

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-20037-CR-GRAHAM/GOODMAN

CASE No. _____

18 U.S.C. § 371

26 U.S.C. § 7206(1)

UNITED STATES OF AMERICA

vs.

DANILO P. PEREZ,

Defendant. /

INFORMATION

The United States of America, through its attorneys, charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

1. Ocean Bank was a state-chartered bank with its headquarters located at 78 N.W. 42nd Avenue, Miami, Florida 33126 and was organized under the laws of the State of Florida in 1982. Ocean Bank was a "financial institution," as that term is defined in Title 18, United States Code, Section 20, and whose accounts were insured by the Federal Deposit Insurance Corporation (hereinafter "FDIC"). Ocean Bank operated in interstate and foreign commerce. One of the principal aspects of Ocean Bank's business was

to maintain checking and other types of accounts for individual and commercial customers as well as to issue commercial letters of credit to facilitate the export and import business of its commercial customers and to finance the inventory of such commercial customers.

2. The defendant, **DANILO P. PEREZ**, was an employee of Ocean Bank, having first been employed by Ocean Bank in 1983 and having worked continuously for Ocean Bank until approximately May 2010. **PEREZ** was a Senior Vice President of Ocean Bank from approximately April 1999 to February 2006 and thereafter was an Executive Vice President from approximately the end of February 2006 until he left Ocean Bank in approximately May 2010. During the period of time **PEREZ** was employed by Ocean Bank as a Senior Vice President and Executive Vice President, he generally oversaw Ocean Bank's lending relationships with corporate customers of the bank, and had other responsibilities in connection with such corporate customers.

3. Co-conspirator A was a Miami-Dade County, Florida-based corporation which was a supplier of flooring products to a major home improvement product chain doing business in the United States. Co-conspirator B was an individual who resided in Miami-Dade County, Florida and was an officer and part owner of Co-conspirator A. Co-conspirator C was

another Florida-based corporation, of which Co-conspirator B was an officer and owner. Co-conspirators A and B were long-time customers of Ocean Bank. Co-conspirator B transacted and caused to be transacted much of Co-conspirator A's business with Ocean Bank, including signing of checks, making deposits, obtaining loans, letters of credit, and related ordinary business items.

COUNT 1
**CONSPIRACY TO SOLICIT OR DEMAND MONEY AND OTHER THINGS
OF VALUE TO INFLUENCE EMPLOYEE OF FINANCIAL INSTITUTION
(18 U.S.C. § 371)**

1. Paragraphs 1 through 3 of the General Allegations of this Information are incorporated herein by reference as if set forth in their entirety.

2. Beginning in or about February 2001 and continuing thereafter through on or about April 25, 2007, the exact dates being unknown to attorneys for the United States of America, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

DANILO P. PEREZ,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with persons known and unknown to attorneys for the United States of America, including Co-

conspirators A, B, and C, to commit an offense against the United States of America, that is: being an officer, employee, and agent of a financial institution, namely Ocean Bank, **PEREZ** did corruptly solicit and demand for the benefit of himself and others, and did corruptly accept and agree to accept, money, checks and other things of value as set out below in Paragraph 3 from Co-conspirators A, B, and C, intending to be influenced and rewarded in connection with business and transactions of Ocean Bank with Co-conspirators A and B, with Ocean Bank, in violation of Title 18, United States Code, Section 215(a)(2).

PURPOSE AND OBJECT OF THE CONSPIRACY

3. It was the purpose and object of the conspiracy for **DANILO P. PEREZ** to enrich himself by receiving money, checks, and other items of value from Co-conspirators A, B, and C, which **PEREZ** accepted as a reward and as an influence to provide his co-conspirators with business and transactions from Ocean Bank, including: loans; letters of credit; lines of credit; overdraft privileges; and credits back to accounts Co-conspirators A and B owned or controlled of fees otherwise owed by them to Ocean Bank for services Ocean Bank provided to them. (Such loans and other items provided to Co-conspirators A and B by Ocean Bank are hereinafter collectively referred to as "Ocean Bank business and transactions.")

