

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA :
 :
 v. :
 :
 VIVIANE BERNARDIM, :
 a/k/a "VIVIANE PEREIRA," :
 a/k/a "VIVIANE BERNARDIN," :
 THERESA DATTALO, :
 MATTHEW DIBENEDETTO, :
 GENADY MACEDO, :
 IODETE PEREIRA, :
 SARAH SANTOS, :
 IONEIDES SOUSA, :
 a/k/a "LUMA GOMES," and :
 JORGE TOLEDO, :
 a/k/a "VINNY TOLEDO" :

Hon. Patty Shwartz U.S.M.J.

CRIMINAL COMPLAINT

Mag. No. 10-3126

**PATTY SHWARTZ
U.S. MAG. JUDGE**

ORIGINAL FILED

JUN 15 2010

I, Timothy B. Stillings, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B.



Timothy B. Stillings
Special Agent, Federal Bureau
of Investigation

Sworn to and subscribed before
me in Newark, New Jersey
this 15th day of June, 2010



Hon. Patty Shwartz
U.S. Magistrate Judge

ATTACHMENT A

**Count One
(Wire Fraud Conspiracy)**

From in or about July 2009 through in or about February 2010, in the District of New Jersey and elsewhere, defendants

**Viviane Bernardim, a/k/a
"Viviane Pereira" and "Vivian Bernardin,"
Theresa Dattalo,
Matthew DiBenedetto,
Genady Macedo,
Iodete Pereira,
Sarah Santos,
Ioneides Sousa, a/k/a
"Luma Gomes," and
Jorge Toledo, a/k/a
"Vinnie Toledo,"**

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud, which would affect financial institutions, 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 and artifice, to transmit and cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, contrary to 18 U.S.C. § 1343.

In violation of 18 U.S.C. § 1349.

**Count Two
(Bank Fraud Conspiracy)**

From in or about July 2009 through in or about February 2010, in the District of New Jersey and elsewhere, defendants

**Viviane Bernardim, a/k/a
"Viviane Pereira" and "Vivian Bernardin,"
Theresa Dattalo,
Matthew DiBenedetto,
Genady Macedo,
Iodete Pereira,
Sarah Santos,
Ioneides Sousa, a/k/a
"Luma Gomes," and
Jorge Toledo, a/k/a
"Vinnie Toledo,"**

did knowingly and intentionally conspire and agree with each other and others to execute a scheme and artifice to defraud financial institutions, and to obtain moneys, funds, assets and other property owned by, and under the custody and control of, financial institutions by means of materially false and fraudulent pretenses, representations and promises, contrary to 18 U.S.C. § 1344.

In violation of 18 U.S.C. § 1349.

ATTACHMENT B

I, Timothy B. Stillings, a Special Agent with the Federal Bureau of Investigation, having conducted this investigation and discussed this matter with other law enforcement officers who have participated in the investigation, have knowledge of the facts set forth below. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every detail of every aspect of the investigation. All conversations and statements described in this affidavit are related in substance and in part and are not word-for-word transcripts or quotations.

The Defendants and Mortgage Companies

1. At all times relevant to this Complaint:

a. **defendant Viviane Bernardim**, also known as "Viviane Pereira" and "Vivian Bernardin," was a mortgage consultant associated with a northern New Jersey mortgage company and a resident of Aberdeen, New Jersey;

b. **defendant Theresa Dattalo** was a mortgage loan officer, real estate agent, and owner of a title company and a resident of Randolph, New Jersey;

c. **defendant Matthew DiBenedetto** was a licensed appraiser, the broker of record for a Newark, New Jersey real estate agency and a resident of Freehold, New Jersey;

d. **defendant Genady Macedo** was a real estate agent registered with a Newark, New Jersey real estate agency and a resident of Newark, New Jersey;

e. **defendant Sarah Santos** was a mortgage consultant associated with a northern New Jersey mortgage company and a resident of Rahway, New Jersey;

f. **defendant Ioneides Sousa**, also known as "Luma Gomes," was a real estate investor in Newark, New Jersey and a resident of Newark, New Jersey;

g. **defendant Iodete Pereira**, **defendant Sousa's** sister, assisted her sister and **defendant Macedo** with real estate transactions and was a resident of Elizabeth, New Jersey;

h. **defendant Jorge Toledo**, also known as "Vinny Toledo," was a real estate agent registered with a Lyndhurst,

New Jersey real estate agency and a resident of Elizabeth, New Jersey; and

i. **co-conspirator Jairo Nunes ("Nunes")**, who is not named as a defendant herein but has already been charged separately with wire fraud conspiracy in connection with this investigation, Mag. No. 10-8033 (MCA), created fraudulent documents in support of unqualified borrowers on behalf of the **defendants** and other realtors, mortgage consultants and loan officers.

