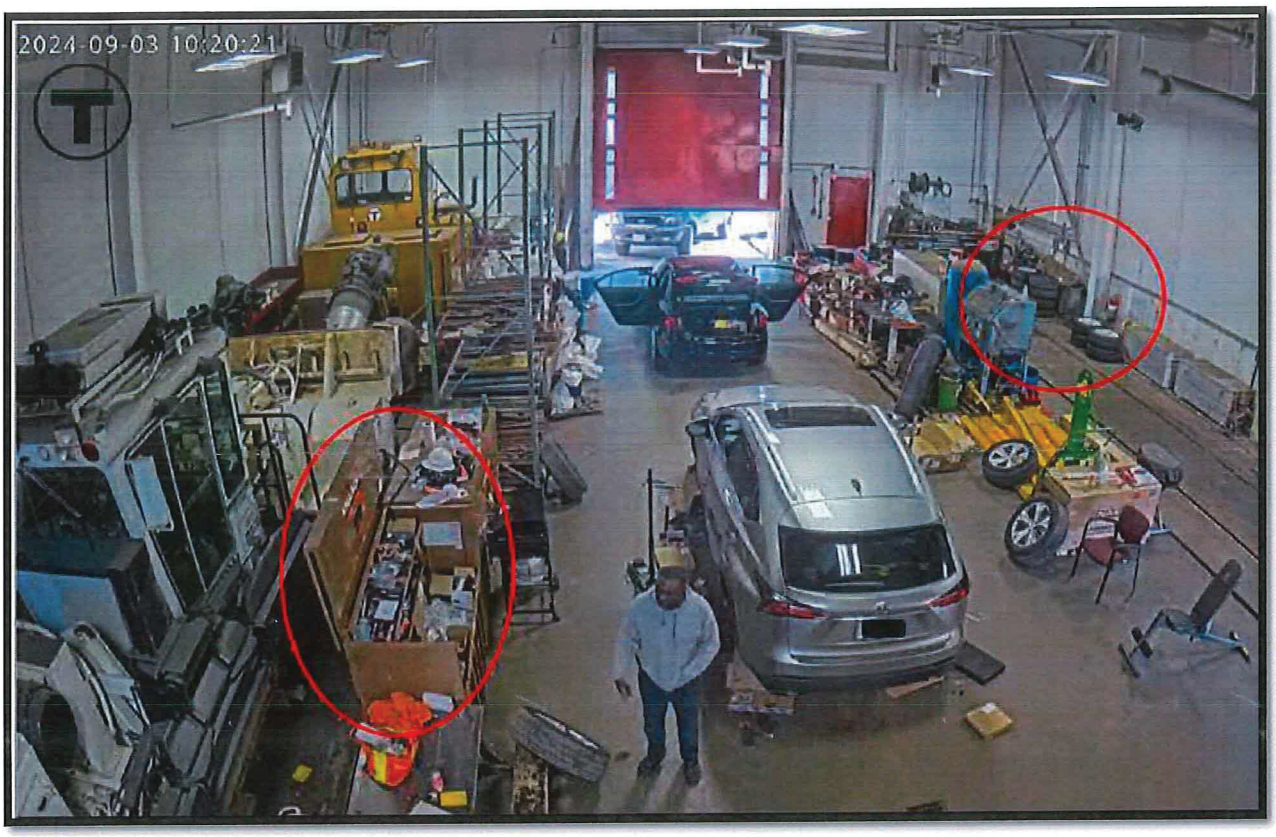
27. PFAFFINGER directly supervised GAMBLE, who was a section foreman. As GAMBLE's supervisor, PFAFFINGER reviewed GAMBLE's inspection reports and entered them into Trapeze. On at least one occasion, PFAFFINGER aided and abetted GAMBLE in the submission of GAMBLE's falsified report despite knowing that the information in the report was false.

The Defendants Used the MBTA Cabot Garage as an Automobile Repair Shop

28. From at least as early as September 3, 2024, and continuing through October 15, 2024,[1] MBTA surveillance video at the Cabot Garage showed that VATEL, VICENTE, MENDES, GAMBLE, PFAFFINGER, and other Red Line MBTA employees under PFAFFINGER's supervision treated and operated the Cabot Garage as an automobile repair shop during MBTA work hours.

[1] The MBTA video surveillance system only preserved video from inside the Cabot Garage dating back to approximately September 3, 2024.

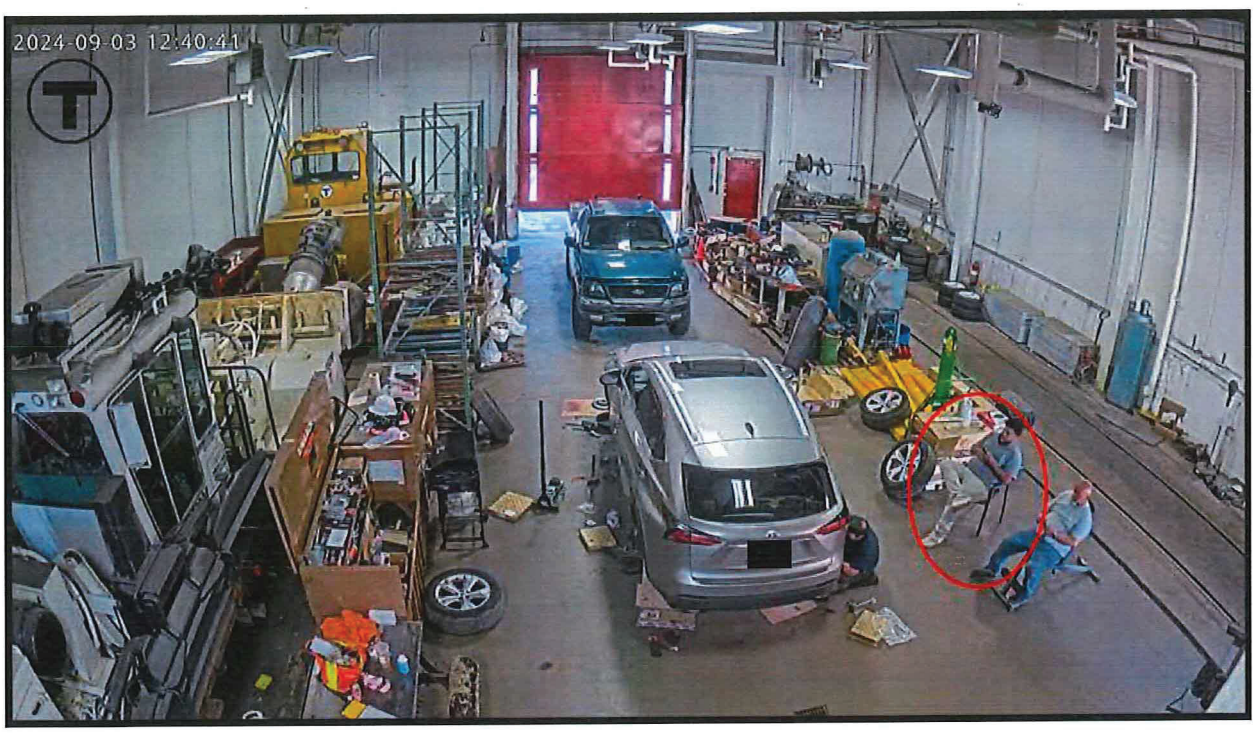
29. For example, a camera still from Cabot Garage video on September 3, 2024, at approximately 10:20 a.m. (below) showed GAMBLE with non-MBTA vehicles, one having its brakes repaired and one receiving detailing work. The below photo also showed that a brown storage bin (circled in red) was used to house car replacement parts and car repair equipment, while tires (circled in red) for non-MBTA vehicles were being stored for future use:



