

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-20569-CR-KING/MCALILEY

CASE NO: _____

18 U.S.C. § 1349

18 U.S.C. § 981

UNITED STATES OF AMERICA

vs.

**ROSALINDA AMOR,
MARGY MACHADO,
and
CLAUDIA ROJAS,**

Defendants.

_____ /

INFORMATION

The United States Attorney alleges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Dadeland Place, Lakeside at Tamarac, Lakeside Villas at Kendall, Courts of Oakland Park, South Flagler, Pompano by the Sea, San Marco at Fountainbleau, Palm Hill, Cedars Pointe, 45th Avenue Condominiums, Lee County, and Pelican Cove on the Bay were condominium complexes located in the State of Florida (collectively the "Condominium Complexes").

2. Great Country Mortgage Bankers ("GCMB") was a Florida corporation doing business as a mortgage lender, with its principal place of business located at 2850 Douglas Road, 4th Floor, Coral Gables, Florida. H.H. and his wife owned and controlled GCMB.

3. GCMB was a direct endorsement Federal Housing Administration ("FHA") lender, which meant that the U.S. Department of Housing and Urban Development ("HUD") allowed

GCMB to use its own personnel to approve loans that HUD would then insure, protecting GCMB in the event of default. After a loan closed, the loan file was sent to HUD to ensure that all the appropriate documents were submitted, at which time HUD endorsed the loan and the loan was then insured.

4. The FHA was a division of the HUD that provided mortgage insurance to approved commercial lending institutions to enable low and moderate income home buyers to obtain loans to purchase homes. FHA insured loans were only for potential home buyers who intended to be a primary resident in the home to be purchased. By offering FHA insured loans, HUD assisted potential buyers in obtaining mortgages at more favorable terms than those otherwise commercially available.

5. To be eligible to receive an FHA insured loan, home buyers were required to establish that their incomes were sufficient to meet the mortgage payments. HUD required the lenders making the loans to verify the home buyers' employment for the two most recent years. These verifications could be accomplished by having the home buyers' employers complete and sign "Verification of Employment" ("VOE") forms. The loan processors were responsible for verifying the authenticity of the VOE and ensuring that the VOE was not handled by or transmitted from or through interested third-parties, such as real estate agents, builders, or sellers. HUD also required the buyers to provide copies of their most recent pay stubs.

6. To be eligible to receive a FHA loan, home buyers were also required to make a minimum equity investment in their homes of at least 3% of the cost of the home. Home buyers were permitted to use gifts from relatives, employers, unions, charitable organizations, or governmental agencies to meet this 3% equity investment. Home buyers were not, however,

permitted to meet the equity requirement with gifts from persons or entities with an interest in the sale of the home, such as sellers of the homes. Home buyers and sellers were both required to certify at closing of the real estate transaction that the home buyer had not received undisclosed payments for closing costs and/or down payments on the property to be purchased.

7. HUD granted Direct Endorsement Authority for FHA insured loans to certain lenders. Under the Direct Endorsement Authority program, the lender determined whether the home buyer was eligible for an FHA insured loan. If the lender determined that the buyer was eligible, the lender then submitted to HUD for final approval of FHA insurance eligibility, the buyer's application and all documentation supporting the lender's decision to approve the loan, including the VOE form, the home buyer's most recent pay stubs, and documents establishing the home buyer's equity investment of 3% of the cost of the property.

8. A HUD-1 Settlement Statement ("HUD-1") was a standard form required to be executed for the closing of real estate transactions. The HUD-1 itemized for the lenders all aspects of the closing, including an itemized list of payments to be made by the borrower, money due to the seller, and any fees paid to third-parties in connection with the closing.

9. GCMB hired loan officers, loan processors, underwriters, and others to assist in the sale and financing of mortgage loans for condominium units in Miami-Dade County and elsewhere.

10. Alejandro Curbelo was a co-conspirator who worked as a loan officer for GCMB, beginning in or around February 2006 through at least in or around July 2008. He operated out of the sales office at Dadeland Place, but processed loan applications for Dadeland Place, Pelican Cove on the Bay, and San Marco at Fountainbleau.