2. **Defendants Bernardim, Santos and Toledo** work together at **Invest & Investors LLC**, also known as "Invest & Investment LLC," a mortgage and real estate consulting company located at 338 Lafayette Street, Newark, New Jersey whose registered agent is **defendant Toledo**. Prior to working there, these three defendants worked with **defendants DiBenedetto and Macedo** at a realty agency located in Newark, New Jersey (the "**Newark Realty Agency**").

3. Until approximately October 2009, **defendant Datallo** was a branch manager and loan officer for a Verona, New Jersey mortgage company ("**Mortgage Company 1**"). She then became a branch manager and loan officer for a Mount Laurel, New Jersey mortgage company ("**Mortgage Company 2**"). She then became a loan officer for an Edison, New Jersey mortgage company. Meanwhile, she was the president of a real estate agency and the owner of a title insurance agency, both of which she operated out of the same office in Morristown, New Jersey.

4. The cooperating witness referred to herein ("CW") was a loan officer with a New Jersey mortgage company ("**Mortgage Company 3**"). The in-person and telephonic conversations summarized below to which CW was a party were consensually recorded by CW at the direction of the Federal Bureau of Investigation. In addition, CW used a Yahoo! email account in New Jersey to communicate with the **defendants**. All emails to or from CW described herein pertain to this Yahoo! email account. These emails necessarily were transmitted in interstate commerce because once a user submits a connection request to website servers such as Yahoo!'s or data is transmitted from those website servers back to the user, the data has traveled in interstate commerce.

5. All of the mortgage companies referred to herein were "financial institutions" as defined in 18 U.S.C. § 20 because they were "mortgage lending businesses" as defined in 18 U.S.C. § 27. Each of them was an organization which finances or refinances debts secured by interests in real estate and whose activities affected interstate commerce.

Mortgage Lending Generally

6. Mortgage loans are loans funded by banks, mortgage companies and other institutions ("lenders") to enable borrowers to finance the purchase of real estate. In deciding whether the borrowers meet the lenders' income, credit eligibility and down payment requirements, the lenders are supposed to evaluate the financial representations set forth in loan applications and other documents from the borrowers and assess the value of the real estate that will secure the loan.

7. A common type of mortgage loan is issued in connection with an insurance program administered by the Federal Housing Administration ("FHA"), which is a division of the United States Department of Housing and Urban Development ("HUD"), an agency of the United States. The FHA encourages designated lenders to make mortgage loans to qualified borrowers by protecting against loan defaults through a government-backed payment guarantee if the borrower defaults on mortgage loan. When lenders process an application for an FHA-insured mortgage loan, they use a system called "FHA Connection" that provides internet access to data residing in HUD's computer systems. HUD maintains these computer systems outside of New Jersey.

8. Another common type of mortgage loan is called the "conventional" mortgage loan. Lenders underwrite and fund conventional mortgage loans using their own funds and credit lines. After funding the conventional mortgage loans, the lenders can either service the loans during the mortgage loan period or sell the loans to institutional investors in the secondary market.

The Mortgage Fraud Conspiracy

9. The investigation has uncovered evidence that the defendants have conspired with each other and others to obtain mortgage loans through fraudulent means. The defendants intended these loans to finance real estate transactions in and near Newark, New Jersey and elsewhere. To obtain these loans, the defendants caused to be submitted materially false and fraudulent mortgage loan applications and supporting documents to mortgage companies while engaging in or causing wire communications in interstate commerce, including email exchanges and the use of FHA Connection, to facilitate the conspiracy and execute its unlawful purpose.

10. For example, in or about the first half of June 2009, Nunes referred **defendant Bernardim** to CW as someone interested in obtaining mortgage loans by fraud. On or about June 16, 2009, Nunes emailed **defendant Bernardim's** cellphone number to CW and

advised that CW could speak freely with her. **Defendant Bernardim** soon afterwards received a voice mail message from CW to set up a meeting. On or about July 14, 2009, **defendant Bernardim** spoke with CW by telephone and invited him to meet her at the Newark Realty Agency.

11. On or about July 16, 2009, **defendants Bernardim** and **Macedo** met with CW at the Newark Realty Agency. During the meeting, **defendants Bernardim** and **Macedo**: (a) presented CW with four real estate transactions that they wanted to finance through Mortgage Company 3; (b) discussed using false Forms W-2, pay stubs, bank statements and tax returns for their borrowers to complete their deals; (c) identified Nunes as a document maker they used to create such false and fraudulent documents, but cautioned that Nunes made mistakes on bank statements and Forms W-2; and (d) introduced **defendant Toledo** to CW. **Defendants Bernardim** and **Macedo** also told CW that in a prior deal, they had inflated the borrower's income on an amended tax return by so much that the borrower now owed the IRS \$60,000. And **defendant Bernardim** said she had done loans through **defendant Dattalo**, then at Mortgage Company 1, who might be able to help with CW's deals.

