

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
11-80009-CR-RYSKAMP/HOPKINS
CASE NO. _____

18 U.S.C. § 1349
18 U.S.C. § 215(a)(2)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MACARIO A. DEGUZMAN,

Defendant.

_____ /

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Regions Bank was a financial institution whose accounts were insured by the Federal Deposit Insurance Corporation. Regions Bank provided personal and business lines of credit to qualified borrowers.

2. Defendant **MACARIO DEGUZMAN** was employed as a private banker at Regions Bank. He was responsible for processing applications for loans and lines of credit from borrowers.

3. AmTrust Bank was a financial institution whose accounts were insured by the Federal Deposit Insurance Corporation. AmTrust Bank provided business credit cards to qualified borrowers.

4. Defendant **MACARIO DEGUZMAN** was employed as a branch manager at AmTrust Bank. He was responsible for processing applications for business credit cards from borrowers.

COUNT 1
(Conspiracy to Commit Bank Fraud: 18 U.S.C. § 1349)

5. Paragraphs 1 and 2 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.

6. From in or about June 2009, through in or about December 2009, at Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

MACARIO DEGUZMAN,

did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to the United States Attorney, to execute, and cause the execution of, a scheme and artifice to defraud a financial institution, that is, Regions Bank, and to obtain any of the moneys, funds, assets and other property owned by and under the custody and control of said financial institution, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Sections 1344 and 2.

PURPOSE OF THE CONSPIRACY

7. It was the purpose and object of the conspiracy for the defendant and his co-conspirators to unlawfully enrich themselves by (a) preparing and submitting to financial institutions false and fraudulent lines of credit applications and financial documents on behalf of borrowers, (b) paying kickbacks to the defendant in order to facilitate the processing of the fraudulent lines of credit, and (c) collecting substantial fees from the borrowers in return for these services and distributing the fees among the defendant and his co-conspirators.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the objects and purpose of the conspiracy included, but were not limited to, the following:

8. John Doe ("J.D."), who was a former mortgage broker, assisted businesses and individuals with obtaining personal and business lines of credit. To induce clients to use his services, J.D. represented that he had connections with numerous bankers who could assist him in getting clients up to \$300,000 in lines of credit. To take advantage of his services, the clients were required to pay J.D. a fee typically ranging from 10% to 20% of the loan amount, which was either paid up front or after the line of credit was funded by the bank.

9. Many of the clients who sought assistance from J.D. lacked the income, credit scores, and/or collateral to qualify for legitimate lines of credit. Notwithstanding this, J.D. assured the clients that he could get them lines of credit by manipulating the financial information used in the line of credit applications so that the clients appeared to be qualified, when in fact they were not.

10. J.D. utilized the services of other co-conspirator to prepare fraudulent applications in which they falsely reported the client's income and, in many instances, included false and fraudulent financial documents, including false tax returns and false financial statements. The fraudulent application packages were then submitted to local banks, including Regions Bank.

11. J.D. had arrangements with several bank officers, including defendant **MACARIO DEGUZMAN**, who would facilitate the processing of the fraudulent line of credit applications. In return, J.D. would give defendant **MACARIO DEGUZMAN** and the other bank officers a cash kickback, American Express credit card, or other means of remuneration. In many instances, the fraudulent line of credit applications were approved by the bank with little scrutiny of the underlying financial documents; however, in some instances, the fraudulent credit packages were detected and declined by the bank.

12. When the fraudulent lines of credit were approved by the banks, the clients would withdraw funds against the lines of credit, often causing substantial losses to the banks.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-7

(Receipt of a Bribe by a Bank Employee: 18 U.S.C. § 215(a)(2))

