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1 ANDREW WEISSMANN  
Chief, Fraud Section  
2 Criminal Division, U.S. Department of Justice  
NIALL M. O'DONNELL (D.C. Bar No. 991519)  
3 DAVID A. BYBEE (Ky. Bar No. 9962)  
Trial Attorneys, Fraud Section  
4 Criminal Division, U.S. Department of Justice  
1400 New York Ave NW, 8th Floor  
5 Washington, DC 20005  
Telephone: (202) 616-0483  
6 Facsimile: (202) 616-1660  
E-mail: niall.odonnell@usdoj.gov

7 Attorneys for Plaintiff  
8 UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,


13 v.

14 JANE MATSUBA-GARCIA,  
15 aka "Jane Garcia,"  
aka "Jane Park,"  
16 aka "Lucy Vanalden,"  
aka "Gabby Charis,"

17 Defendant.  
18

No. CR 16-538-RGK

PLEA AGREEMENT FOR DEFENDANT  
JANE MATSUBA-GARCIA

2017 MAR -2 AM 10:13  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES  
BY: 

FILED

19 1. This constitutes the plea agreement between JANE MATSUBA-  
20 GARCIA, also known as ("aka") Jane Garcia, aka Jane Park, aka Lucy  
21 Vanalden, aka Gabby Charis (hereinafter "defendant") and the Fraud  
22 Section of the Criminal Division of the U.S. Department of Justice  
23 and the United States Attorney's Office for the Central District of  
24 California (together, "the government") in the above-captioned case.  
25 This agreement is limited to the government, as defined to include  
26 only the above two components, and does not bind any other federal,  
27 state, local, or foreign prosecuting, enforcement, administrative,  
28 or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the government and provided by the Court, appear and plead guilty to Counts One and Nine of the indictment in *United States v. Dorothy Matsuba, et al.*, Case No. CR 16-538-RGK (the "Indictment"), which charge defendant with three different offenses, namely, conspiracy to commit wire fraud, false statements relating to loan applications, and identity theft, in violation of 18 U.S.C. § 371 (Count One) and false statements relating to loan applications in violation of 18 U.S.C. §§ 1014 and 2 (Count Nine).

b. Give up the right to indictment by a grand jury and, at the earliest opportunity requested by the government and provided by the Court, appear and plead guilty to a one-count Information in the form attached to this agreement as Exhibit A or a substantially similar form (the "Information"), charging defendant with subscribing to a false tax return, in violation of 26 U.S.C. § 7206(1).

c. Not contest facts agreed to in this agreement.

d. Abide by all agreements regarding sentencing contained in this agreement.

e. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

f. Not commit any crime; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

1           g. Be truthful at all times with Pretrial Services, the  
2 United States Probation Office, and the Court.

3           h. Pay the applicable special assessments at or before  
4 the time of sentencing unless defendant lacks the ability to pay and  
5 prior to sentencing submits a completed financial statement on a  
6 form to be provided by the government.

7           i. Make restitution as specified in this plea agreement  
8 and not seek the discharge of any restitution obligation, in whole  
9 or in part, in any present or future bankruptcy proceeding.

10          3. Defendant admits that defendant received unreported income  
11 for 2010 and 2011. Defendant agrees that:

12           a. Nothing in this agreement forecloses or limits the  
13 ability of the Internal Revenue Service ("IRS") to examine and make  
14 adjustments to defendant's returns.

15           b. Defendant will not file any claim for refund of  
16 taxes, penalties, or interest for amounts attributable to the  
17 returns filed in connection with this plea agreement.

18           c. Defendant is liable for the fraud penalty imposed by  
19 the Internal Revenue Code, 26 U.S.C. § 6663, on the understatements  
20 of tax liability for 2010 and 2011.

21          4. Defendant also agrees to cooperate fully with the  
22 government, the Federal Bureau of Investigation, the IRS, the  
23 Federal Housing Finance Agency Office of Inspector General, the Los  
24 Angeles County Sheriff's Department, and, as directed by the  
25 government, any other federal, state, local, or foreign prosecuting,  
26 enforcement, administrative, or regulatory authority. This  
27 cooperation requires defendant to:

1           a. Respond truthfully and completely to all questions  
2 that may be put to defendant, whether in interviews, before a grand  
3 jury, or at any trial or other court proceeding.