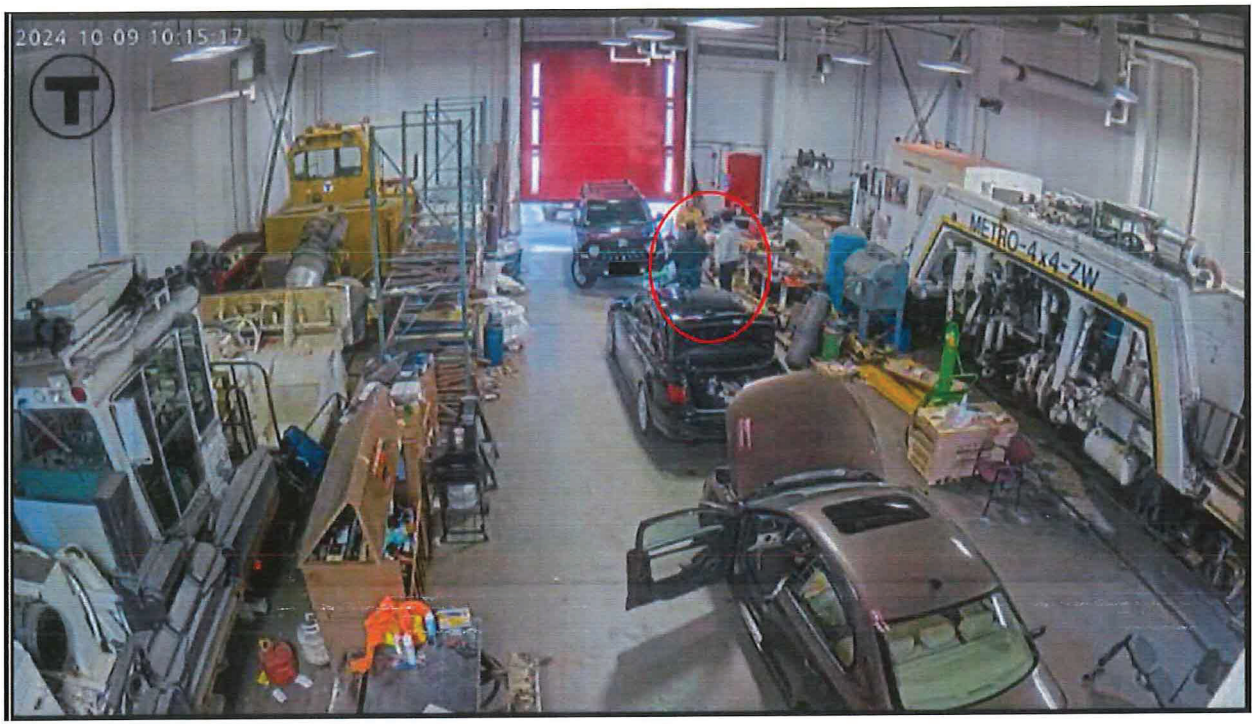
30. Photos taken inside the Cabot Garage on or about October 15, 2024 showed (from l. to r.): (i) car parts and equipment that were stored in the brown storage bin; (ii) tires with Volkswagen rims; (iii) brake rotors; and (iv) alternators, among other car parts and equipment:



31. Examples of auto repair work done by Red Line employees on private vehicles at the Cabot Garage included car cleaning and detailing work; brake repair; vehicle diagnostics; audio work; and tire rotations and replacement. For example, on September 3, 2024, a Red Line employee performed brake repair on MENDES's silver vehicle as VICENTE (circled in red) sat nearby.



32. In another example, on October 9, 2024, GAMBLE and VICENTE (both circled in red), stood nearby as another Red Line employee, one of PFAFFINGER's subordinates, removed and reinstalled the tires on PFAFFINGER's vehicle, a black Jeep.

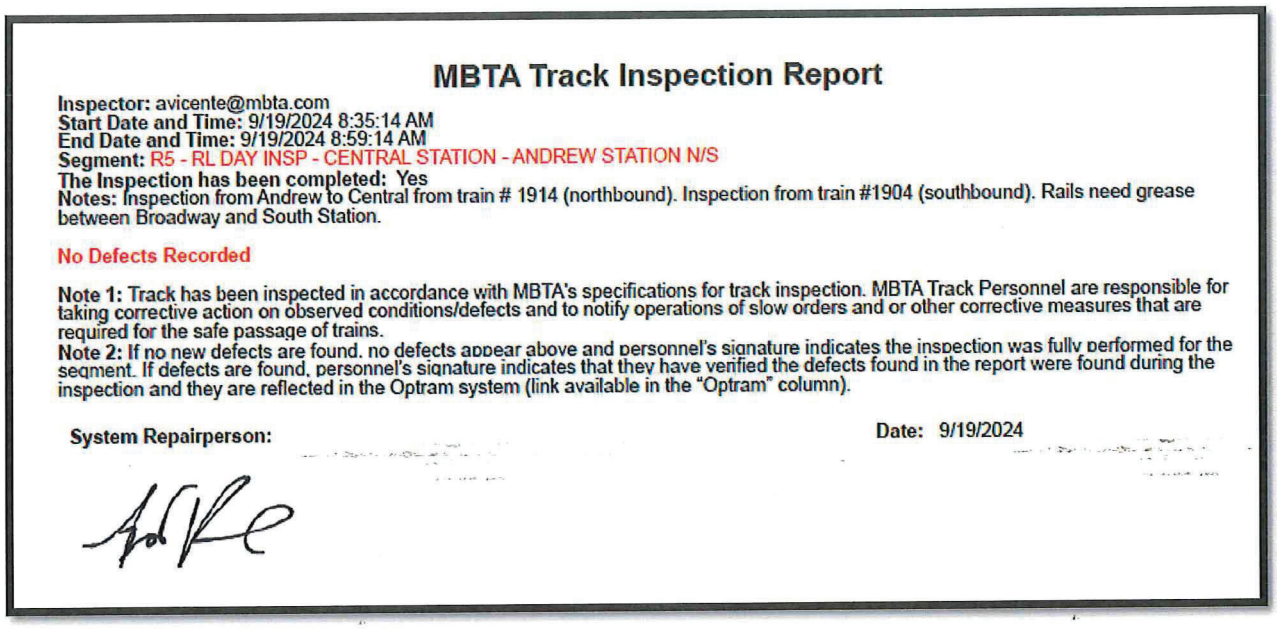


33. The Cabot Garage video showed that each of the defendants – on multiple occasions – created and submitted materially false inspection reports. The inspection reports were false in that they represented that track inspections were performed by the defendants at certain dates, times, and locations, when, in reality, the inspections were not conducted on the tracks at such dates, times, and locations because the defendants were actually at the Cabot Garage at such times.

VICENTE Submitted a False Inspection Report on September 19, 2024

34. On or about September 19, 2024, VICENTE submitted an inspection report in which he falsely stated that he had completed a track inspection.

35. According to the report, the inspector was "avicente@mbta.com," which was the email address assigned to VICENTE. The report stated that the inspection began at 8:35 a.m. and ended at 8:59 a.m. on September 19, 2024. The inspection was allegedly of the tracks between the Central and Andrew Stations and no defects were recorded. Under whether "The Inspection has been completed," VICENTE answered, "Yes." VICENTE signed the report.



MBTA Track Inspection Report

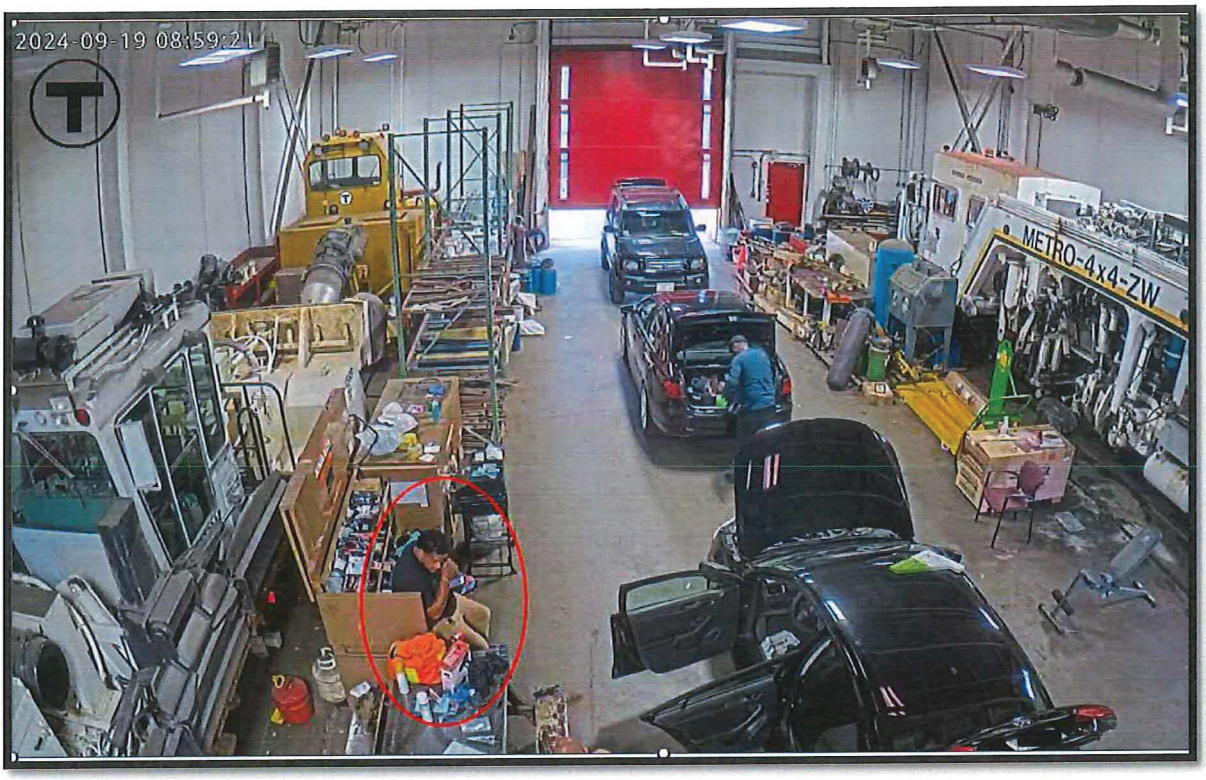
Inspector: avicente@mbta.com
Start Date and Time: 9/19/2024 8:35:14 AM
End Date and Time: 9/19/2024 8:59:14 AM
Segment: R5 - RL DAY INSP - CENTRAL STATION - ANDREW STATION N/S
The Inspection has been completed: Yes
Notes: Inspection from Andrew to Central from train # 1914 (northbound). Inspection from train #1904 (southbound). Rails need grease between Broadway and South Station.