12. On or about July 27, 2009, **defendants Bernardim** and **Macedo** met with CW at the Newark Realty Agency. During their meeting, **defendants Bernardim** and **Macedo** told CW that **defendant Dattalo** controlled all paperwork for real estate transactions where she was the loan officer and used a document maker on Long Island, New York to create false and fraudulent documents. Later that day, **defendant Dattalo** met with CW at her Morristown office. During the meeting, **defendant Dattalo** told CW that she had attorneys, appraisers and document makers helping her to complete fraudulent mortgage transactions. **Defendant Dattalo** added that employees in her office created at home the false bank statements, Forms W-2 and pay stubs that she was using to support fraudulent mortgage loan applications.

Identities for Sale

13. On or about July 31, 2009, **defendant Bernardim** met with CW at the Newark Realty Agency. During the meeting, **defendant Bernardim** asked CW if CW would be interested in buying for \$15,000 an identity of an individual who was no longer in the country, had a good credit score and had declared income of \$80,000. When CW expressed interest, **defendant Bernardim** exited the Newark Realty Agency, went to her car and returned with a folder containing information concerning an individual with the initials D.P. **Defendant Bernardim** showed CW a credit report for D.P., and explained that **defendant Toledo** knew the person who was selling D.P.'s identity.

14. On or about August 4, 2009, **defendant Bernardim** met with CW at the Newark Realty Agency. When **defendant Bernardim** heard CW ask whether D.P.'s identity was still available for sale, she replied that the identity had already been sold. Defendant Bernardim also confirmed that the seller's price was usually \$15,000 per identity, for which the seller would provide tax returns, original Forms W-2 and copies of a driver's license and Social Security card. CW asked **defendant Bernardim** for contact information for the seller. **Defendant Bernardim** told CW that she did not know the seller personally, but **defendant Toledo** did.

15. **Defendant Toledo** joined the meeting later and explained that he knew the seller, who had provided identities for some of his clients. According to **defendant Toledo**, this person had been selling identities for more than 30 years and he had known the person for 5 years. **Defendant Toledo** explained that the person was a broker of identities, buying identities from people who are leaving the U.S. and selling those the identities to others who want to use them. **Defendant Toledo** added that he had been paid by this person for finding buyers for the identities being sold.

The J.D.S. Transactions

16. **Defendant DiBenedetto** also participated in part of the August 4th meeting, and while he was present, **defendant Bernardim** told CW that she was trying to obtain mortgage loans for a borrower with the initials J.D.S. to purchase two Newark properties: a residential property for which **defendant Bernardim** was seeking an FHA-insured loan; and a commercial property on Lafayette Street. **Defendant Bernardim** provided to CW Forms W-2 and individual income tax returns for tax years 2007 and 2008 for a borrower with the initials J.D.S. Both of the Forms W-2 listed J.D.S.'s employer as a construction company in Newark, New Jersey (the "Construction Company"). Both the Forms W-2 and the tax returns listed J.D.S.'s income as \$93,562 in 2007 and \$96,456 in 2008. According to these fraudulent documents, J.D.S.'s address was **defendant Bernardim's** residence.

17. **Defendant DiBenedetto** described the Construction Company Forms W-2 as the "corrected" ones. In addition, while **defendant Bernardim** was out of the room, **defendant DiBenedetto** told CW that **defendants Bernardim, Macedo** and **Toledo** had put "put together with spit" some of their current deals. **Defendant DiBenedetto** also confirmed that: (a) **defendant Macedo** had purchased the Lafayette Street property; (b) **defendant DiBenedetto** had been the appraiser for the purchase; (c) he had falsely described the property as residential instead of mixed-use on the appraisal; and (d) the property was now in foreclosure; and (e)

defendant Macedo was trying to arrange a short sale of the property to J.D.S. A short sale is a sale of property where the sale proceeds fall short of the balance owed on the existing mortgage loan that encumbers the property.

18. On or about August 12, 2009, during a meeting at a Fairfield, New Jersey diner **defendant Bernardim** told CW that J.D.S. was her cleaning lady and that the Newark Realty Agency would pay some of J.D.S.'s debts to improve J.D.S.'s credit score. **Defendant Bernardim** also explained that the Lafayette Street property transaction would likely have two stages: a short sale for \$250,000 followed by a resale for \$370,000. **Defendant Bernardim** added that she would ask **defendant Toledo** to fax to CW additional copies of the 2007 and 2008 Forms W-2 for J.D.S. that she had previously given CW.