4           b. Attend all meetings, grand jury sessions, trials or  
5 other proceedings at which defendant's presence is requested by the  
6 government or compelled by subpoena or court order.

7           c. Produce voluntarily all documents, records, or other  
8 tangible evidence relating to matters about which the government, or  
9 its designee, inquires.

10          5. For purposes of this agreement: (1) "Cooperation  
11 Information" shall mean any statements made, or documents, records,  
12 tangible evidence, or other information provided, by defendant  
13 pursuant to defendant's cooperation under this agreement; and  
14 (2) "Plea Information" shall mean any statements made by defendant,  
15 under oath, at the guilty plea hearing and the agreed to factual  
16 basis statement in this agreement.

17                               THE GOVERNMENT'S OBLIGATIONS

18          6. The government agrees to:

19           a. Not contest facts agreed to in this agreement.

20           b. Abide by all agreements regarding sentencing  
21 contained in this agreement.

22           c. At the time of sentencing, move to dismiss the  
23 remaining counts of the Indictment as against defendant. Defendant  
24 agrees, however, that at the time of sentencing the Court may  
25 consider any dismissed charges in determining the applicable  
26 Sentencing Guidelines range, the propriety and extent of any  
27 departure from that range, and the sentence to be imposed.  
28

1           d. At the time of sentencing, provided that defendant  
2 demonstrates an acceptance of responsibility for the offenses up to  
3 and including the time of sentencing, recommend a two-level  
4 reduction in the applicable Sentencing Guidelines offense level,  
5 pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move  
6 for an additional one-level reduction if available under that  
7 section.

8           e. Recommend that defendant be sentenced to a term of  
9 imprisonment no higher than the low end of the applicable Sentencing  
10 Guidelines range. For purposes of this agreement, the low end of the  
11 Sentencing Guidelines range is that defined by the Sentencing Table  
12 in U.S.S.G. Chapter 5, Part A.

13         7. The government further agrees:

14           a. Not to offer as evidence in its case-in-chief in the  
15 above-captioned case or any other criminal prosecution that may be  
16 brought against defendant by the government, or in connection with  
17 any sentencing proceeding in any criminal case that may be brought  
18 against defendant by the government, any Cooperation Information.  
19 Defendant agrees, however, that the government may use both  
20 Cooperation Information and Plea Information: (1) to obtain and  
21 pursue leads to other evidence, which evidence may be used for any  
22 purpose, including any criminal prosecution of defendant; (2) to  
23 cross-examine defendant should defendant testify, or to rebut any  
24 evidence offered, or argument or representation made, by defendant,  
25 defendant's counsel, or a witness called by defendant in any trial,  
26 sentencing hearing, or other court proceeding; and (3) in any  
27 criminal prosecution of defendant for false statement, obstruction  
28 of justice, or perjury.

1           b. Not to use Cooperation Information against defendant  
2 at sentencing for the purpose of determining the applicable  
3 guideline range, including the appropriateness of an upward  
4 departure, or the sentence to be imposed, and to recommend to the  
5 Court that Cooperation Information not be used in determining the  
6 applicable guideline range or the sentence to be imposed. Defendant  
7 understands, however, that Cooperation Information will be disclosed  
8 to the probation office and the Court, and that the Court may use  
9 Cooperation Information for the purposes set forth in U.S.S.G  
10 § 1B1.8(b) and for determining the sentence to be imposed.

11           c. In connection with defendant's sentencing, to bring  
12 to the Court's attention the nature and extent of defendant's  
13 cooperation.

14           d. If the government determines, in its exclusive  
15 judgment, that defendant has both complied with defendant's  
16 obligations under paragraphs 2 through 4 above and provided  
17 substantial assistance to law enforcement in the prosecution or  
18 investigation of another ("substantial assistance"), to move the  
19 Court pursuant to U.S.S.G. § 5K1.1 to fix an offense level and  
20 corresponding guideline range below that otherwise dictated by the  
21 sentencing guidelines, and to recommend a sentence within this  
22 reduced range.