No Defects Recorded

Note 1: Track has been inspected in accordance with MBTA's specifications for track inspection. MBTA Track Personnel are responsible for taking corrective action on observed conditions/defects and to notify operations of slow orders and or other corrective measures that are required for the safe passage of trains.
Note 2: If no new defects are found, no defects appear above and personnel's signature indicates the inspection was fully performed for the segment. If defects are found, personnel's signature indicates that they have verified the defects found in the report were found during the inspection and they are reflected in the Optram system (link available in the "Optram" column).

System Repairperson: **Date:** 9/19/2024

36. However, during the time that VICENTE claimed that he was performing the inspection on September 19, 2024, VICENTE was at Cabot Garage, working on three black vehicles that belonged to private individuals. At approximately 8:22 a.m., VICENTE assisted another MBTA employee fix the passenger side door of the black sedan closest to the camera. At approximately 8:35 a.m., when the inspection allegedly started, VICENTE was inside of Cabot Garage on a cellular phone. At approximately 8:59 a.m., the time VICENTE "completed" his inspection, VICENTE (circled in red) was inside Cabot Garage holding two cellular phones, both with their screens on, as shown in the Cabot Garage surveillance video still image, below:



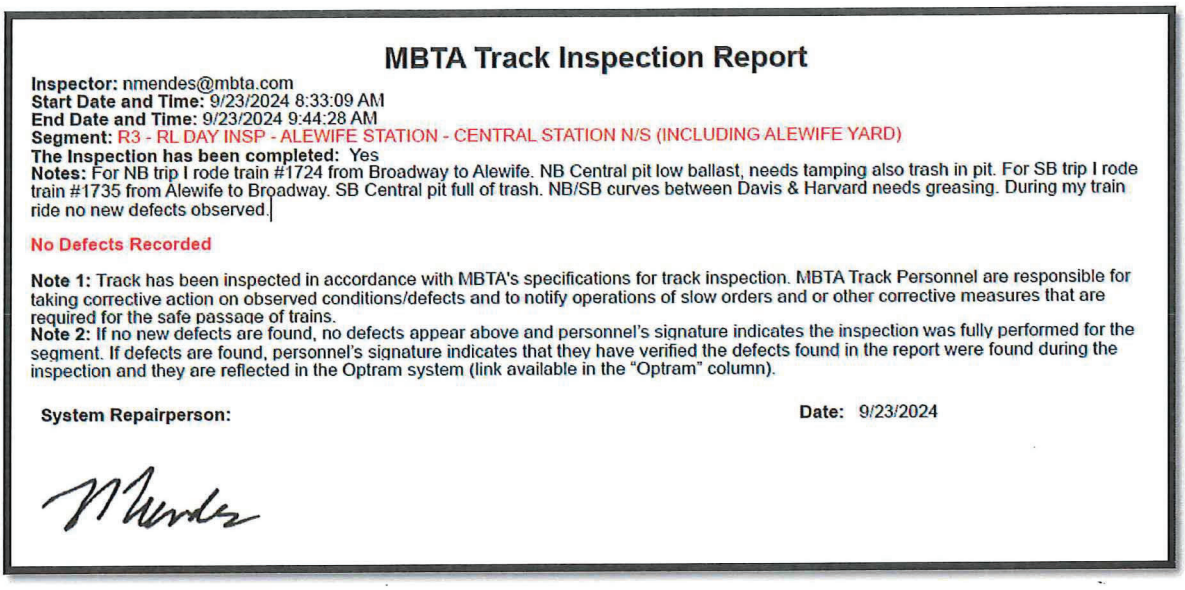
37. In submitting the inspection report on or about September 19, 2024, VICENTE knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

MENDES Submitted a False Inspection Report on September 23, 2024

38. On or about September 23, 2024, MENDES submitted an inspection report in which she falsely stated that she had completed a track inspection.

39. According to the report, the inspector was "nmendes@mbta.com," which was the email address assigned to MENDES. The report stated that the inspection began at 8:33 a.m. and ended at 9:44 a.m. on September 23, 2024. The inspection was allegedly of the tracks between the

Alewife and Central Stations and no defects were recorded. Under whether "Inspection has been completed," MENDES answered, "Yes." MENDES signed the report.



MBTA Track Inspection Report

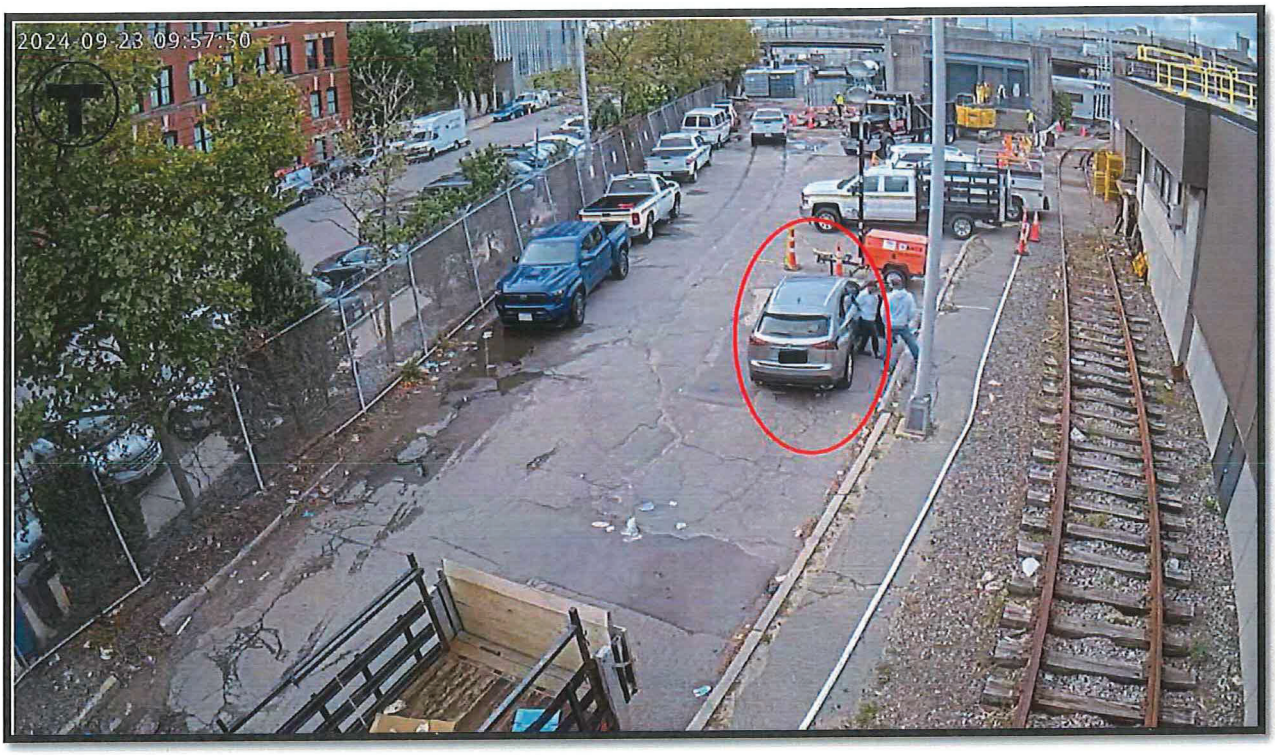
Inspector: nmendes@mbta.com
Start Date and Time: 9/23/2024 8:33:09 AM
End Date and Time: 9/23/2024 9:44:28 AM
Segment: R3 - RL DAY INSP - ALEWIFE STATION - CENTRAL STATION N/S (INCLUDING ALEWIFE YARD)
The Inspection has been completed: Yes
Notes: For NB trip I rode train #1724 from Broadway to Alewife. NB Central pit low ballast, needs tamping also trash in pit. For SB trip I rode train #1735 from Alewife to Broadway. SB Central pit full of trash. NB/SB curves between Davis & Harvard needs greasing. During my train ride no new defects observed.