19. Later that day, **defendant Toledo** at the Newark Realty Agency faxed those documents to CW. The Forms W-2 listed J.D.S.'s employer for both years as the Construction Company and stated that her income was \$93,562 in 2007 and \$96,456 in 2008.

a. The investigation has found no evidence that J.D.S. had been employed by or received income from the Construction Company.

b. The investigation has found that the Employer Identification Number on the Forms W-2 did not belong to the Construction Company.

c. Surveillance of the purported business address found no evidence of the Construction Company.

d. An individual with the initials A.M. purchased the property at this address relying in part on false documents stored on a portable USB flash drive (also known as a "thumb drive") that law enforcement discovered at Nunes's residence while executing a search warrant.

e. the Construction Company was a prospective borrower's purported employer in at least one other transaction that **defendants Bernardim, Santos and Toledo** presented to CW. Nunes created false documents for this borrower, too.

20. On or about September 15, 2009, during a meeting at the Newark Realty Agency, **defendant Bernardim** told CW that J.D.S. was no longer buying the commercial property on Lafayette Street but instead would buy a residential property on Hawthorne Avenue. **Defendant Bernardim** once again provided CW with false Forms W-2 and tax returns for J.D.S. and assured CW that the tax returns had been filed with the IRS. In addition, **defendant Bernardim**

completed, signed J.D.S.'s name and gave to CW a contract for J.D.S.'s purchase of the Hawthorne Avenue property for \$330,000.

21. On or about September 23, 2009, CW went to the Newark Realty Agency to meet with **defendant Bernardim**. She was not there, but a secretary provided CW with a manilla folder that **defendant Bernardim** had left for CW. In the envelope were additional copies of documents previously provided to CW for J.D.S., along with a handwritten mortgage loan application for J.D.S. The loan application stated that J.D.S. would be purchasing the Hawthorne Avenue property as a primary residence and claimed that J.D.S. had worked at the Construction Company for two years and five months, earning a monthly salary of \$8,038.

22. On or about September 28, 2009, **defendants Bernardim** and **Santos** met CW at the Newark Realty Agency. **Defendant Bernardim** told CW that the price of the Hawthorne Avenue property had been reduced to \$300,000. To reflect the new price, **defendant Bernardim** provided CW with a new purchase agreement, which listed **defendant Toledo** as the real estate broker. **Defendants Bernardim** and **Santos** then told CW that the bank account they were using to support J.D.S.'s mortgage loan application was **defendant Santos's** checking account.

The D.P. Transactions

23. Meanwhile, other members of the conspiracy were pursuing other fraudulent real estate transactions. For example, on or about October 5, 2009, **defendant Pereira** met with CW at the Newark Realty Agency. **Defendant Pereira** told CW that her sister, **defendant Sousa**, was trying to obtain mortgage loans in D.P.'s name to finance real estate transactions involving two residential properties in Newark, New Jersey: one on Oliver Street; the other on Montgomery Avenue. **Defendant Pereira** added that **defendant Sousa** had purchased D.P.'s identity and that **defendant Sousa** owned the Montgomery Avenue property.

24. A review of publicly-available property records for the Montgomery Avenue property confirmed that **defendant Sousa** sold the property to "Luma Gomes" on or about July 2, 2008 for a stated consideration of \$490,000; this transaction was financed with a \$392,000 mortgage loan; and "Luma Gomes" was still the owner of record of the Montgomery Avenue property as of October 5, 2009. Given **defendant Pereira's** statement that her sister still owned the Montgomery Avenue property on this date and the information set forth in ¶¶ 25(a), 28 and 38-39 below, there is probable cause to believe that "Luma Gomes" was **defendant Sousa**.

25. **Defendants Macedo** and **Sousa** then joined the October 5th meeting. **Defendant Macedo** told CW that another mortgage company had already declined mortgage loans for the two proposed D.P. transactions because the documents that had been submitted had conflicting spellings of D.P.'s first name. Meanwhile, **defendant Pereira** provided CW with documents related to D.P., which contained three different spellings of D.P.'s first name. These documents included:

a. a contract of sale for D.P.'s supposed purchase of the Montgomery Avenue property from "Luma Gomes" for \$290,000, to be financed by a \$279,850 mortgage loan and listing an address on Komorn Street in Newark, New Jersey for D.P. and a P.O. Box in Newark, New Jersey for "Luma Gomes"; **defendant Sousa** lived at the Komorn Street address, and United States Postal Service ("USPS") records confirm that **defendant Sousa** began renting the P.O. Box on or about December 18, 2008 and listed "Luma Gomes" and **defendant Pereira** as authorized recipients of mail at this P.O. Box;