13. Paragraphs 1 and 2 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.

14. On or about the dates specified as to each count below, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

MACARIO A. DEGUZMAN,

corruptly accepted and agreed to accept a thing of value, that is, United States currency exceeding \$1,000, from a person, intending to be influenced and rewarded in connection with any transaction and business of Regions Bank, as more particularly described in each count below:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF TRANSACTION</u>
2	October 23, 2008	The defendant processed a \$400,000 business line of credit at Regions Bank for borrower D.W., and in return, accepted an undisclosed kickback from J.D. for processing the loan.
3	December 19, 2008	The defendant processed a \$300,000 business line of credit at Regions Bank for borrower D.D., and in return, accepted an undisclosed kickback from J.D. for processing the loan.
4	January 16, 2009	The defendant processed a \$200,000 business line of credit at Regions Bank for borrower B.M., and in return, accepted an undisclosed kickback from J.D. for processing the loan.
5	February 26, 2009	The defendant processed a \$200,000 business line of credit at Regions Bank for borrower N.B., and in return, accepted an undisclosed kickback from J.D. for processing the loan.
6	June 9, 2009	The defendant processed a \$280,000 business line of credit at Regions Bank for borrower A.P., and in return, accepted an undisclosed kickback from J.D. for processing the loan.

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF TRANSACTION</u>
7	June 30, 2009	The defendant processed a \$200,000 business line of credit at Regions Bank for borrower D.J., and in return, accepted an undisclosed kickback from J.D. for processing the loan.

All in violation of Title 18, United States Code, Section 215(a)(2).

COUNT 8

(Receipt of a Bribe by a Bank Employee: 18 U.S.C. § 215(a)(2))

15. Paragraphs 3 and 4 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.


16. From in or about June 2010, through in or about July 2010, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

MACARIO A. DEGUZMAN,

corruptly accepted and agreed to accept a thing of value, that is, United States currency exceeding \$1,000, from a person, intending to be influenced and rewarded in connection with any transaction and business of AmTrust Bank, that is, the defendant knowingly processed a business credit card application for U.A. which contained fictitious business and personal income information, and in return, accepted a \$10,000 undisclosed kickback from U.A. for processing the business credit card.

In violation of Title 18, United States Code, Section 215(a)(2).


 WIFREDO A. FERRER
 UNITED STATES ATTORNEY


 ROLANDO GARCIA
 ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO.

11-80009-CR-RUSKAMP/
HOPKINS

vs.

CERTIFICATE OF TRIAL ATTORNEY*

MACARIO A. DEGUZMAN,

Defendant.

Superseding Case Information:

Court Division: (Select One)

 Miami Key West
 FTL X WPB FTP

New Defendant(s) _____
Number of New Defendants _____
Total number of counts _____

Yes No

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 3 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u> X </u>	Petty	<u> </u>
II	6 to 10 days	<u> </u>	Minor	<u> </u>
III	11 to 20 days	<u> </u>	Misdem.	<u> </u>
IV	21 to 60 days	<u> </u>	Felony	<u> X </u>
V	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No)

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No

ROLANDO GARCIA
ASSISTANT UNITED STATES ATTORNEY
Court No. 763012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MACARIO A. DEGUZMAN

Case No: 11-80009-CR-BUSKAMP/HOPKINS

Count #: 1

Conspiracy to commit bank fraud.

18 U.S.C. § 1349

* **Max.Penalty:** Up to 30 years' imprisonment; \$1,000,000 fine;
5 years supervised release

Counts #: 2-8

Receipt of a bribe by a bank employee.

18 U.S.C. § 215(a)(2)

* **Max.Penalty:** Up to 30 years' imprisonment; \$1,000,000 fine as to each count;
5 years supervised release

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: 11-80009-CR-RUSKAMP/HOPKINS

BOND RECOMMENDATION

DEFENDANT: MACARIO A. DEGUZMAN

PERSONAL SURETY - \$50,000.00

(Surety) (Recognizance) (Corp. Surety) (Cash) (Jail)

(CSB) (No Bond) (Warrant) (Summons) (Marshal's Custody)

By:


AUSA: ROLANDO GARCIA

Last Known Address: _____

What Facility: _____

Agent(s):

S/A DAN SZCZEPANSKI, FBI

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (**OTHER**)

505 SOUTH FLAGLER DRIVE, SUITE 500

WEST PALM BEACH, FL 33401