No Defects Recorded

Note 1: Track has been inspected in accordance with MBTA's specifications for track inspection. MBTA Track Personnel are responsible for taking corrective action on observed conditions/defects and to notify operations of slow orders and or other corrective measures that are required for the safe passage of trains.
Note 2: If no new defects are found, no defects appear above and personnel's signature indicates the inspection was fully performed for the segment. If defects are found, personnel's signature indicates that they have verified the defects found in the report were found during the inspection and they are reflected in the Optram system (link available in the "Optram" column).

System Repairperson: **Date:** 9/23/2024

40. However, at the time of her September 23, 2024, inspection, MENDES was inside of her vehicle which was parked outside of Cabot Garage. At approximately 8:27 a.m., minutes before her inspection purportedly began, MENDES walked out of Cabot Garage and to her vehicle. MENDES wore a yellow safety vest, a black jacket, and a white shirt. At approximately 8:28 a.m., according to surveillance footage, MENDES approached the passenger side of her vehicle and appeared to rummage inside the vehicle. MENDES then climbed inside the passenger side of the vehicle. MENDES remained inside of the vehicle for close to an hour and a half, or until approximately 9:57 a.m., which was 13 minutes after her inspection had allegedly ended. MENDES (circled in red) then reappeared wearing only her white shirt.



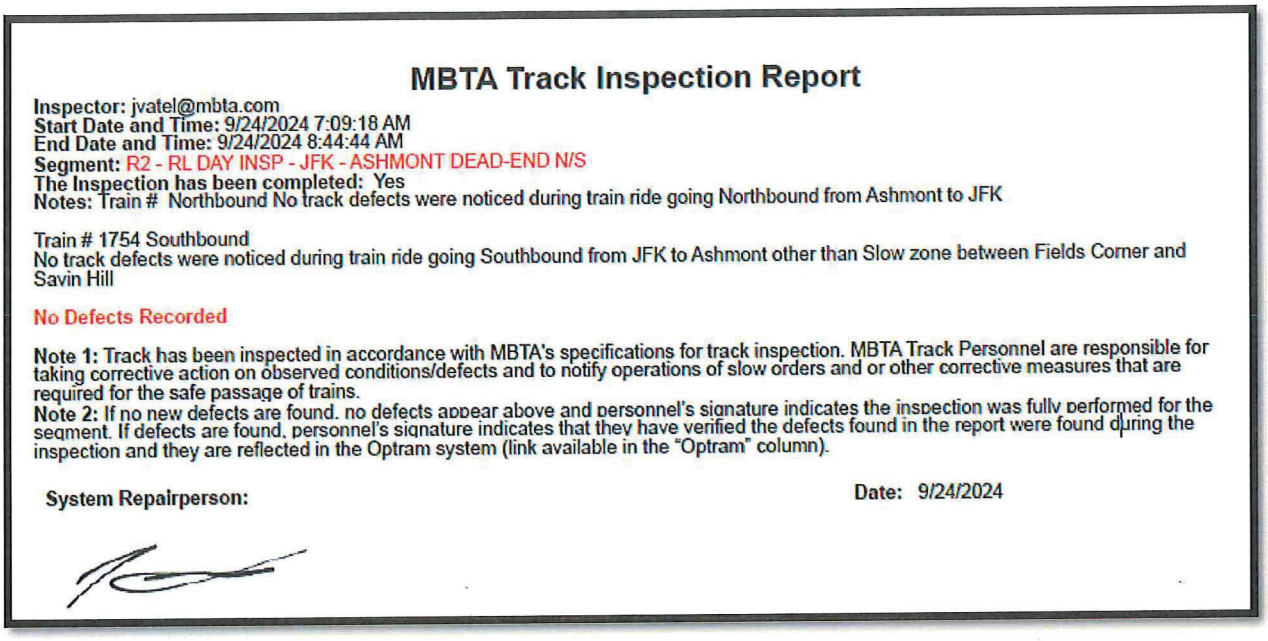
41. In submitting the inspection report on or about September 23, 2024, MENDES knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

VATEL Submitted a False Inspection Report on September 24, 2024

42. On or about September 24, 2024, VATEL submitted an inspection report in which he falsely stated that he had completed a track inspection.

43. According to the report, the inspector was "jvatel@mbta.com," which was the email address assigned to VATEL. The report stated that the inspection began at 7:09 a.m. and ended at 8:44 a.m. on September 24, 2024. The inspection was allegedly of the tracks between the

JFK/UMass and Ashmont Stations and no defects were recorded. Under whether "Inspection has been completed," the report stated, "Yes." VATEL signed the report.



MBTA Track Inspection Report

Inspector: jvatel@mbta.com
Start Date and Time: 9/24/2024 7:09:18 AM
End Date and Time: 9/24/2024 8:44:44 AM
Segment: R2 - RL DAY INSP - JFK - ASHMONT DEAD-END N/S
The Inspection has been completed: Yes
Notes: Train # Northbound No track defects were noticed during train ride going Northbound from Ashmont to JFK

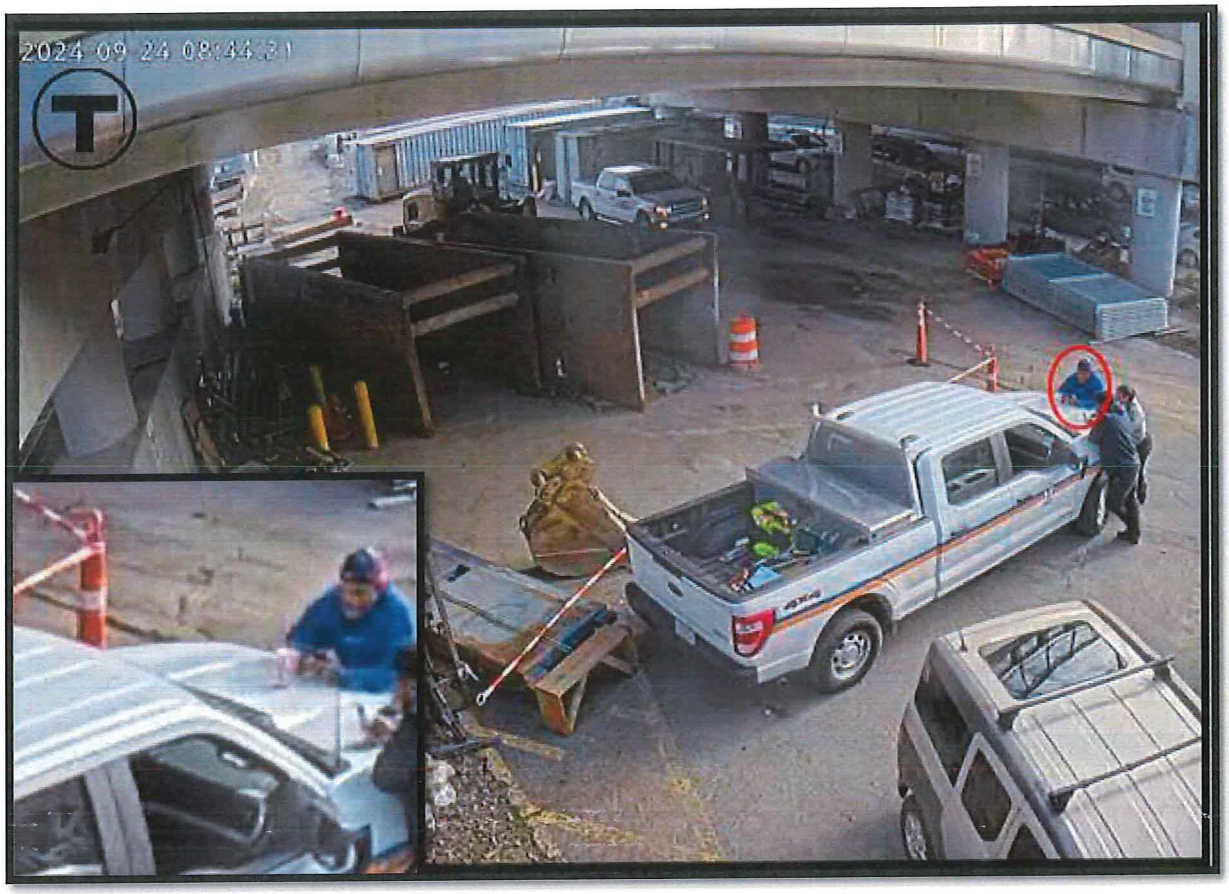
Train # 1754 Southbound
No track defects were noticed during train ride going Southbound from JFK to Ashmont other than Slow zone between Fields Corner and Savin Hill

No Defects Recorded

Note 1: Track has been inspected in accordance with MBTA's specifications for track inspection. MBTA Track Personnel are responsible for taking corrective action on observed conditions/defects and to notify operations of slow orders and or other corrective measures that are required for the safe passage of trains.
Note 2: If no new defects are found, no defects appear above and personnel's signature indicates the inspection was fully performed for the segment. If defects are found, personnel's signature indicates that they have verified the defects found in the report were found during the inspection and they are reflected in the Optram system (link available in the "Optram" column).