b. a contract of sale for D.P.'s supposed purchase of the Oliver Street property from N.D., who purportedly lived on Murray Street in Newark, New Jersey; the contract sales price was \$207,500, to be financed with a \$166,000 mortgage loan; the contract of sale identified **defendant Macedo** as D.P.'s real estate agent;

c. two months of bank statements for an account ending in 6876 in D.P.'s name; the statements showed balances of \$35,889.40 as of July 23, 2009, and \$30,005.22 as of August 21, 2009; **defendant Sousa** admitted to CW that this bank account in fact belonged to her and a friend, while subsequently subpoenaed records from the bank confirmed that this account was held in the name of D.P. and an individual with the initials R.P.; Nunes had saved these fraudulent bank statements to his thumb drive;

d. two weeks of pay stubs from D.P.'s purported primary employer, for the periods ended 09/04/2009 and 09/11/2009 and showing weekly gross wages of \$920.27;

e. 2008 and 2007 Forms W-2 from D.P.'s purported primary employer and a 2008 Form W-2 from D.P.'s purported secondary employer;

f. a photocopy of D.P.'s purported New Jersey driver's license bearing a license number ending in 8602 and listing the Komorn Street address; a search of New Jersey Department Motor Vehicles records found no evidence of any driver's

license ever being issued for D.P. and that the license number was invalid; in addition, Nunes had saved a copy of the fraudulent driver's license on his thumb drive;

g. a photocopy of D.P.'s purported Social Security card, bearing Social Security Administration Number xxx-xx-5987; the signature on the card resembles signatures for D.P. that **defendant Sousa** placed on the documents described in ¶ 32 below; in addition, Nunes had saved a copy of the fraudulent card on his thumb drive;

h. a copy of the loan application submitted to the other mortgage company for the Oliver Street transaction; the application stated that the phone number of D.P.'s primary employer was xxx-xxx-2822, which **defendant Sousa** explained was her cellphone number; records from the telephone service provider revealed that this number was registered in the name of the primary employer with a Newark P.O. Box billing address; USPS records confirm that R.P. rented the P.O. Box on or about August 11, 2008 and provided **defendant Sousa's** home address as R.P.'s home address.

26. After **defendant Pereira** provided these documents to CW, **defendant Macedo** told CW during the October 5th meeting that **defendants Bernardim, Toledo and Santos** sold D.P.'s identity to **defendant Sousa** for approximately \$20,000. **Defendant Macedo** stated that the day it had happened, **defendant Macedo** walked into the office and **defendants Bernardim, Toledo and Santos** had a lot of cash on a desk. **Defendant Macedo** told CW that she had received some of the money paid for the identity.

27. **Defendant Macedo** then confronted **defendants Santos and Bernardim** -- whom she had called into the October 5th meeting -- about \$13,000 that had been charged to a credit card in D.P.'s name in August 2009. **Defendants Bernardim and Santos** ultimately agreed to make the minimum monthly payment on the credit card until the D.P. transactions closed. After this dispute was resolved, **defendants Bernardim, Macedo, Pereira, Santos and Sousa** heard from CW that they needed to come up with a good explanation for the different spellings of D.P.'s first name on the documents that **defendant Pereira** had provided. **Defendants Bernardim and Santos** said that **defendant Santos** could create two letters explaining the discrepancies: one from D.P.'s purported primary employer and the other purportedly from D.P.

28. **Defendant Sousa** also told CW during the October 5th meeting that she was using the D.P. identity to "buy" properties that she already owned. **Defendant Sousa** added that she planned on making mortgage payments for one year and then stopping.

Defendant Sousa also stated that she was expecting to net \$250,000 from the Montgomery Avenue transaction. And **defendant Sousa** told CW that she was working on 19 other transactions, all involving short sales.

The Progression of the D.P. and J.D.S. Transactions

29. On or about October 6, 2009, **defendant Pereira** faxed to CW by way of an "eFax" to CW's Yahoo! email account the two fraudulent letters concerning D.P. that **defendant Santos** had agreed to create:

a. The first letter purported to be from D.P., and stated in part: "I am writing this letter to explain the reason why there is a mistake on my W-2 forms. My father and I work at" the same primary employer "and the accountant who did my W-2 form made a mistake when spelling my name. I have already informed the company about this situation. The correct name is the one written on my Social Security Card"

b. The second letter purported to be from D.P.'s primary employer on company letterhead and stated in part: "This letter is to clarify the misunderstanding on [D.P.'s] W-2 Forms. The reason for this error is because [D.P.] and his Father [sic] work for [the company]. When our accountant filled out the W-2 she made a mistake by mixing up the father [sic] and son's name resulting in the misspelling of [D.P.]'s name. . . . Please, feel free to contact us at the contact number above." The contact number was **defendant Sousa's** cellphone number.