23           DEFENDANT'S UNDERSTANDINGS REGARDING COOPERATION

24           8. Defendant understands the following:

25           a. Any knowingly false or misleading statement by  
26 defendant will subject defendant to prosecution for false statement,  
27 obstruction of justice, and perjury and will constitute a breach by  
28 defendant of this agreement.

1           b. Nothing in this agreement requires the government or  
2 any other prosecuting, enforcement, administrative, or regulatory  
3 authority to accept any cooperation or assistance that defendant may  
4 offer, or to use it in any particular way.

5           c. Defendant cannot withdraw defendant's guilty pleas if  
6 the government does not make a motion pursuant to U.S.S.G. § 5K1.1  
7 for a reduced guideline range or if the government makes such a  
8 motion and the Court does not grant it or if the Court grants such a  
9 government motion but elects to sentence above the range requested  
10 by the government.

11           d. At this time the government makes no agreement or  
12 representation as to whether any cooperation that defendant has  
13 provided or intends to provide constitutes or will constitute  
14 substantial assistance. The decision whether defendant has provided  
15 substantial assistance will rest solely within the exclusive  
16 judgment of the government.

17           e. The government's determination whether defendant has  
18 provided substantial assistance will not depend in any way on  
19 whether the government prevails at any trial or court hearing in  
20 which defendant testifies or in which the government otherwise  
21 presents information resulting from defendant's cooperation.

22                           NATURE OF THE OFFENSE

23           9. Defendant understands that for defendant to be guilty of  
24 the crime charged in Count One of the Indictment, that is,  
25 conspiracy to commit wire fraud, false statements relating to loan  
26 applications, and identity theft in violation of 18 U.S.C. § 371,  
27 the following must be true: (1) beginning in or around January 2005,  
28 or earlier, and ending no earlier than in or around August 2014,

1 there was an agreement between two or more persons to commit the  
2 crimes of wire fraud, false statements relating to loan  
3 applications, and identity theft; (2) the defendant became a member  
4 of the conspiracy knowing of at least one of its objects and  
5 intending to help accomplish it; and (3) one of the members of the  
6 conspiracy performed at least one overt act for the purpose of  
7 carrying out the conspiracy.

8 Defendant further understands that the elements of wire fraud  
9 in violation of 18 U.S.C. § 1343 are: (1) the defendant knowingly  
10 participated in a scheme or plan to defraud, or a scheme or plan for  
11 obtaining money or property by means of false or fraudulent  
12 pretenses, representations, or promises; (2) the statements made or  
13 facts omitted as part of the scheme were material; that is, they had  
14 a natural tendency to influence, or were capable of influencing, a  
15 person to part with money or property; (3) the defendant acted with  
16 the intent to defraud, that is, the intent to deceive or cheat; and  
17 (4) the defendant used, or caused to be used, a wire communication  
18 to carry out or attempt to carry out an essential part of the  
19 scheme.

20 Defendant further understands that the elements of false  
21 statements relating to loan applications in violation of 18 U.S.C.  
22 § 1014 are: (1) the defendant made a false statement or report to a  
23 federally-insured bank or a mortgage lending business; (2) the  
24 defendant made the false statement or report to the federally-  
25 insured bank or mortgage lending business knowing it was false; and  
26 (3) the defendant did so for the purpose of influencing in any way  
27 the action of the federally-insured bank or mortgage lending  
28 business.



1 Defendant further understands that the elements of identity  
2 theft in violation of 18 U.S.C. § 1028(a)(3) are: (1) the defendant  
3 knowingly possessed five or more identification documents,  
4 authentication features, or false identification documents; (2) the  
5 defendant intended to use unlawfully and transfer unlawfully those  
6 identification documents, authentication features, and false  
7 identification documents; and (3) the identification documents,  
8 authentication features, and false identification documents were or  
9 appeared to be issued by or under the authority of the United  
10 States.