System Repairperson: **Date:** 9/24/2024

44. At the time VATEL allegedly conducted his inspection on September 24, 2024, according to surveillance footage, VATEL was at Cabot Garage. VATEL arrived at Cabot Garage at approximately 6:52 a.m. At approximately 7:50 a.m., or approximately 51 minutes into his inspection, VATEL was outside of Cabot Garage chatting with other MBTA employees. At approximately 8:20 a.m., VATEL remained at Cabot Garage, chatting with other individuals. At approximately 8:44 a.m., the time VATEL "completed" his inspection, VATEL was observed on the surveillance camera manipulating a cellular phone. In the surveillance still below, VATEL was dressed in a blue sweatshirt with a dark blue baseball cap (circled in red, and inset photo).



45. In submitting the inspection report on or about September 24, 2024, VATEL knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

GAMBLE Submitted a False Inspection Report on October 8, 2024

46. On or about October 8, 2024, GAMBLE submitted an inspection report in which he falsely stated that he had completed a track inspection.

47. According to the report, the inspector was "rgamble@mbta.com," which was the email address assigned to GAMBLE. The report stated that the inspection began at 9:12 a.m. and

ended at 9:58:58 a.m. The inspection was allegedly of the tracks at Codman Yard. Under whether "Inspection has been completed," the report stated, "Yes."

MBTA Track Inspection Report

Inspector: rgamble@mbta.com
Start Date and Time: 10/8/2024 9:12:26 AM
End Date and Time: 10/8/2024 9:58:58 AM
Segment: R2 - RL DAY INSP - CODMAN YARD
The Inspection has been completed: Yes
Notes:

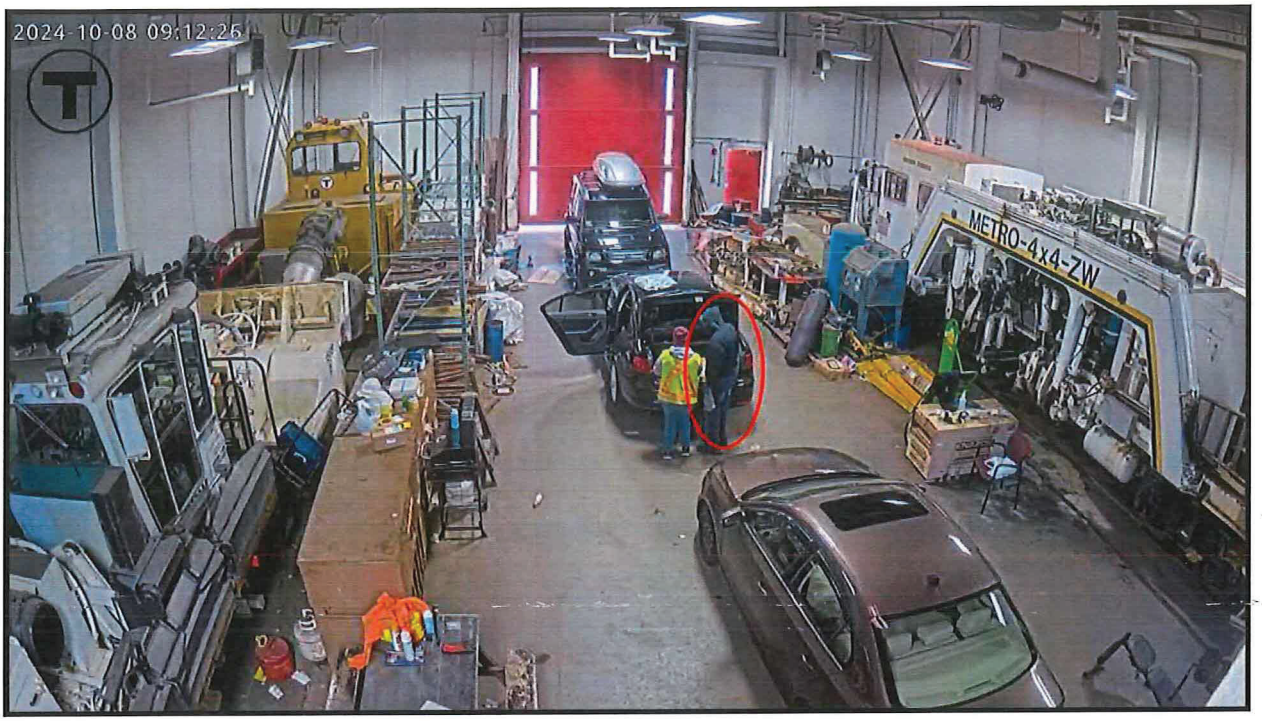
Unique Id	Date	Status	Priority	Component	Problem	Description	Line	Track	Rail	Start CM	End CM	Image	Optram
b6142698 Verified Existing Defect - No Change SCID-1294	10/8/2024 9:36:36 AM	PENDING	Red	Switch	TK-300 Incorrect flangeway width	FW56: TK-300 Incorrect flangeway width	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link
c9df48cc Verified Existing Defect - No Change SCID-897	10/8/2024 9:15:38 AM	PENDING	Red	Switch	TK-300 Incorrect flangeway width	FW34: TK-300 Incorrect Flangeway Width:	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link
1c4ff7d0 Verified Existing Defect - No Change SCID-1295	10/8/2024 9:29:56 AM	PENDING	Yellow	Switch	TK-100 Gauge - wide	G78: TK-100 Gauge - wide	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link
3166c3a4 Verified Existing Defect - No Change SCID-900	10/8/2024 9:47:04 AM	PENDING	Yellow	Switch	TK-100 Gauge - wide	G34: TK-100 Gauge-Wide:	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link
3b7807bb Verified Existing Defect - No Change SCID-877	10/8/2024 9:53:03 AM	PENDING	Yellow	Switch	TK-100 Gauge - wide	G56: TK-100 Gauge-Wide:	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link
603d1d1e Verified Existing Defect - No Change SCID-996	10/8/2024 9:18:19 AM	PENDING	Yellow	Switch	TK-314 Frog point - chipped or worn	Frog Assembly: TK-314 Frog Point-Chipped Or Worn	Codman Yard	TK-RAY-MXT		0.00	0.00		Optram Link

Note 1: Track has been inspected in accordance with MBTA's specifications for track inspection. MBTA Track Personnel are responsible for taking corrective action on observed conditions/defects and to notify operations of slow orders and or other corrective measures that are required for the safe passage of trains.
Note 2: If no new defects are found, no defects appear above and personnel's signature indicates the inspection was fully performed for the segment. If defects are found, personnel's signature indicates that they have verified the defects found in the report were found during the inspection and they are reflected in the Optram system (link available in the "Optram" column).

