

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 12-_____**
v. : **DATE FILED: May 7, 2012**
RICHARD VON MINDEN : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy - 1 count)**
: **18 U.S.C. § 1343 (wire fraud - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Defendant RICHARD VON MINDEN worked as a poker dealer in a casino in Las Vegas, Nevada.
2. John C. Lucidi, Jr., charged elsewhere, worked as a mortgage broker from 2006 through 2008 at his place of business, Advisors Mortgage Group, LLC in West Chester, Pennsylvania and in Newtown Square, Pennsylvania.
3. Advisors Mortgage Group, LLC, unknowingly relying on false loan information provided by Lucidi and others, funded the mortgages through its Sovereign Bank account, and subsequently sold the mortgage loans to other banks.
4. On or about April 4, 2008, in West Chester and Aston in the Eastern District of Pennsylvania, and elsewhere, defendant

RICHARD VON MINDEN

conspired and agreed with others known to the United States Attorney, to commit an offense

against the United States, that is, to knowingly commit wire fraud, in violation of Title 18, United States Code, Section 1343.

MANNER AND MEANS

5. It was part of the conspiracy that the defendant RICHARD VON MINDEN colluded with others during the conspiracy in a scheme to defraud lenders by facilitating mortgage loans in which he and others submitted false information, including asserting inflated income about the borrowers and assets, and fabricated documents, such as false wage statements, to support the applications.

6. Defendant VON MINDEN's knowing use of fabricated documents resulted in the approval of a mortgage loan on one property, for a total loss of approximately \$406,815.63.

It was further a part of the conspiracy that:

7. For the mortgage loans, defendant RICHARD VON MINDEN schemed with John C. Lucidi, Jr., charged elsewhere. Lucidi facilitated VON MINDEN's ability to obtain mortgages for a property in West Chester, Pennsylvania.

8. Defendant VON MINDEN did not possess the income or assets necessary to purchase the property in West Chester. Defendant RICHARD VON MINDEN and John C. Lucidi, Jr. knew that the mortgage loans for VON MINDEN were obtained under false pretenses, in that the supporting documentation, which was prepared by Lucidi, such as the U.S. Department of Housing and Urban Development Settlement Statement, known commonly as the HUD-1, contained a falsehood, and where the Uniform Residential Loan Application form contained false information about income and assets.

9. John Lucidi, Jr. sent one check in the amount of \$12,130 check to defendant VON MINDEN as a cash back or “kickback” payment for the purchase of the properties.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant RICHARD VON MINDEN committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

760 Wesley Court, West Chester, Pennsylvania

1. In or about April 2008, defendant RICHARD VON MINDEN, with assistance from John C. Lucidi, Jr. and others, purchased the property at 760 Wesley Court, West Chester, Pennsylvania, for the falsely inflated price of \$757,000. The mortgages for this transaction were obtained in the name of defendant VON MINDEN

2. In or about April 2008, defendant RICHARD VON MINDEN and John C. Lucidi, Jr. caused inflated income and asset information to appear on VON MINDEN’s loan application. Specifically, the loan application falsely listed VON MINDEN’s assets, employment and monthly income, which was grossly inflated.

3. In or about April 2008, a false settlement statement was prepared, with the knowledge of defendant RICHARD VON MINDEN and John C. Lucidi, Jr. for the purchase of 760 Wesley Court. Specifically, the settlement statement listed the falsely inflated sale price of \$757,000, and falsely listed that there had been a deposit of approximately \$113,550, when there had been no deposit.

4. On or about April 4, 2008, defendant RICHARD VON MINDEN’s

lenders sent two interstate wire transfers to the title company that was handling the closing for 760 Wesley Court, West Chester, PA, totaling approximately \$ 651,529.30.

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

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5 through 9, and Overt Acts 1 through 4 of Count One are incorporated here.

THE SCHEME

2. On or about April 4, 2008, defendant

RICHARD VON MINDEN

devised and intended to devise a scheme to defraud CitiMortgage and JP Morgan Chase, and other mortgage lenders, and to obtain money and property from CitiMortgage and JP Morgan Chase, and other mortgage lenders, by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

3. Defendant RICHARD VON MINDEN colluded with others during the period of the conspiracy in a scheme to defraud multiple mortgage lenders by participating in real estate transactions in which the sale prices were inflated so that cash could be given back to the buyer, and the cash back to the buyer was concealed from the mortgage lenders. Also, defendant VON MINDEN and others submitted numerous other false statements to the lenders, including asserting inflated income and assets.

4. On or about April 4, 2008, in Aston and West Chester, in the Eastern District of Pennsylvania, and elsewhere, defendant

RICHARD VON MINDEN

for the purpose of executing the scheme described above, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the following signals and sounds: a wire transfer of approximately \$425,079.30 from Sovereign Bank located in Pennsylvania and a wire transfer of approximately \$226,450 from Sovereign Bank located in Pennsylvania sent via New Jersey to the title company located in Pennsylvania that was handling the closing for VON MINDEN's purchase of 760 Wesley Court, West Chester, Pennsylvania.

All in violation of Title 18, United States Code, Sections 1343 and 2.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371 and 1343 set forth in this information, defendant

RICHARD VON MINDEN

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense, including, but not limited to, the sum of \$406,815.63.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2).

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**