OVERT ACTS COMMITTED IN FURTHERANCE OF THE CONSPIRACY

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

On or about the following dates, **DANILO P. PEREZ** received the following payments, whether directly or indirectly, as listed below, with each payment coming from a co-conspirator and each constituting a separate overt act:

OVERT ACT	APPROX. DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
1	February 13, 2001	\$5,000	DANILO P. PEREZ	Cash
2	March 12, 2001	\$5,000	DANILO P. PEREZ	Cash
3	April 6, 2001	\$5,000	DANILO P. PEREZ	Cash
4	May 14, 2001	\$6,000	DANILO P. PEREZ	Cash
5	June 8, 2001	\$5,000	DANILO P. PEREZ	Cash
6	June 29, 2001	\$6,000	DANILO P. PEREZ	Cash

OVERT ACT	APPROX.DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
7	July 24, 2001	\$6,500	DANILO P. PEREZ	Cash
8	August 3, 2001	\$5,000	DANILO P. PEREZ	Cash
9	August 24, 2001	\$7,700	DANILO P. PEREZ	Cash
10	August 27, 2001	\$7,300	DANILO P. PEREZ	Cash
11	September 21, 2001	\$5,000	DANILO P. PEREZ	Cash
12	October 22, 2001	\$3,680	DANILO P. PEREZ	Cash
13	November 26, 2001	\$6,470	DANILO P. PEREZ	Cash
14	November 27, 2001	\$3,530	DANILO P. PEREZ	Cash
15	December 19, 2001	\$6,329	DANILO P. PEREZ	Cash
16	December 20, 2001	\$3,671	DANILO P. PEREZ	Cash
17	March 8, 2002	\$7,329	DANILO P. PEREZ	Cash
18	March 15, 2002	\$2,671	DANILO P. PEREZ	Cash
19	April 30, 2002	\$6,222	DANILO P. PEREZ	Cash
20	May 2, 2002	\$3,778	DANILO P. PEREZ	Cash

OVERT ACT	APPROX. DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
21	May 15, 2002	\$6,364	DANILO P. PEREZ	Cash
22	May 16, 2002	\$3,636.45	DANILO P. PEREZ	Cash
23	June 4, 2002	\$6,122	DANILO P. PEREZ	Cash
24	June 5, 2002	\$3,878	DANILO P. PEREZ	Cash
25	November 27, 2002	\$4,200	DANILO P. PEREZ	Cash
26	December 19, 2002	\$5,880	DANILO P. PEREZ	Cash
27	December 20, 2002	\$4,120	DANILO P. PEREZ	Cash
28	August 25, 2003	\$38,500	DANILO P. PEREZ	Cash
29	January 8, 2004	\$28,750	DANILO P. PEREZ	Cash
30	February 26, 2004	\$26,600	DANILO P. PEREZ	Cash
31	August 11, 2005	\$10,000	A Private Club	Check for payment of DANILO P. PEREZ account
32	October 12, 2005	\$4,660.13	A Private Club	Check for payment of DANILO P. PEREZ account
33	October 13, 2005	\$5,400	A Private Club	Check for payment of DANILO P. PEREZ account

OVERT ACT	APPROX.DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
34	October 28, 2005	\$14,879	A Kitchen and Bath Firm	Check for payment for work done on DANILO P. PEREZ residence
35	November 17, 2005	\$16,599.50	A Kitchen and Bath Firm	Check for payment for work done on DANILO P. PEREZ residence
36	December 14, 2005	\$5,719.15	A Kitchen and Bath Firm	Check for payment for work done on DANILO P. PEREZ residence
37	March 6, 2006	\$5,463.35	A Landscaping Firm	Check for payment for work done of DANILO P. PEREZ residence
38	March 7, 2006	\$8,037.22	A Clothing Store	Check for payment for clothing for DANILO P. PEREZ
39	March 9, 2006	\$19,540	A Jewelry Firm	Wire transfer for payment for watch for DANILO P. PEREZ
40	March 28, 2006	\$3,116.95	A Kitchen and Bath Firm	Check for payment for work done on DANILO P. PEREZ residence
41	March 29, 2006	\$3,270	A Landscaping Firm	Check for payment for work done on DANILO P. PEREZ residence

OVERT ACT	APPROX.DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
42	April 18, 2006	\$5,441	A Clothing Store	Check for payment for clothing for DANILO P. PEREZ
43	May 5, 2006	\$24,000	A Jewelry Firm	Wire transfer for payment for watch for DANILO P. PEREZ
44	June 2, 2006	\$6,887	J.C.	Check for benefit for DANILO P. PEREZ
45	June 9, 2006	\$6,697.53	A Landscaping Firm	Check for payment for work done on DANILO P. PEREZ residence
46	June 22, 2006	\$10,439.50	A Clothing Store	Check for payment for clothing for DANILO P. PEREZ
47	July 13, 2006	\$6,523.40	A Clothing Store	Check for payment for clothing for DANILO P. PEREZ
48	August 11, 2006	\$2,850.39	A Landscaping Firm	Check for payment for work done on DANILO P. PEREZ residence
49	August 11, 2006	\$13,960	A Jewelry Firm	Wire transfer for payment for watch for DANILO P. PEREZ

