

United States District Court  
District of New Jersey

ORIGINAL FILED

UNITED STATES OF AMERICA

v.

LUCILENE GUIDO

a/k/a "LUCILENE DA SILVA RIOS,"

a/k/a "LUCY GUIDO,"

ROBERTA FERREIRA, and

GENILZA NUNES,

a/k/a "GEANE NUNES"

JUN 15 2010

CRIMINAL COMPLAINT  
PATTY SHWARTZ  
U.S. MAG. JUDGE

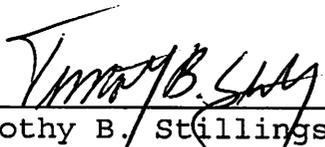
Mag. No. 10-3124

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 at least as early as in or about June 2009 through in or about November 2009, in the District of New Jersey and elsewhere, defendants

Lucilene Guido,  
a/k/a "Lucilene Da Silva Rios,"  
a/k/a "Lucy Guido,"  
Roberta Ferreira, and  
Genilza Nunes,  
a/k/a "Geane Nunes"

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 at least as early as in or about June 2009 through in or about November 2009, in the District of New Jersey and elsewhere, defendants

Lucilene Guido,  
a/k/a "Lucilene Da Silva Rios,"  
a/k/a "Lucy Guido,"  
Roberta Ferreira, and  
Genilza Nunes,  
a/k/a "Geane Nunes"

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 attachment are related in substance and in part and are not word-for-word transcripts or quotations.

### The Defendants and the Mortgage Company

1. At all times relevant to this Complaint:
  - a. **defendant Roberta Ferreira** was a licensed real estate agent registered with a realty company located in Riverside, New Jersey (the "Realty Company") and a resident of Kearny, New Jersey;
  - b. **defendant Genilza Nunes**, also known as "Geane Nunes," was a licensed real estate agent registered with the Realty Company, who worked out of an office in Newark, New Jersey, and a resident of Kearny, New Jersey;
  - c. **defendant Lucilene Guido**, also known as "Lucilene Da Silva Rios" and "Lucy Guido," was a self-employed real estate agent previously employed as a loan officer at a northern New Jersey mortgage company and a resident of Kearny, New Jersey; and
  - d. co-conspirator **Jairo Nunes**, who is not named as a defendant herein but has already been charged separately with wire fraud conspiracy in connection with this investigation, Magistrate Number 10-8033 (MCA), created fraudulent documents in support of unqualified borrowers on behalf of the defendants and other real estate agents, mortgage consultants and loan officers.
  
2. At all times relevant to this Complaint, the cooperating witness referred to herein ("CW") was a loan officer with a New Jersey mortgage company (the "Mortgage Company"). 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. CW used a Yahoo! email account in New Jersey to communicate with the **defendants**. 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. All emails to or from CW described herein pertain to this Yahoo! email account.

3. As of May 20, 2009, the **Mortgage Company** was a "financial institution" as defined in 18 U.S.C. § 20 because it was a "mortgage lending business[]" as defined in 18 U.S.C. § 27. It was an organization which finances or refinances debts secured by interests in real estate and whose activities affected interstate commerce.

#### **Mortgage Lending Generally**

4. 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.

#### **The Mortgage Fraud Conspiracy**

5. 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, to facilitate the conspiracy.

6. For example, as set forth below, the **defendants** obtained and produced false documents in the name of a borrower with the initials E.M. for the purchase of a residential property on Astor Street in Newark, New Jersey (the "Astor Street Property"). **Defendants Ferreira and Guido** then forwarded these documents to CW in order fraudulently to obtain a mortgage loan from the Mortgage Company in connection with the purchase of the Astor Street Property.

7. In or about June 2009, **defendant Ferreira** asked CW to run a credit report for E.M. On or about June 17, 2009, **defendant Ferreira** received an email from CW attaching a copy of E.M.'s credit report.

8. On or about July 8, 2009, **defendant Ferreira** contacted CW by telephone and asked CW to be the loan officer for E.M.'s acquisition of a mortgage.

9. On or about July 20, 2009, **defendants Ferreira and Lucilene Guido** met with CW at a café in Newark, New Jersey. During the meeting, **defendants Ferreira and Guido** told CW that they used Jairo Nunes to produce false bank statements and false identification documents, such as copies of driver's licenses and Social Security cards, for their borrowers who needed to obtain mortgages. **Defendants Ferreira and Guido** further told CW they used a female, whom they did not identify, to make false pay stubs and false IRS Forms W-2 for their borrowers, and that this female also provided false tax returns and false verifications of employment over the telephone. The investigation has revealed that this female was **defendant Genilza Nunes**.