30. Also on or about October 6, 2006, **defendant Bernardim** faxed to CW four false pay stubs from the Construction Company for J.D.S. The pay stubs purportedly reflected weekly gross wages of \$1,854.92 for J.D.S. in September 2009. Later that day, at the direction of **defendants Bernardim, Toledo and Santos**, CW submitted the fraudulent loan application and supporting documents for J.D.S. to Mortgage Company 3 for approval. The loan application, which had been signed by **defendant Bernardim** and J.D.S., sought an FHA-insured mortgage in the amount of \$289,500 for the purchase of the Hawthorne Avenue property. The false documents submitted in support of this fraudulent mortgage application included the contract of sale, pay stubs, Forms W-2, tax returns and signed disclosures.

31. On or about October 8, 2009, **defendants Bernardim and Santos** met with CW at the Newark Realty Agency. **Defendants Bernardim and Santos** instructed CW to order from Nunes false bank

statements for J.D.S. and another individual whose name would be added to **defendant Santos's** checking account. When **defendant Sousa** arrived at the Newark Realty Agency, she received from CW loan applications, disclosure forms and other documents from Mortgage Company 3 for the two D.P. transactions. The Montgomery Avenue property loan was to be for \$284,747; the Oliver Street property loans was to be \$203,741; and both were to be FHA-insured. **Defendant Sousa** completed and signed these documents for D.P. and handed them back to CW. In both loan applications, **defendant Sousa** provided the same Komorn Street address as D.P.'s address. In one of the applications, **defendant Sousa** wrote that D.P. had \$30,000 in a bank account. Neither statement was true. And **defendant Sousa** reminded CW that she had 19 houses and was seeking short sales for all of them.

32. While CW was at the Newark Realty Agency on or about October 8th, **defendant DiBenedetto** spoke to CW about another one of **defendant Bernardim's** transactions. **Defendant DiBenedetto** said this one involved a house on Anna Street in Elizabeth, New Jersey that had "nothing in it but fucking walls," had no kitchens and was "really bad." He added that he wanted \$5,000 up front to appraise this property -- a sum substantially in excess of appraisal fees for legitimate residential real estate transactions. **Defendant DiBenedetto** also said he would use photographs of another property when completing the appraisal.

Defendant Dattalo Takes Over a D.P. Transaction

33. During in or about mid-October 2009, **defendants Bernardim, Santos and Toledo** left the Newark Realty Agency and moved to **Invest & Investors LLC**, which **defendant Toledo** had registered with the New Jersey Secretary of State on or about October 7, 2009. Meanwhile, **defendants Macedo, Pereira and Sousa** continued to seek mortgage loans for the two D.P. transactions through CW: an FHA-insured mortgage loan for Montgomery Avenue transaction; and a conventional mortgage loan for the Oliver Street transaction. By way of an "eFax" to CW's Yahoo! email account on or about November 9, 2009, however, **defendants Macedo, Pereira and Sousa** asked CW to transfer the FHA case number for D.P.'s application for an FHA-insured loan to Mortgage Company 2, where **defendant Dattalo** had become a branch manager.

34. On or about December 1, 2009, **defendant Dattalo** met with CW at her Morristown office. There, **defendant Dattalo** told CW that she had closed five loans in the month she had been working for Mortgage Company 2. **Defendant Dattalo** also stated that she was paying an underwriter \$1,000 per loan to get her loans completed. And **defendant Dattalo** bragged that she had a female document maker whose work was perfect. According to

defendant Dattalo, her "girl" insisted on being paid up front for the false documents she created and charged \$700 per fraudulent bank statement.

35. On or about December 15, 2009, **defendant Pereira** met with CW at the Newark Realty Agency. **Defendant Pereira** told CW that the D.P. loans finally had been approved but had not yet been funded. The next day, **defendant Dattalo** hosted a holiday party at her Morristown office, which CW attended. While there, CW observed in plain view a dry-erase board listing the loan applications then in process at **defendant Dattalo's** office, including a loan to D.P. to finance the purchase of the Montgomery Avenue property. Meanwhile, **defendant Dattalo** told CW that she was working with an appraiser who only charged \$1,000 to do an appraisal on a property using pictures from a different house.

36. Mortgage Company 2's records include a loan file for a \$284,747 FHA-insured mortgage loan to finance D.P.'s purchase of the Montgomery Avenue property. The loan file confirmed that on or about November 25, 2009, **defendant Dattalo** submitted this proposed loan for approval. The loan file also contained copies of some of the same false documents that **defendant Pereira** had provided to CW, such as the same New Jersey driver's license and Social Security card. In addition, the loan file contained copies of false bank statements stating that D.P. lived on 5th Street in Newark, not Komorn Street. And the loan file contained documents showing that Mortgage Company 2 had used FHA Connection to process the loan. Mortgage Company 2 ultimately denied the loan on or about January 13, 2010.