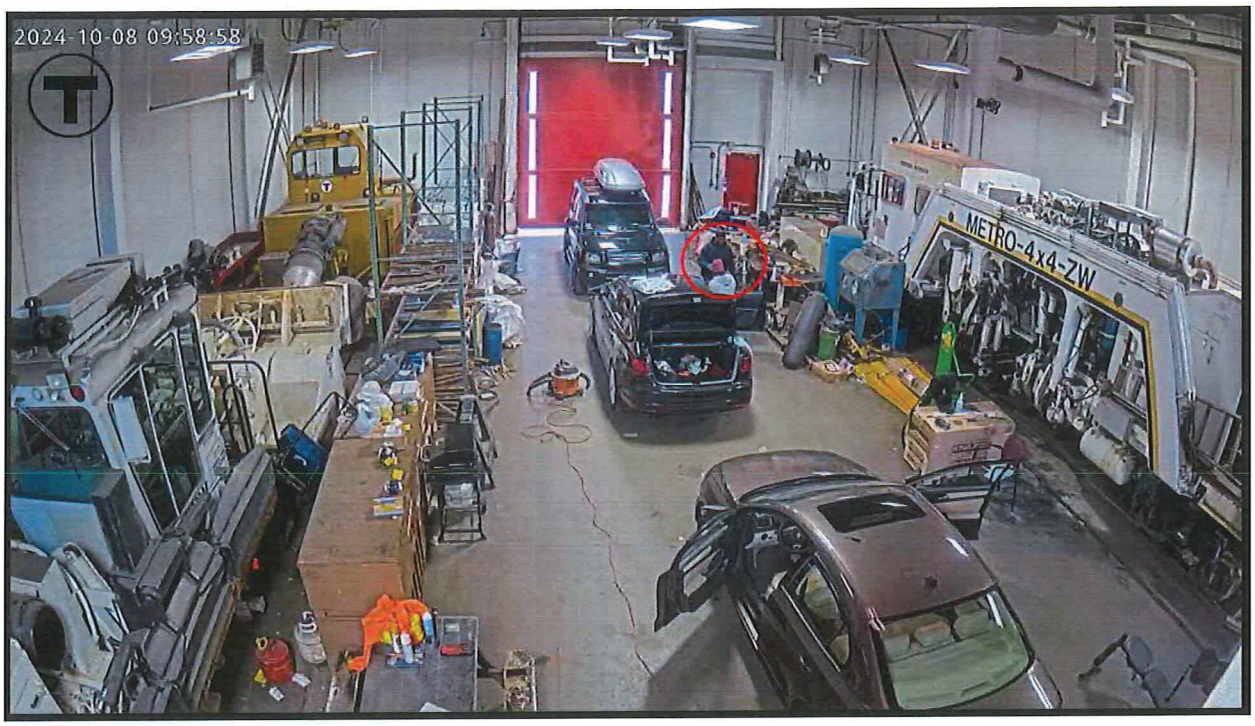
System Repairperson: Date: 10/8/2024



48. At approximately 9:12 a.m. on October 8, 2024, or when his inspection purportedly began, GAMBLE (circled in red) was with MENDES (wearing pink hat and yellow vest) inside Cabot Garage:



49. At approximately 9:46 a.m., or approximately 34 minutes into his claimed inspection, GAMBLE remained at Cabot Garage with MENDES, who watched a phone during the duration of GAMBLE's inspection. At approximately 9:58 a.m., or the time the inspection allegedly ended, MENDES (wearing pink hat) walked to GAMBLE with the phone, and GAMBLE touched his finger to the screen of the phone (shown in following photo):



50. In submitting the inspection report on or about October 8, 2024, GAMBLE knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

GAMBLE Submitted a False Inspection Report on October 14, 2024

51. On or about October 14, 2024, GAMBLE submitted an inspection report in which he falsely stated that he had completed a track inspection.

52. According to the report, the inspector was "rgamble@mbta.com," which was the email address assigned to GAMBLE. The report stated that the inspection began on October 14, 2024, at 11:47 a.m. and ended at 3:22 p.m. The inspection was allegedly of the tracks at Codman Yard. Under whether "Inspection has been completed," the report stated, "Yes."

53. According to the report, GAMBLE claimed to have verified four separate defects, on different tracks, within one minute, between approximately 3:20 p.m. and 3:21 p.m. on October 14, 2024. GAMBLE's purported discovery of the defects also happened in the last minute before his inspection ended. GAMBLE signed the report.

MBTA Track Inspection Report

Inspector: rgamble@mbta.com
Start Date and Time: 10/14/2024 11:47:15 AM
End Date and Time: 10/14/2024 3:22:12 PM
Segment: R2 - RL DAY INSP - CODMAN YARD
The Inspection has been completed: Yes
Notes:

Unique Id	Date	Status	Priority	Component	Problem	Description	Line	Track	Rail	Start CM	End CM	Image	Optram
2c02dc3d Verified Existing Defect - No Change: 6443c018	10/14/2024 3:21:41 PM	PENDING	Green	Tie	TK-500 Excessive defective ties / 39 ft	Track 4 car number 1 area bad ties	Codman Yard	TK-RAY-T04	Both	1.00	1.00	Image Link	Optram Link
3b8433ae Verified Existing Defect - No Change: ba8fa2ca	10/14/2024 3:21:30 PM	PENDING	Green	Tie	TK-501 Successive defective ties	Bad ties at Switch# 16-1A.	Codman Yard	TK-RAY-T02	Both	1.00	1.00	Image Link	Optram Link
686ef92a Verified Existing Defect - No Change: c064adc6	10/14/2024 3:21:58 PM	PENDING	Green	Tie	TK-501 Successive defective ties	Bad ties between switches #6 and #10.	Codman Yard	TK-RAY-T06	Both	1.00	1.00	Image Link	Optram Link
77b52fc4 Verified Existing Defect - No Change: 5956c6d9	10/14/2024 3:20:56 PM	PENDING	Green	Tie	TK-501 Successive defective ties	Defect has been fixed	Codman Yard	TK-RAY-T01	Both	1.00	1.00	Image Link	Optram Link

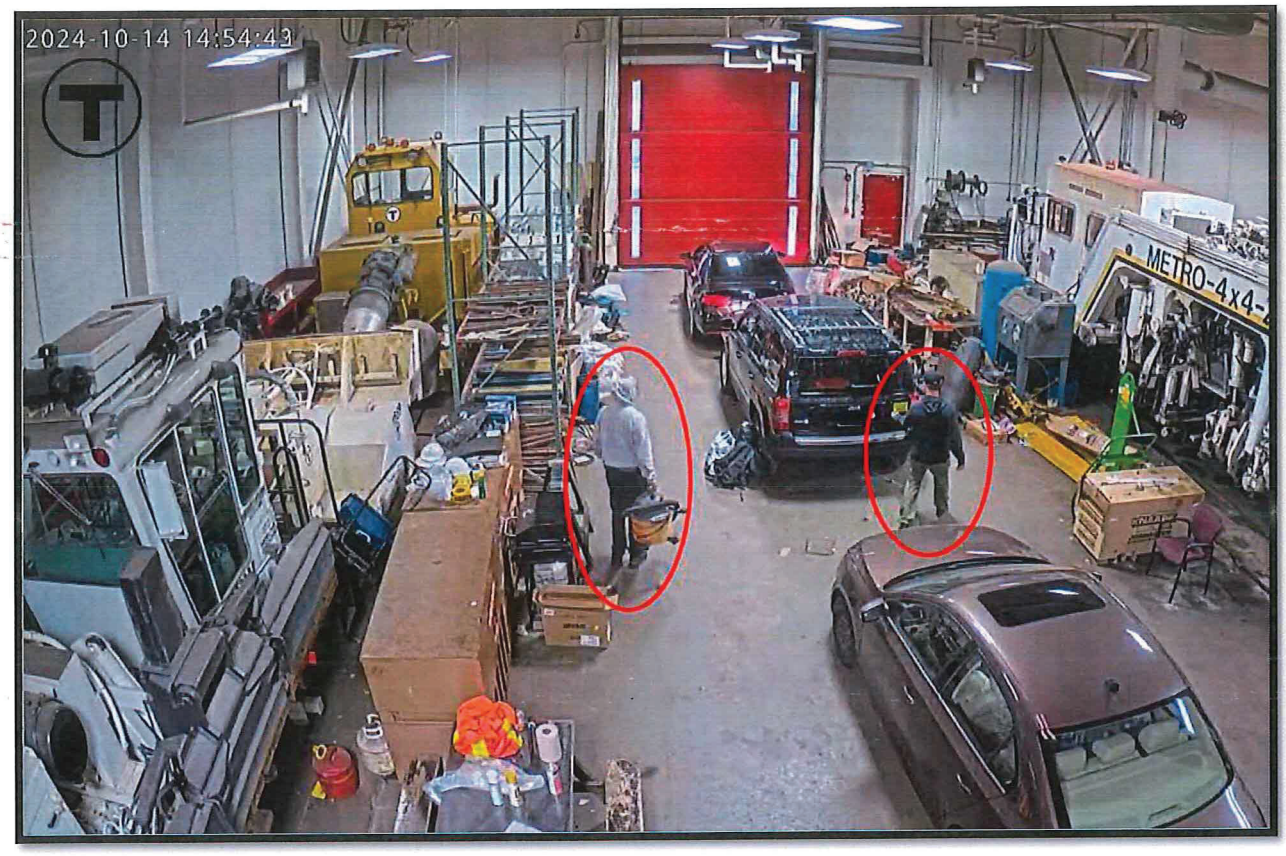
Note 1: Track has been inspected in accordance with MBTA's specifications for track inspection. MBTA Track Personnel are responsible for taking corrective action on observed conditions/defects and to notify operations of slow orders and or other corrective measures that are required for the safe passage of trains.
Note 2: If no new defects are found, no defects appear above and personnel's signature indicates the inspection was fully performed for the segment. If defects are found, personnel's signature indicates that they have verified the defects found in the report were found during the inspection and they are reflected in the Optram system (link available in the "Optram" column).