11 10. Defendant understands that for defendant to be guilty of  
12 the crime charged in Count Nine of the Indictment, that is, false  
13 statements relating to loan applications in violation of 18 U.S.C.  
14 §§ 1014 and 2, the following must be true: (1) the defendant made a  
15 false statement or report to a federally-insured bank or a mortgage  
16 lending business, namely, American Home Mortgage Servicing, Inc.  
17 ("AHMSI"); (2) the defendant made the false statement or report to  
18 the federally-insured bank or mortgage lending business knowing it  
19 was false; and (3) the defendant did so for the purpose of  
20 influencing in any way the action of the federally-insured bank or  
21 mortgage lending business.

22 11. Defendant understands that for defendant to be guilty of  
23 the crime charged in the one-count Information, that is, subscribing  
24 to a false tax return, in violation of 26 U.S.C. § 7206(1), the  
25 following must be true: (1) defendant signed and filed a tax return  
26 for the year 2010 that she knew contained false information as to a  
27 material matter; (2) the return contained a written declaration that  
28 it was being signed subject to the penalties of perjury; and (3) in

1 filing the false tax return, defendant acted willfully and  
2 intentionally, that is, defendant knew that federal tax law imposed  
3 a duty on her, and defendant intentionally and voluntarily violated  
4 that duty.

5 PENALTIES AND RESTITUTION

6 12. Defendant understands that the statutory maximum sentence  
7 that the Court can impose for a violation of 18 U.S.C. § 371, as  
8 charged in Count One of the Indictment, is: 5 years' imprisonment; a  
9 3-year period of supervised release; a fine of \$250,000 or twice the  
10 gross gain or gross loss resulting from the offense, whichever is  
11 greatest; and a mandatory special assessment of \$100.

12 13. Defendant understands that the statutory maximum sentence  
13 that the Court can impose for a violation of 18 U.S.C. § 1014, as  
14 charged in Count Nine of the Indictment, is: 30 years' imprisonment;  
15 a 5-year period of supervised release; a fine of \$1,000,000 or twice  
16 the gross gain or gross loss resulting from the offense, whichever  
17 is greatest; and a mandatory special assessment of \$100.

18 14. Defendant understands that the statutory maximum sentence  
19 that the Court can impose for a violation of 26 U.S.C. § 7206(1), as  
20 charged in the one-count Information, is: 3 years' imprisonment; a  
21 1-year period of supervised release; a fine of \$250,000 or twice the  
22 gross gain or gross loss resulting from the offense, whichever is  
23 greatest; payment of the costs of prosecution; and a mandatory  
24 special assessment of \$100.

25 15. Defendant understands therefore, that for Counts One and  
26 Nine of the Indictment and the single count of the Information, the  
27 statutory maximum sentence that the court can impose is: 38 years'  
28 imprisonment; a 5-year period of supervised release; a fine of

1 \$1,350,000 or twice the gross gain or gross loss resulting from the  
2 offenses, whichever is greatest; the payment of the costs of  
3 prosecution of the one-count Information; and a mandatory special  
4 assessment of \$300.

5 16. Defendant understands and agrees that the Court: (a) may  
6 order defendant to pay restitution in the form of any additional  
7 taxes, interest, and penalties that defendant owes to the United  
8 States based upon the count of conviction in the one-count  
9 Information and any relevant conduct; and (b) must order defendant  
10 to pay the costs of prosecution, which may be in addition to the  
11 statutory maximum fine stated above. The defendant agrees to pay  
12 full restitution to the IRS based on the count of conviction in the  
13 one-count Information and any relevant conduct. Any restitution paid  
14 to the IRS shall be credited by the IRS against any amount which the  
15 defendant owes the IRS, in accordance with standard IRS procedure.  
16 If the Court orders the defendant to pay restitution to the IRS for  
17 the failure to pay tax, either directly as part of the sentence or  
18 as a condition of supervised release, the IRS will use the  
19 restitution order as the basis for a civil assessment. See 26 U.S.C.  
20 § 6201(a)(4). The defendant does not have the right to challenge the  
21 amount of this assessment. See 26 U.S.C. § 6201(a)(4)(C). Neither  
22 the existence of a restitution payment schedule nor the defendant's  
23 timely payment of restitution according to that schedule will  
24 preclude the IRS from administrative collection of the restitution-  
25 based assessment, including levy and distraint under 26 U.S.C.  
26 § 6331.