37. On or about February 5, 2010, **defendant Dattalo** met with CW at her Morristown office. During the meeting, **defendant Dattalo** saw false bank statements created by Nunes for CW. **Defendant Dattalo** told CW that her "girl" could create better bank statements and could create fraudulent paystubs, Forms W-2, passports and driver's licenses as well. **Defendant Dattalo** also told CW that she was no longer associated with Mortgage Company 2 and had been cut off by them.

38. In the middle of the meeting, **defendant Dattalo** took a telephone call in which she discussed yet another mortgage loan application for D.P.'s purchase of the Montgomery Avenue property. Later, **defendant Dattalo** told CW that she was upset with **defendants Macedo** and **Sousa** -- whom she called "Luma Gomes" -- because they owed her money. **Defendant Dattalo** told CW that she got the D.P. loan approved and paid an unidentified female to create false bank statements and a false 2009 Form W-2 for the loan. **Defendant Dattalo** complained that she had paid the docu-

ment maker and an appraiser with her own money for their services.

39. **Defendant Dattalo** asked CW for **defendant Macedo's** number and tried to call her at the Newark Realty Agency, but was unsuccessful. After complaining that "Luma" was not returning her calls, **defendant Dattalo** asked CW to call a particular telephone number on CW's cellphone. CW recognized the number as **defendant Sousa's**, and recognized **defendant Sousa's** voice when she answered CW's call. CW handed the cellphone to **defendant Dattalo**, who berated "Luma" for not returning calls and demanded that "Luma" pay **defendant Dattalo** for the false documents that had been created. **Defendant Sousa** feigned that she could not find D.P. to pay **defendant Dattalo**.

40. On or about February 18, 2010, **defendant Dattalo** met with CW at her Morristown office. During the meeting, **defendant Dattalo** received \$2,000 from CW for false bank statements to be produced for a mortgage loan application presented to **defendant Dattalo** by CW. After paying **defendant Dattalo**, CW told **defendant Dattalo** that the cost of the bank statements was high. In response, **defendant Dattalo** showed CW a file with a 401(k) statement, bank statements, pay stubs and Forms W-2. **Defendant Dattalo** explained that her "girl" created these fraudulent documents and that their quality made the fraudulent bank statements that CW ordered worth the money. **Defendant Dattalo** also told CW that she now worked for a new mortgage company with a loan processor willing to do whatever **defendant Dattalo** wanted as long as the processor was paid.

The J.D.S. Transaction Continues

41. While the other defendants were pursuing the D.P. transactions and other fraudulent transactions, **defendants Bernardim, Santos and Toledo** continued to pursue J.D.S.'s fraudulent purchase of the Hawthorne Avenue property. On or about October 12, 2009, Nunes received an email from CW requesting false bank statements for J.D.S. -- the same false documents that **defendants Bernardim and Santos** had directed CW to obtain from Nunes. In the email, CW provided Nunes with the amounts to be shown on the bank statements and instructed Nunes that the false statements should use account number for **defendant Santos's** checking account. The bank's records confirmed that **defendant Santos** opened this account in her name only on or about August 5, 2009.

42. On or about October 22, 2009, Nunes emailed to CW two months of false bank statements for J.D.S.; the statements

appeared to be created from statements for **defendant Santos's** checking account but listed J.D.S. as the account holder, not **defendant Santos**. The false statements also stated that J.D.S.'s address was the same address as **defendant Bernardim's** residence. The next day, **defendant Bernardim** faxed by way of an "eFax" to CW's Yahoo! email account the same false bank account statements for J.D.S. According to the bank's actual records, J.D.S.'s name was not even added to the account in question until on or about November 1, 2009. Furthermore, the statement dates and closing balances on the doctored account statements did not match the actual statement dates and closing balances for the account.

43. On or about November 17, 2009, **defendants Bernardim** and **Toledo** met with CW at Invest & Investors LLC and discussed a discrepancy between the amount of income on J.D.S.'s fraudulent paystubs and the deposits shown on J.D.S.'s fraudulent bank statements. An employee at Mortgage Company 3 had sought to speak with J.D.S. about this discrepancy. **Defendant Bernardim** explained that when the employee called **defendant Bernardim** to get in touch with J.D.S., **defendant Bernardim** provided **defendant Santos's** telephone number to the employee. Consequently, when the employee called J.D.S., the employee actually spoke to **defendant Santos**, who pretended to be J.D.S. **Defendant Bernardim** and CW called **defendant Santos**, who confirmed this had occurred.

