

1 E. KATE PATCHEN (NYRN 4104634)
2 ALBERT B. SAMBAT (CSBN 236472)
3 MICHAEL A. RABKIN (ILRN 6293597)
4 U.S. Department of Justice
5 Antitrust Division
6 450 Golden Gate Avenue
7 Box 36046, Room 10-0101
8 San Francisco, CA 94102
9 Telephone: (415) 934-5300
10 michael.rabkin@usdoj.gov

11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

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RICHARD W. WICKING
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NORTHERN DISTRICT OF CALIFORNIA

JSW

15 UNITED STATES OF AMERICA

16 v.

17 RAMIN RAD ("Ray") YEGANEH,
18 Defendant.

CR 15 0339
No.

) VIOLATIONS: 15 U.S.C. § 1 –
) Bid Rigging (Count One); 18 U.S.C.
) § 1349 – Conspiracy to Commit Mail
) Fraud (Count Two); 18 U.S.C.
) § 981(a)(1)(C); 28 U.S.C. § 2461(c) –
) Forfeiture

19
20 I N D I C T M E N T

21 The Grand Jury charges that:

22 BACKGROUND

23 1. At all times relevant to this Indictment, when California homeowners defaulted on
24 their mortgages, mortgage holders could institute foreclosure proceedings and sell the properties
25 through non-judicial public real estate foreclosure auctions ("public auctions"). These public
26 auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a trustee was
27 appointed to oversee the public auctions. These public auctions usually took place at or near the
28 courthouse of the county in which the properties were located. The auctioneer, acting on behalf

1 of the trustee, sold the property to the bidder offering the highest purchase price. Proceeds from
2 the sale were then used to pay the mortgage holders, other holders of debt secured by the
3 property, and, in some cases, the defaulting homeowner (collectively "beneficiaries").

4 2. During the period covered by this Indictment, defendant RAMIN YEGANEH was
5 a bidder at and purchased real estate at public auctions in Alameda County, California.

6 **COUNT ONE: 15 U.S.C. § 1 – Bid Rigging**

7 3. The following individual is hereby indicted and made a defendant on the charge
8 contained in Count One below:

9 RAMIN YEGANEH.

10 **THE COMBINATION AND CONSPIRACY**

11 4. Paragraphs 1 and 2 of this Indictment are re-alleged and incorporated herein as if
12 fully set forth in this Count.

13 5. Beginning as early as September 2008 and continuing until in or about January
14 2011, the exact dates being unknown to the Grand Jury, the defendant, RAMIN YEGANEH, and
15 others known and unknown to the Grand Jury, entered into and engaged in a combination and
16 conspiracy to suppress and restrain competition by rigging bids to obtain dozens of selected
17 properties offered at public auctions in Alameda County in the Northern District of California, in
18 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title
19 15, United States Code, Section 1.

20 6. The charged combination and conspiracy consisted of a continuing agreement,
21 understanding, and concert of action among the defendant and his co-conspirators to suppress
22 competition by refraining from and stopping bidding against each other to purchase dozens of
23 selected properties at public auctions in Alameda County at non-competitive prices.

24 **MEANS AND METHODS OF THE BID-RIGGING CONSPIRACY**

25 7. For the purpose of forming and carrying out the charged combination and
26 conspiracy, the defendant and his co-conspirators did those things that they combined and
27 conspired to do, including, among other things:

28 a. agreeing not to compete to purchase selected properties at public auctions;

1 state to certain beneficiaries located in other states, notifying them of the
2 sale of properties in which the beneficiaries held an interest; and
3 d. beneficiaries included companies that operated in interstate commerce.

4 JURISDICTION AND VENUE

5 10. The combination and conspiracy charged in this Count was carried out, in part, in
6 the Northern District of California, within the five years preceding the return of this Indictment.

7 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

8 COUNT TWO: 18 U.S.C. § 1349 – Conspiracy to Commit Mail Fraud

9 The Grand Jury further charges that:

10 11. The following individual is hereby indicted and made a defendant on the charge
11 contained in Count Two below:

12 RAMIN YEGANEH.

13 THE CONSPIRACY TO COMMIT MAIL FRAUD

14 12. Paragraphs 1 and 2 of this Indictment are re-alleged and incorporated herein as if
15 fully set forth in this Count.