System Repairperson: **Date:** 10/14/2024

54. According to video, GAMBLE entered Cabot Garage at approximately 6:29 a.m. on October 14, 2024. At approximately 6:29 a.m. and 6:37 a.m., GAMBLE backed into the Garage two black sedans that belonged to private individuals. At approximately 10:53 a.m., another Red Line employee subordinate to PFAFFINGER backed into the Garage a black Jeep, which belonged

to PFAFFINGER. GAMBLE repeatedly walked in and out of the Garage all morning, as the other Red Line employee worked on the sedans.

55. At the time GAMBLE allegedly conducted his October 14, 2024, inspection, according to surveillance footage, GAMBLE was at Cabot Garage. At approximately 2:54 p.m., or approximately 3 hours and 7 minutes into his purported inspection, GAMBLE was inside of the Garage. In the screenshot below, GAMBLE was dressed in a light grey sweatshirt with the hood up, carrying a vacuum cleaner, while chatting with PFAFFINGER (wearing dark colored sweatshirt and hat).



56. At approximately 2:56 p.m., GAMBLE entered the black Volkswagen sedan parked closest to the red garage door and drove out of Cabot Garage. The vehicle belonged to a

private individual. The middle vehicle was PFAFFINGER's black Jeep. PFAFFINGER drove his Jeep past GAMBLE's vehicle. GAMBLE then drove the sedan out of the Cabot Garage parking lot at approximately 3:01 p.m.

57. In submitting the inspection report on or about October 14, 2024, GAMBLE knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

PFAFFINGER Submitted a False Work Order Report on October 15, 2024

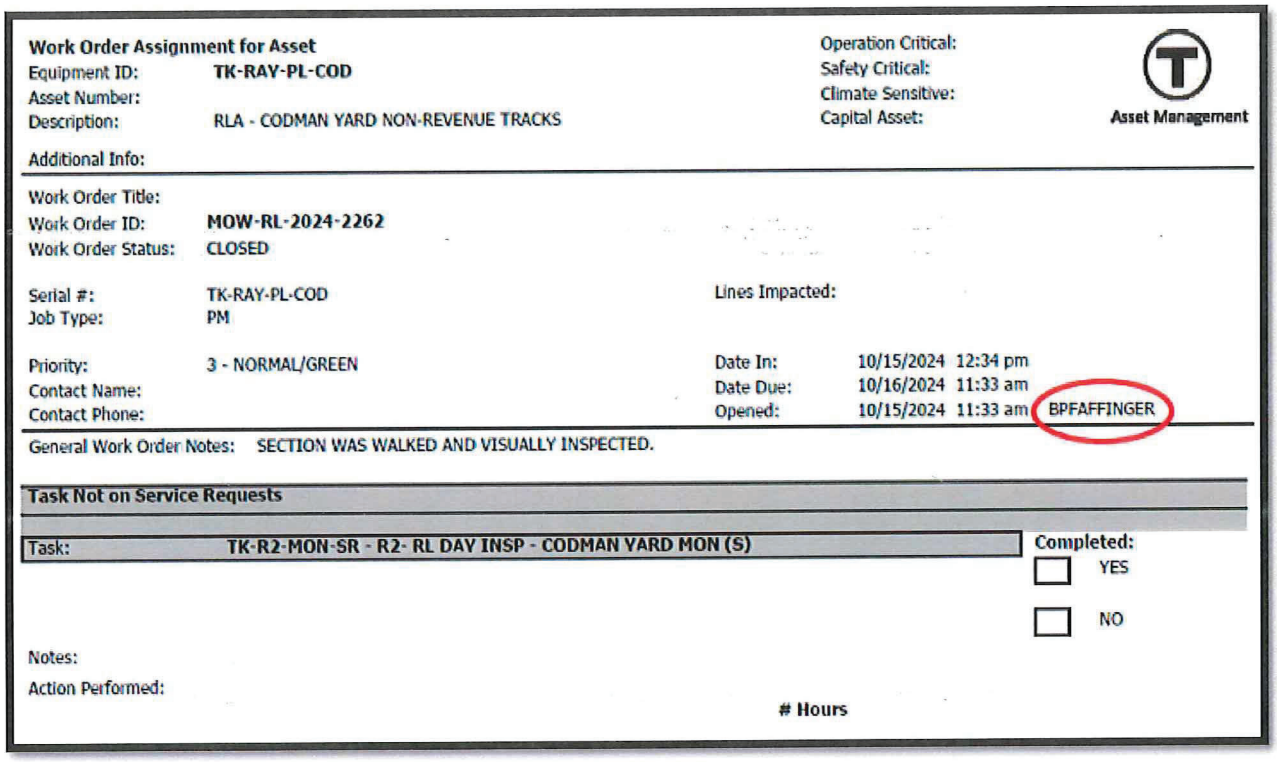
58. As GAMBLE's supervisor, PFAFFINGER was responsible for reviewing and ensuring the accuracy of GAMBLE's track inspection reports. PFAFFINGER was also responsible for documenting the status of GAMBLE's track inspection in a work order.

59. According to GAMBLE's falsified October 14, 2024, inspection report, his inspection began at 11:47 a.m. and ended at 3:22 p.m. However, GAMBLE was inside of Cabot Garage at approximately 2:54 p.m. with PFAFFINGER. PFAFFINGER left Cabot Garage shortly after in his Black Jeep.

60. At approximately 3:52 p.m., or less than one hour after speaking to GAMBLE inside of Cabot Garage, PFAFFINGER received an automatic email generated from MaxTrax with GAMBLE's October 14, 2024, falsified inspection report. The subject line of the email read, "MBTA Track Inspection Report for Inspector rgamble@mbta.com on 10/14/2024 11:47:15 AM requested by the Inspector on 10/14/2024 3:23:09 PM." The email also contained information

regarding the inspection, including the start date and time and the end date and time. The email also contained the inspection report as an attachment.

61. On or about October 15, 2024, or the day after GAMBLE's falsified inspection report, PFAFFINGER initiated a work order for GAMBLE's October 14, 2024, inspection of Codman Yard. PFAFFINGER knew that the work order would constitute a false statement, because at various times during GAMBLE's alleged October 14, 2024, track inspection at Codman Yard, PFAFFINGER was present with GAMBLE inside the Cabot Garage, and PFAFFINGER knew that GAMBLE was using the Cabot Garage to perform private automobile work.



Work Order Assignment for Asset

Equipment ID: **TK-RAY-PL-COD**
Asset Number:
Description: RLA - CODMAN YARD NON-REVENUE TRACKS
Additional Info:

Operation Critical:
Safety Critical:
Climate Sensitive:
Capital Asset:

Asset Management

Work Order Title:
Work Order ID: **MOW-RL-2024-2262**
Work Order Status: **CLOSED**

Serial #: TK-RAY-PL-COD
Job Type: PM

Lines Impacted:

Priority: 3 - NORMAL/GREEN
Contact Name:
Contact Phone:

Date In: 10/15/2024 12:34 pm
Date Due: 10/16/2024 11:33 am
Opened: 10/15/2024 11:33 am BPFAFFINGER

General Work Order Notes: SECTION WAS WALKED AND VISUALLY INSPECTED.

Task Not on Service Requests

Task: **TK-R2-MON-SR - R2- RL DAY INSP - CODMAN YARD MON (S)**

Completed:
☐ YES
☐ NO

Notes:
Action Performed:

 # Hours

62. In creating the work order on or about October 15, 2024, PFAFFINGER willfully and knowingly made and caused to be made a materially false, fictitious, and fraudulent entry in a record and document with intent to impede, obstruct, and influence the proper administration of a matter within the jurisdiction of the executive branch of the Government of the United States.

COUNTS ONE - SIX
Falsification of Records; Aiding and Abetting
(18 U.S.C. § 1519; 18 U.S.C. § 2)

The Grand Jury charges:

63. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 62 of this Indictment.