11. Defendant **ROSALINDA AMOR** was a Miami-Dade County resident, who worked

as a loan processor for GCMB, beginning in or around 2005 and continuing through in or around March 2008.

12. Defendant **MARGY MACHADO** was a Miami-Dade County resident, who worked as a loan processor for GCMB, beginning in or around December 2006 and continuing through in or around November 2008.

13. Defendant **CLAUDIA ROJAS** was a Miami-Dade County resident, who worked for GCMB, beginning in or around June 2005. While working at GCMB, **ROJAS** was promoted to the position of loan processor, and continued working at GCMB as a loan processor through in or around February 2008.

14. The term “closing” was used in the real estate industry to refer to the event at which the legal transfer of real estate from seller to buyer formally took place and the point at which funds were transferred between the various parties, such as from the lending institution to the buyer, or to the seller on the buyer’s behalf. The fund transfer at closing was often accomplished by temporarily passing funds through an intermediary commonly referred to as a “settlement agent” or a “title company.”

15. Nehemiah Corporation of America (“NCA”) was a California non-profit corporation, with its principal place of business located at 424 North 7th Street, Suite 250, Sacramento, California.

16. Home Development Gift Foundation (“HDGF”) was a Michigan non-profit corporation, with its principal place of business located at 37211 Harper Avenue, Suite 6B, Clinton Township, Michigan.

17. NCA and HDGF provided assistance to borrowers who qualified for FHA residential loans by funding the borrowers’ down payment obligations at closing in exchange for a charitable

donation in the amount of the down payment plus a funding fee.

**CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)**

18. Paragraphs 1 through 17 of the General Allegation section of this Information are re-alleged and incorporated by reference as though fully set forth herein.

19. From in or around November 2005, and continuing through in or around August 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**ROSALINDA AMOR,
MARGY MACHADO, and
CLAUDIA ROJAS,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree together and with others known and unknown to the United States Attorney, to knowingly, and with 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, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures and sounds, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

20. It was the purpose of the scheme and artifice for the defendants and their co-conspirators to unlawfully enrich themselves by: (a) converting apartment complexes into residential condominium complexes to be sold at a premium; (b) recruiting unqualified borrowers to purchase and finance the residential condominiums; (c) creating and submitting false and fraudulent FHA

mortgage loan applications and related documents to GCMB, a lending institution, and HUD, thereby causing unqualified loan applicants to receive FHA insured loans, for which the borrowers could not otherwise qualify for the purchase of the property; and, (d) retaining the fraudulently obtained loan proceeds for their personal use and benefit and to further the fraudulent scheme.

MANNER AND MEANS OF CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

21. H.H. and other developers purchased certain apartment buildings in Miami-Dade County and elsewhere and converted them into condominium complexes to be resold.

22. H.H. and other developers hired GCMB to sell the condominium units. GCMB provided sales support, including marketing materials, office support, and on-sight sales personnel to sell the units to prospective buyers. Additionally, the on-site sales personnel, including Alejandro Curbelo, worked as loan officers, processing prospective buyers' loan applications on behalf of GCMB.

23. Alejandro Curbelo and other co-conspirators recruited individuals to purchase the condominium units in the Condominium Complexes. Some of the buyers were recruited to invest in a "rental property," even though GCMB processed FHA insured mortgage loan applications that required the borrower to be the primary resident of the unit. Many, if not all, of the prospective buyers could not qualify for mortgage loans to purchase the condominium units because they had insufficient income and assets, high levels of debt, and outstanding collection amounts.

24. Alejandro Curbelo and other co-conspirators prepared and caused to be prepared false and fraudulent FHA insured mortgage loan applications and other related documents on behalf of the

buyers, and submitted and caused to be submitted those false documents to GCMB and HUD in connection with the purchase of the condominium units. The mortgage loan applications prepared on behalf of the buyers contained false representations of employment, income, and other information necessary for the lender to assess the buyers' qualifications to borrow funds to purchase the units.