OVERT ACT	APPROX.DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
50	November 16, 2006	\$13,471.25	A Clothing Store	Check for payment for clothing for DANILO P. PEREZ
51	November 16, 2006	\$4,066	An Art Gallery	Check for payment for artwork for DANILO P. PEREZ
52	December 8, 2006	\$4,637.24	A Landscaping Firm	Check for payment for work done on DANILO P. PEREZ residence
53	February 4, 2007	\$13,212.80	A Ticket Intermediary	Credit card payment for Super Bowl tickets for DANILO P. PEREZ
54	January 16, 2007	\$15,261.31	A Private Club	Check for payment of DANILO P. PEREZ account
55	February 23, 2007	\$6,837.25	A Private Club	Check for payment of DANILO P. PEREZ account
56	April 25, 2007	\$19,137.25	A Private Club	Check for payment of DANILO P. PEREZ account
57	April 25, 2007	\$4,925.54	A Landscaping Firm	Check for payment for work done on DANILO P. PEREZ residence

OVERT ACT	APPROX.DATE	APPROX. AMOUNT	PAYEE	FINANCIAL TRANSACTION
58	April 25, 2007	\$1,253.97	J.C.	Check for benefit of DANILO P. PEREZ
59	May 4, 2007	\$3,854.12	A Swimming Pool Company	Check for benefit of DANILO P. PEREZ
60	May 14, 2007	\$829.12	A Garden Center	Check for benefit of DANILO P. PEREZ

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

COUNTS 2 - 4
SUBSCRIBING A FALSE TAX RETURN
(26 U.S.C. § 7206(1))

For each of the following Counts 2 through 4 of this Information, during the calendar years as set forth below, the defendant,

DANILO P. PEREZ,

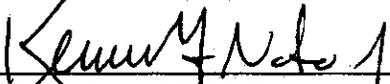
residing and working in the Southern District of Florida:

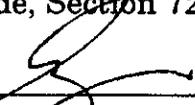
- (a) had and received taxable income in the approximate sums set forth below and upon said taxable income there were taxes due and owing to the United States of America in the approximate amounts set forth below;

- (b) did willfully make and subscribe, on or about the dates listed below, a joint United States Individual Tax Return which was verified by a written declaration that it was made under the penalties of perjury and which the defendant did not believe to be true and correct as to every material matter;
- (c) filed said income tax return with the United States Internal Revenue Service, which return was prepared and signed in the Southern District of Florida, and which stated that it was true, correct, and complete when the defendant well knew and believed that he had not reported the taxable income noted below, which was in addition to the amounts stated on his return.

COUNT	APPROX. DATE	TAX YEAR	APPROX. TAXABLE INCOME NOT REPORTED	APPROX. TAX DUE
2	April 12, 2006	2005	\$57,257.78	\$20,040
3	April 16, 2007	2006	\$138,400.83	\$48,440
4	April 14, 2008	2007	\$65,311.36	\$22,858

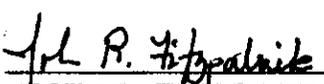
In violation of Title 26, United States Code, Section 7206(1).

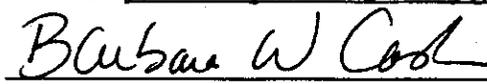

WIFREDO A. FERRER
UNITED STATES ATTORNEY


SHARIS A. POZEN
ACTING ASSISTANT ATTORNEY
GENERAL
ANTITRUST DIVISION
U.S. DEPARTMENT OF JUSTICE

NEZIDA S. DAVIS
CHIEF, ATLANTA FIELD OFFICE
Antitrust Division
U.S. Department of Justice
75 Spring Street, S.W.
Suite 1176
Atlanta, Georgia 30303


KAREN E. ROCHLIN
Assistant United States Attorney
Court I.D. No. A5500050
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel.: (305) 961-9234
Fax: (305) 530-6168
E-mail: karen.rochlin@usdoj.gov


JOHN R. FITZPATRICK, ESQ.
Antitrust Division
U.S. Department of Justice
Court I.D. No. A5501281
75 Spring Street, S.W.
Suite 1176
Atlanta, Georgia 30303
Tel.: (404) 331-7100
Fax: (404) 331-7110
E-mail: john.fitzpatrick@usdoj.gov


BARBARA W. CASH, ESQ.
Antitrust Division
U.S. Department of Justice
Court I.D. No. A5500396
75 Spring Street, S.W.
Suite 1176
Atlanta, Georgia 30303
Tel.: (404) 331-7100
Fax: (404) 331-7110
E-mail: barbara.cash@usdoj.gov