10. At the same meeting, **defendants Ferreira and Guido** told CW that E.M.'s employer would help obtain pay stubs reflecting a false higher income amount and that **defendants Ferreira and Guido** would obtain false bank statements and a copy of a driver's license for E.M. from Jairo Nunes. **Defendants Ferreira and Guido** also told CW that E.M. does not have a valid Social Security number.

11. On or about July 14, 2009, **defendant Ferreira** emailed to CW false employment information for E.M. **Defendant Ferreira** falsely told CW that E.M. had been employed for six years as a truck driver with a company in Jersey City, New Jersey (the "Trucking Company") and provided a telephone number for the Trucking Company so that CW could call and verify E.M.'s employment with the Trucking Company. On or about July 20, 2009, **defendant Guido** emailed to CW the same false employment information for E.M.

12. On or about August 13, 2009, **defendant Ferreira** spoke to CW by telephone. During their conversation, **defendant Ferreira** discussed the production of false documents by Jairo Nunes and stated that **defendant Guido** was usually the person who talked with Jairo Nunes to obtain the false documents.

13. On or about August 19, 2009, **defendant Ferreira** emailed to CW a copy of the contract for the purchase of the Astor Street Property by E.M. for a stated purchase price of \$430,000; **defendant Ferreira** was seeking a mortgage loan in the amount of \$344,000 for E.M. The real estate agency listed for the transaction was the Realty Company, the real estate agency where **defendants Ferreira and Genilza Nunes** were registered as licensed real estate agents.

14. Prior to or on or about August 24, 2009, **defendant Guido** contacted Jairo Nunes and asked for a copy of a false New Jersey driver's license and a copy of a false Social Security card, both in the name of E.M. On or about August 24, 2009, Jairo Nunes emailed these false documents to **defendant Guido**. On or about August 26, 2009, **defendant Guido** forwarded these documents, via email, to **defendant Ferreira** and CW. Later that day, **defendant Ferreira** also emailed to CW two months of false bank statements for E.M. that had been created by Jairo Nunes.

15. On or about August 28, 2009, **defendant Genilza Nunes** emailed to **defendant Guido** false pay stubs and Forms W-2 for E.M. that **defendant Genilza Nunes** had produced. Later that day, after obtaining these false documents from **defendant Genilza Nunes**, **defendant Guido** emailed them to **defendant Ferreira**. On or about August 31, 2009, **defendant Ferreira** emailed to CW, copying **defendant Guido**, the false pay stubs and Forms W-2 for E.M. that **defendant Genilza Nunes** had produced.

16. On or about August 31, 2009, **defendant Ferreira** emailed to CW, copying **defendant Guido**, the false driver's license for E.M.

17. Thereafter, when **defendants Ferreira and Guido** were not able to obtain funding for the mortgage loan through the Mortgage Company, **defendants Ferreira and Guido** agreed to have CW submit E.M.'s application to other lenders. In connection with these further attempts to fund the loan, **defendants Ferreira and Guido** obtained additional false documents in support of the application.

18. For example, on or about November 18, 2009, **defendant Guido** sent an email to Jairo Nunes, copying **defendant Ferreira**, in which **defendant Guido** provided detailed instructions to Jairo Nunes regarding changes to be made to bank statements for E.M. On or about November 23, 2009, Jairo Nunes provided to CW two months of false bank statements for E.M.

19. The Forms W-2, pay stubs, bank statements, and driver's license in the name of E.M. all list E.M.'s home address as an address in Kearny, New Jersey. This address was, in fact, the home address of **defendant Ferreira**. On or about July 22, 2009, **defendant Ferreira** falsely stated to CW, via email, that E.M. had been living at that address for over three years.

20. Through execution of a court-authorized search warrant at the home of Jairo Nunes in Newark, New Jersey, law enforcement found that Jairo Nunes had created the false driver's license, Social Security card and bank statements for E.M. on Jairo Nunes' computer. None of these documents was found to be authentic.

21. The Forms W-2 and pay stubs that were produced by **defendant Genilza Nunes** and provided to CW indicated that E.M. was employed by the Trucking Company in Jersey City, New Jersey. The investigation has revealed that E.M. was never employed by the Trucking Company, that the Employer Identification Number found on the Forms W-2 does not belong to the Trucking Company, and that there was no evidence of a business in the name of the Trucking Company at the listed business address in Jersey City, New Jersey.

22. Moreover, the Trucking Company, with the same false address as that used on E.M.'s documents, has been tied by law enforcement to several other fraudulent mortgage transactions involving **defendant Genilza Nunes**. Through execution of a court-authorized search warrant at the Newark office of **defendant Genilza Nunes**, law enforcement found a telephone with a label on the back of the receiver with the name of the Trucking Company handwritten next to the telephone number provided by **defendants Guido and Ferreira** to CW for E.M.'s verification of employment. The search also revealed other telephones with the names of other non-existent companies handwritten or typed on labels on the telephone receivers.