25. **ROSALINDA AMOR, MARGY MACHADO, CLAUDIA ROJAS**, and other co-conspirators prepared and caused to be prepared false and fraudulent VOEs, bank records, paystubs, driver's licenses, letters of explanation, and other supporting documents on behalf of the buyers.

26. **ROSALINDA AMOR, MARGY MACHADO, CLAUDIA ROJAS**, and other co-conspirators altered and destroyed original documents that demonstrated borrowers were unqualified for the mortgage loans and documents that had been wrongfully handled by, or transmitted from and through, interested third parties.

27. At or near the closings of the condominium units, Alejandro Curbelo and others co-conspirators provided many of the prospective buyers with cash-back incentives purportedly to complete necessary renovations to their units. These payments were not disclosed during the mortgage loan application process and on the HUD-1, and were often added to the sales contract as "other" thereby fraudulently increasing the sales price.

28. In order to further the conspiracy, Alejandro Curbelo and other co-conspirators arranged for non-profit organizations, including NCA and HDGF, to pay the buyer's cash-to-close obligations. Those organizations wired the cash-to-close funds in interstate commerce to GCMB's bank account in the Southern District of Florida.

29. Having received the materially false and fraudulent representations in the buyers' loan

applications, GCMB approved the FHA mortgage applications and funded the loans for the purchases of the condominium units.

30. After the closings, the unqualified buyers failed to make mortgage payments, causing the units to go into foreclosure. HUD was required to take title to the units and pay the outstanding loan balances to the lenders, resulting in substantial losses to the agency.

All in violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATIONS

1. The allegations contained in this Information are realleged and incorporated by reference as though fully set forth herein for the purposes of alleging forfeiture to the United States of America of certain property in which the defendants, **ROSALINDA AMOR, MARGY MACHADO** and **CLAUDIA ROJAS**, have an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1349, as alleged in this Information, the defendants, **ROSALINDA AMOR, MARGY MACHADO** and **CLAUDIA ROJAS**, shall forfeit all of her right, title and interest to the United States in any property, real or personal, which constitutes or is derived from proceeds traceable to such violation, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. The property subject to forfeiture includes, but is not limited to, the sum of any proceeds the defendants derived from the offense alleged in this Information.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

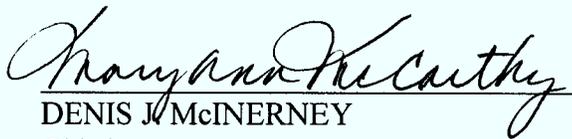
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), 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 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461, and the procedures set forth in Title 21, United States Code, Section 853.



WIFREDO A. FERRER
UNITED STATES ATTORNEY



DENIS J. McINERNEY
Chief
MARY ANN McCARTHY
Trial Attorney
Criminal Division, Fraud Section
U.S. Department of Justice

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

ROSALINDA AMOR, et al.,

Defendants.

_____ /

Superseding Case Information:

Court Division: (Select One)

X Miami _____ Key West
_____ FTL _____ WPB _____ FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

	(Check only one)		(Check only one)
I	0 to 5 days <u>X</u>	Petty	_____
II	6 to 10 days _____	Minor	_____
III	11 to 20 days _____	Misdem.	_____
IV	21 to 60 days _____	Felony	<u>X</u>
V	61 days and over _____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: _____ Case No. _____
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. _____
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No



MARY ANN MCCARTHY
DOJ TRIAL ATTORNEY
Court No. A5501634

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ROSALINDA AMOR

Case No: _____

Count #:

Conspiracy to Commit Wire Fraud

18 U.S.C. § 1349

*** Max. Penalty:** 20 years' imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MARGY MACHADO

Case No: _____

Count #:

Conspiracy to Commit Wire Fraud

18 U.S.C. § 1349

*** Max. Penalty:** 20 years' imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CLAUDIA ROJAS

Case No: _____

Count #:

Conspiracy to Commit Wire Fraud

18 U.S.C. § 1349

*** Max. Penalty:** 20 years' imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**