64. On or about the dates below, in the District of Massachusetts and elsewhere, the defendants,

(1) ANDY VICENTE,
(2) NATHALIE MENDES,
(3) JENSEN VATEL,
(4) RONALD GAMBLE, and
(5) BRIAN PFAFFINGER,

did knowingly conceal, cover up, falsify, and make a false entry in any record and document with the intent to impede, obstruct, and influence the proper administration of any matter within the jurisdiction of any department and agency of the United States, to wit, the United States Department of Transportation, and in relation to and contemplation of any such matter, as follows:

Count	Defendant(s)	Date	Record Falsification
1	(1) VICENTE	9/19/2024	Sep. 19, 2024 Track Inspection Report
2	(2) MENDES	9/23/2024	Sep. 23, 2024 Track Inspection Report
3	(3) VATEL	9/24/2024	Sep. 24, 2024 Track Inspection Report
4	(4) GAMBLE	10/8/2024	Oct. 8, 2024 Track Inspection Report
5	(4) GAMBLE; (5) PFAFFINGER	10/14/2024	Oct. 14, 2024 Track Inspection Report
6	(4) GAMBLE; (5) PFAFFINGER	10/15/2024	Oct. 15, 2024 Work Order

All in violation of Title 18, United States Code, Sections 1519 and 2.

COUNTS SEVEN - TWELVE
False Statements; Aiding and Abetting
(18 U.S.C. § 1001(a)(2); 18 U.S.C. § 2)

The Grand Jury further charges:

65. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 62 of this Indictment.

66. On or about the dates below, in the District of Massachusetts and elsewhere, the defendants,

(1) ANDY VICENTE,
(2) NATHALIE MENDES,
(3) JENSEN VATEL,
(4) RONALD GAMBLE, and
(5) BRIAN PFAFFINGER,

knowingly and willfully made a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, the United States Department of Transportation, as follows:

Count	Defendant(s)	Date	False Statement
7	(1) VICENTE	9/19/2024	Sep. 19, 2024 Track Inspection Report
8	(2) MENDES	9/23/2024	Sep. 23, 2024 Track Inspection Report
9	(3) VATEL	9/24/2024	Sep. 24, 2024 Track Inspection Report
10	(4) GAMBLE	10/8/2024	Oct. 8, 2024 Track Inspection Report
11	(4) GAMBLE; (5) PFAFFINGER	10/14/2024	Oct. 14, 2024 Track Inspection Report
12	(4) GAMBLE; (5) PFAFFINGER	10/15/2024	Oct. 15, 2024 Work Order

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

TRUE BILL

FOREPERSON

LUCY SUN
DUSTIN CHAO
ASSISTANT UNITED STATES ATTORNEYS
DISTRICT OF MASSACHUSETTS

District of Massachusetts: MAY 22, 2025
Returned into the District Court by the Grand Jurors and filed.

/s/ Noreen A. Russo
DEPUTY CLERK at 3:07 PM

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: MA **Category No.** II **Investigating Agency** DOT-OIG

City Boston

County Suffolk

Related Case Information:
Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number 25-1082-87-DLC; 25-1044-49-DLC
R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ ☐ Yes ☑ No

Defendant Name Andy Vicente Juvenile: ☐ Yes ☑ No

Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☑ No

Alias Name: _____

Address: 36 Mariposa St., Hyde Park, MA 02136

Birth date (Yr only): 1989 SSN (last 4#): 4168 Sex: M Race Black Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: Lucy Sun/Dustin Chao Bar Number if applicable: _____

Interpreter: ☐ Yes ☑ No List language and/or dialect: _____

Victims: ☐ Yes ☑ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☑ Yes ☐ No

☑ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status: _____

Arrest Date: _____

☐ Already in Federal Custody as of _____ in _____.
☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial
☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☐ Complaint ☐ Information ☑ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☑ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☑ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: 5/22/2025 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Andy Vicente

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1519	Falsification of Records	One
Set 2	18 U.S.C. § 1001(a)(2)	False Statements	Seven
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: MA **Category No.** II **Investigating Agency** DOT-OIG

City Boston

County Suffolk

Related Case Information:

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number 25-1082-87-DLC; 25-1044-49-DLC

R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ ☐ Yes ☑ No

Defendant Name Nathalie Mendes Juvenile: ☐ Yes ☑ No

Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☑ No

Alias Name: _____

Address: 267 Nash Rd., Apt. 2, New Bedford, MA 02746

Birth date (Yr only): 1972 SSN (last 4#): 7233 Sex: F Race Black Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: Lucy Sun/Dustin Chao Bar Number if applicable: _____

Interpreter: ☐ Yes ☑ No List language and/or dialect: _____

Victims: ☐ Yes ☑ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☑ Yes ☐ No

☑ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status: _____

Arrest Date: _____

☐ Already in Federal Custody as of _____ in _____.

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☐ Complaint ☐ Information ☑ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☑ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☑ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: 5/22/2025 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Nathalie Mendes

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1519	Falsification of Records	Two
Set 2	18 U.S.C. § 1001(a)(2)	False Statements	Eight
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: MA **Category No.** II **Investigating Agency** DOT-OIG

City Boston

County Suffolk

Related Case Information:

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number 25-1082-87-DLC; 25-1044-49-DLC

R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ ☐ Yes ☑ No

Defendant Name Jensen Vatel Juvenile: ☐ Yes ☑ No

Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☑ No

Alias Name: _____

Address: 85 12th Ave., Brockton, MA 02302

Birth date (Yr only): 1982 SSN (last 4#): 6580 Sex: M Race Black Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: Lucy Sun/Dustin Chao Bar Number if applicable: _____

Interpreter: ☐ Yes ☑ No List language and/or dialect: _____

Victims: ☐ Yes ☑ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☑ Yes ☐ No

☑ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status: _____

Arrest Date: _____

☐ Already in Federal Custody as of _____ in _____.

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☐ Complaint ☐ Information ☑ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☑ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☑ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: 5/22/2025 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Jensen Vatel

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1519	Falsification of Records	Three
Set 2	18 U.S.C. § 1001(a)(2)	False Statements	Nine
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: MA **Category No.** II **Investigating Agency** DOT-OIG

City Boston

County Suffolk

Related Case Information:

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number 25-1082-87-DLC; 25-1044-49-DLC

R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ ☐ Yes ☑ No

Defendant Name Ronald Gamble Juvenile: ☐ Yes ☑ No

Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☑ No

Alias Name: _____

Address: 82 Crawford Street, Dorchester, MA 02121

Birth date (Yr only): 1963 SSN (last 4#): 2947 Sex: M Race Black Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: Lucy Sun/Dustin Chao Bar Number if applicable: _____

Interpreter: ☐ Yes ☑ No List language and/or dialect: _____

Victims: ☐ Yes ☑ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☑ Yes ☐ No

☑ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status: _____

Arrest Date: _____

☐ Already in Federal Custody as of _____ in _____.

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☐ Complaint ☐ Information ☑ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☑ Felony 6

Continue on Page 2 for Entry of U.S.C. Citations

☑ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: 5/22/2025 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Ronald Gamble

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1519	Falsification of Records	Four
Set 2	18 U.S.C. § 1519; 18 U.S.C. § 2	Falsification of Records; Aiding and Abetting	Five
Set 3	18 U.S.C. § 1519; 18 U.S.C. § 2	Falsification of Records; Aiding and Abetting	Six
Set 4	18 U.S.C. § 1001(a)(2)	False Statements	Ten
Set 5	18 U.S.C. § 1001(a)(2); 18 U.S.C. § 2	False Statements; Aiding and Abetting	Eleven
Set 6	18 U.S.C. § 1001(a)(2); 18 U.S.C. § 2	False Statements; Aiding and Abetting	Twelve
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised U.S.D.C. MA 9/20/2023)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: MA **Category No.** II **Investigating Agency** DOT-OIG

City Boston

County Suffolk

Related Case Information:

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number 25-1082-87-DLC; 25-1044-49-DLC

R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ ☐ Yes ☑ No

Defendant Name Brian Pfaffinger Juvenile: ☐ Yes ☑ No

Is this person an attorney and/or a member of any state/federal bar: ☐ Yes ☑ No

Alias Name: _____

Address: 61 Homestead Ave., Marshfield, MA 02150

Birth date (Yr only): 1978 SSN (last 4#): 6985 Sex: M Race White Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: Lucy Sun/Dustin Chao Bar Number if applicable: _____

Interpreter: ☐ Yes ☑ No List language and/or dialect: _____

Victims: ☐ Yes ☑ No If yes, are there multiple crime victims under 18 USC§3771(d)(2) ☐ Yes ☐ No

Matter to be SEALED: ☑ Yes ☐ No

☑ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status: _____

Arrest Date: _____

☐ Already in Federal Custody as of _____ in _____.

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☐ Complaint ☐ Information ☑ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☑ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☑ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: 5/22/2025 Signature of AUSA: _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Brian Pfaffinger

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1519; 18 U.S.C. § 2	Falsification of Records; Aiding and Abetting	Five
Set 2	18 U.S.C. § 1519; 18 U.S.C. § 2	False Statements; Aiding and Abetting	Six
Set 3	18 U.S.C. § 1001(a)(2); 18 U.S.C. § 2		Eleven
Set 4	18 U.S.C. § 1001(a)(2); 18 U.S.C. § 2		Twelve
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: