

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**12-20005-CR-WILLIAMS/TURNOFF**  
CASE NO. \_\_\_\_\_

18 U.S.C. § 371

18 U.S.C. § 981

UNITED STATES OF AMERICA

vs.

GASTON E. CANTENS,

Defendant.

**INFORMATION**

The United States Attorney charges that:

**GENERAL ALLEGATIONS**

At various times relevant to this Information:

1. Royal West Properties, Inc., ("Royal West") was a corporation based in Miami-Dade County, Florida, that promised to pay investors a fixed rate of return on investments made with the company.

2. Defendant **GASTON E. CANTENS** operated and controlled Royal West.

**CONSPIRACY TO COMMIT MAIL AND WIRE FRAUD**

(18 U.S.C. § 371)

1. Paragraphs 1 and 2 of the General Allegations section of this Information are re-alleged and incorporated by reference as though fully set forth herein.

2. From at least as early as April 2005, the exact date being unknown to the United States Attorney, continuing to in or around the beginning of 2009, in the Southern District of Florida, and elsewhere, the defendant,

**GASTON E. CANTENS,**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with others known and unknown to commit certain offenses against the United States, that is:

- a. to knowingly and with the intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises and, for the purpose of executing such scheme, to knowingly deliver and cause to be delivered certain mail matters by a private or commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1341; and
- b. to knowingly and with the intent to defraud devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises and, for the purpose of executing such scheme, to knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signs or signals, in violation of Title 18, United States Code, Section 1343.

**PURPOSE OF THE CONSPIRACY**

3. It was the purpose of the conspiracy for the defendant and his conspirators to unlawfully enrich themselves by misappropriating monies from investors for their personal use and benefit by making materially false representations and concealing and omitting to state

material facts concerning, among other things, the financial health of Royal West, the manner in which mortgages and properties were assigned as collateral to investors, the assignment of non-performing mortgages, the assignment of mortgages that were paid in full, the proper recording of mortgages, and the recording of investors' interests in properties and mortgages.

#### **MANNER AND MEANS**

The manner and means by which the defendant and his conspirators sought to accomplish the purpose and objects of the conspiracy included, among others, the following:

4. **GASTON E. CANTENS** solicited investors by, among other things, making telephone calls and meeting investors. During the investor solicitation, **CANTENS** represented, and caused others to represent, that Royal West would pay investors a fixed rate of return on investments.

5. To induce investors to invest money with Royal West, **GASTON E. CANTENS** made, and caused others to make, numerous materially false statements to investors, and concealed and omitted to state, and caused others to conceal and omit to state, material facts to investors, including, among others, the following:

#### **Materially False Statements**

(a) That Royal West was a financially healthy corporation when, in truth and in fact and as **GASTON E. CANTENS** knew, Royal West was nearly insolvent;

(b) That Royal West paid investors from revenues that Royal West received from the sales of properties and mortgages payments when, in truth and in fact and as **GASTON E. CANTENS** knew, Royal West paid older investors using the investments of newer investors;

**Concealment and Omission of Material Facts**

(c) That Royal West repeatedly and as a practice assigned the same properties and mortgages to more than one investor as collateral without informing any investor that the properties and mortgages had previously been assigned as collateral;

(d) That Royal West repeatedly and as a practice assigned non-performing mortgages as collateral to investors;

(e) That Royal West assigned as collateral to investors mortgages that had been paid off in full with no expectations of future payments; and

(f) That Royal West repeatedly and as a practice failed to record mortgages.

6. **GASTON E. CANTENS** caused the mailing of account statements to investors which fraudulently assured investors that their moneys had been properly collateralized.

7. **GASTON E. CANTENS** induced an investor to wire money into Royal West's bank account as an investment in Royal West.

**OVERT ACTS**

In furtherance of the conspiracy and to achieve the purpose thereof, at least one of the conspirators committed or caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. In or around February 2008, **GASTON E. CANTENS** assigned a piece of property ("Property A") to Our Lady of Belen Jesuit as collateral for an investment.

2. In or around April 2008, **GASTON E. CANTENS** assigned the mortgage generated from the sale of Property A by Royal West to investor "S.M." as collateral for an investment.

3. In or around May 2008, **GASTON E. CANTENS** assigned Property A to investor "R.R." as collateral for an investment.

4. In or around April 2005, **GASTON E. CANTENS** assigned a second piece of property ("Property B") to investor "M.R." as collateral for an investment.

5. In or around April 2008, **GASTON E. CANTENS** assigned Property B to investor "A.B." as collateral for an investment.

6. In May 2008, **GASTON E. CANTENS** assigned an unrecorded mortgage on Property B to investor "M.P." as collateral for an investment.

7. In or around June 2008, **GASTON E. CANTENS** assigned a defaulted mortgage on Property B to investor "M.R." as collateral for an investment.

8. In or around November 2008, **GASTON E. CANTENS** induced investor "A.N.M." to wire \$860,000 into Royal West's bank account as an investment in Royal West.

9. In or around December 2008, during face-to-face discussions, **GASTON E. CANTENS** fraudulently assured investors that Royal West was a financially healthy corporation when, in truth and in fact and as **CANTENS** knew, Royal West was nearly insolvent.


All in violation of Title 18, United States Code, Section 371.

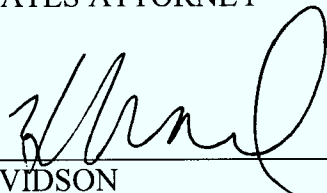
**FORFEITURE**  
**(18 U.S.C. § 981)**

1. The General Allegations section and the allegations of this Information are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest pursuant to the provisions of Title 28, United States Code, Section 2461(c), Title 18, United States Code, Sections 981(a)(1)(C), and the procedures set forth in Title 28, United States Code, Section 853.

2. Upon conviction of the offense alleged, the defendant, **GASTON E. CANTENS**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), all property, real and personal, constituting or derived from proceeds traceable to the aforestated offense.

All pursuant to Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); and the procedures set forth at Title 21, United States Code, Section 853.

  
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WIFREDO A. FERRER  
UNITED STATES ATTORNEY

  
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H. RON DAVIDSON  
ASSISTANT U.S. ATTORNEY