44. During the November 17th meeting, **defendant Bernardim** also admitted to CW that she had provided J.D.S. with false employment with the Construction Company for purposes of obtaining the mortgage loan. **Defendant Bernardim** added that the telephone number she provided for the Construction Company on J.D.S.'s loan application forwarded incoming calls to **defendant Bernardim's** cellular phone, which she displayed to CW.

45. On or about November 23, 2009, corrected fraudulent bank statements for J.D.S. were faxed from Invest & Investors LLC to CW by way of an "eFax" to CW's Yahoo! email account. Later that day, Nunes declined CW's offer to pay for these fraudulent bank statements. Nunes explained that he had already told **defendant Bernardim** not to worry about paying for the new bank statements because Nunes had made mistakes on the prior bank statements that he had created for J.D.S.

46. Subsequently, Mortgage Company 3 denied J.D.S.'s loan application due to questions concerning the legitimacy of J.D.S.'s employment, the authenticity of the bank statements that had been provided for J.D.S., and other issues. Consequently, **defendant Bernardim** authorized CW to obtain a mortgage loan for J.D.S. through another lender. CW then approached **defendant Dattalo** about obtaining a mortgage loan for J.D.S. through

Mortgage Company 2, where she was still a branch manager. In so doing, CW told **defendant Dattalo** that J.D.S.'s proposed loan had "hair on it" -- **defendant Dattalo's** code phrase for fraud -- and that Mortgage Company 3 had denied the loan because of the discrepancy described in ¶ 43 above.

47. On or about December 15, 2009, **defendant Dattalo** told CW that she could not get J.D.S.'s loan approved unless and until issues related to J.D.S.'s credit history were corrected to obtain the minimum credit score needed to approve the loan. Later that day, **defendant Bernardim** met with CW at Invest & Investors LLC to discuss the problem with J.D.S.'s credit score.

48. **Defendant Bernardim** told CW that several items on J.D.S.'s credit report related to credit card accounts belonging to **defendant Toledo**. **Defendant Bernardim** explained that **defendant Toledo** had added J.D.S. to these accounts as an authorized user to improve J.D.S.'s credit score and that **defendant Toledo** had already paid down the balances on those accounts.

49. A review of J.D.S.'s credit report of J.D.S. confirmed that J.D.S. had been added as the authorized user of a credit card account for which the primary cardholder was **defendant Toledo**. The billing statements related to this credit card account were sent to **defendant Bernardim's** residence in Aberdeen, New Jersey.

50. On or about February 5, 2010, **defendant Bernardim** met with CW at Invest & Investors LLC and related that Nunes had created a driver's license for J.D.S. Because **defendant Bernardim** did not provide CW with a copy of the driver's license, CW sought a copy from Nunes directly. On or about February 8, 2010, Nunes emailed a copy of the fraudulent license to CW, then called CW to say that Nunes had to correct an error in J.D.S.'s address on the driver's license. Soon after, Nunes emailed to CW, copying **defendant Bernardim**, a new copy of the driver's license, which listed as J.D.S.'s address **defendant Bernardim's** residence. Law enforcement has confirmed that the license depicted in the email attachment was not a valid New Jersey driver's license.

51. On or about February 18, 2010, **defendant Bernardim** met with CW at Invest & Investors LLC. While there, **defendant Bernardim** called Nunes to give him instructions on what information to include in yet another set of updated bank statements that Nunes was creating for J.D.S. Following the call, **defendant Bernardim** told CW that **defendant Bernardim** expected to make \$60,000 from the J.D.S. transaction. Later that day, Nunes emailed to **defendant Toledo** and CW two months of false bank

statements for J.D.S.; at Nunes's and **defendant Bernardim's** request, CW forwarded the email to **defendant Bernardim**.

52. On or about March 3, 2010, Nunes emailed to **defendant Toledo** and CW still more months of false bank statements for J.D.S. On or about March 9, 2009, however, Nunes was arrested in connection with this investigation. And on or about March 16, 2010, during a meeting at Invest & Investors LLC, **defendant Bernardim** told CW that the J.D.S. transaction was dead, along with two other transactions that **defendant Bernardim** had presented to CW that also relied on false documents created by Nunes.

53. In addition to the false documents that he created discussed above, Nunes stored many other false documents on his thumb drive. For example, the thumb drive contained a folder labeled "Viviane" and a folder labeled "Vinny." These folders contained numerous false bank statements, Forms W-2, and copies of driver's licenses and Social Security cards. The "Viviane" folder had documents in approximately 21 different persons' names, including the fraudulent bank statements and driver's license for J.D.S. The "Vinnie" folder had documents in approximately 28 different persons' names.