16 13. Beginning as early as September 2008 and continuing until in or about January
17 2011, the exact dates being unknown to the Grand Jury, in Alameda County in the Northern
18 District of California, the defendant, RAMIN YEGANEH, and others known and unknown to the
19 Grand Jury, willfully and knowingly did combine, conspire, and agree with each other to violate
20 Title 18, United States Code, Section 1341, namely, to knowingly and with intent to defraud,
21 devise and participate in a scheme and artifice to defraud beneficiaries, and to obtain money and
22 property from beneficiaries by means of materially false and fraudulent pretenses,
23 representations, and promises, and for purposes of executing such scheme, did use and
24 knowingly caused to be used the United States mail and private or commercial interstate carriers.

25 14. The object of the conspiracy was to fraudulently acquire title to dozens of selected
26 properties sold at public auctions in Alameda County and to divert money to co-conspirators that
27 would have gone to beneficiaries.

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1 15. Various entities and individuals, not made defendants in this Count, participated
2 as co-conspirators in the offense charged and performed acts and made statements in furtherance
3 thereof.

4 MEANS AND METHODS OF THE CONSPIRACY TO COMMIT MAIL FRAUD

5 16. For the purpose of forming and carrying out the charged conspiracy to defraud,
6 the defendant and his co-conspirators did those things that they conspired to do, including,
7 among other things:

- 8 a. holding second, private auctions, known as "rounds," to determine payoff
9 amounts and the conspirators who would be awarded the selected
10 properties;
- 11 b. making and causing to be made materially false and misleading statements
12 that trustees relied upon to distribute proceeds to beneficiaries and to
13 convey title to selected properties;
- 14 c. paying co-conspirators monies that otherwise would have gone to
15 beneficiaries;
- 16 d. concealing rounds and payoffs from trustees and beneficiaries; and
17 e. causing the suppressed purchase prices to be reported and paid to
18 beneficiaries.

19 USE OF THE MAILS

20 17. In order to execute the conspiracy to defraud, the defendant and his co-
21 conspirators knowingly used and caused to be used the United States Postal Service and private
22 or commercial interstate carriers. For example, trustees used the United States mail and private
23 or commercial interstate carriers to transmit the Trustee's Deeds Upon Sale and other related
24 documents to participants in the conspiracy. In addition, posting companies used the United
25 States mail and private or commercial interstate carriers to transmit receipt of funds and checks
26 obtained from the sale of the properties at the public auctions to the trustee.

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JURISDICTION AND VENUE

18. The conspiracy charged in this Count was carried out, in part, in the Northern District of California, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1349.

FORFEITURE ALLEGATION: 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

19. Paragraphs 1 and 2 and Paragraphs 11 through 18 of this Indictment are hereby re-alleged as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

20. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of the offense alleged in Count Two of this Indictment, the defendant so convicted shall be jointly and severally liable to forfeit to the United States any property constituting, or derived from, proceeds obtained directly or indirectly from the conspiracy to defraud alleged in said Count.

21. If, as a result of any act or omission of the defendant, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

any and all interest that the defendant has in any other property, up to the value of the property described in Paragraph 20, above, shall be forfeited to the United States pursuant to Title 21,

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1 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section
2 2461(c).

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4 Dated: June 25, 2015

A TRUE BILL.



FOREPERSON

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William J. Baer
Assistant Attorney General

Marc Siegel
Chief, San Francisco Office

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12
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14

Brent Snyder
Deputy Assistant Attorney General

Michael A. Rabkin, Trial Attorney
E. Kate Patchen, Assistant Chief
Albert B. Sambat, Trial Attorney
United States Department of Justice
Antitrust Division

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16
17
18

Marvin N. Price
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division

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20
21
22
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Brian J. Stretch
Attorney for the United States
Northern District of California
Acting Under Authority Conferred
by 28 U.S.C. § 515