27 17. Defendant understands that defendant will be required to  
28 pay full restitution to the victims of the offenses in Counts One

1 and Nine of the Indictment to which defendant is pleading guilty.  
2 Defendant agrees that the Court may order restitution to persons  
3 other than the victims of these offenses in amounts greater than  
4 those alleged in the two counts of the Indictment, to which  
5 defendant is pleading guilty. In particular, defendant agrees that  
6 the Court may order restitution to any victim of any of the  
7 following for any losses suffered by that victim as a result of: (a)  
8 any relevant conduct, as defined in U.S.S.G. § 1B1.3, in connection  
9 with the offenses in counts One and Nine of the Indictment to which  
10 defendant is pleading guilty; and (b) any counts of the Indictment  
11 dismissed pursuant to this agreement as well as all relevant  
12 conduct, as defined in U.S.S.G. § 1B1.3, in connection with those  
13 counts.

14 18. Defendant understands that supervised release is a period  
15 of time following imprisonment during which defendant will be  
16 subject to various restrictions and requirements. Defendant  
17 understands that if defendant violates one or more of the conditions  
18 of any supervised release imposed, defendant may be returned to  
19 prison for all or part of the term of supervised release authorized  
20 by statute for the offenses that resulted in the term of supervised  
21 release, which could result in defendant serving a total term of  
22 imprisonment greater than the statutory maximum stated above.

23 19. Defendant understands that, by pleading guilty, defendant  
24 may be giving up valuable government benefits and valuable civic  
25 rights, such as the right to vote, the right to possess a firearm,  
26 the right to hold office, and the right to serve on a jury.  
27 Defendant understands that once the Court accepts defendant's guilty  
28 plea, it will be a federal felony for defendant to possess a firearm

1 or ammunition. Defendant understands that the conviction in this  
2 case may also subject defendant to various other collateral  
3 consequences, including but not limited to revocation of probation,  
4 parole, or supervised release in another case and suspension or  
5 revocation of a professional license. Defendant understands that  
6 unanticipated collateral consequences will not serve as grounds to  
7 withdraw defendant's guilty plea.

8 20. Defendant understands that, if defendant is not a United  
9 States citizen, the felony conviction in this case may subject  
10 defendant to: removal, also known as deportation, which may, under  
11 some circumstances, be mandatory; denial of citizenship; and denial  
12 of admission to the United States in the future. The Court cannot,  
13 and defendant's attorney also may not be able to, advise defendant  
14 fully regarding the immigration consequences of the felony  
15 conviction in this case. Defendant understands that unexpected  
16 immigration consequences will not serve as grounds to withdraw  
17 defendant's guilty plea.

18 FACTUAL BASIS

19 21. Defendant admits that defendant is, in fact, guilty of the  
20 offenses to which defendant is agreeing to plead guilty. Defendant  
21 and the government agree to the statement of facts provided below in  
22 paragraphs 22-29, and agree that this statement of facts is  
23 sufficient to support a plea of guilty to the charges described in  
24 this agreement and to establish the Sentencing Guidelines factors  
25 set forth in paragraph 31 below but is not meant to be a complete  
26 recitation of all facts relevant to the underlying criminal conduct  
27 or all facts known to either party that relate to that conduct.

1           22. In or around September 2007, defendant JANE MATSUBA-GARCIA  
2 began working for and with co-conspirators D.M., Y.P., T.M., Jm.M.,  
3 R.G., J.H., and others. D.M. was the beneficial owner and primary  
4 officer of Owner Management Service, LLC, d/b/a Trust Holding  
5 Service Co., OMS Global, LLC, and affiliated companies  
6 (collectively, "the Companies"), located in Los Angeles County,  
7 within the Central District of California. The Companies purported  
8 to assist property owners ("distressed borrowers") in short sales  
9 where the property owners could no longer afford mortgage payments  
10 on the properties they owned ("distressed properties"). At the  
11 direction of the conspirators, distressed borrowers transferred  
12 distressed properties' titles to trusts established and controlled  
13 by the conspirators, based on representations by D.M. and other co-  
14 conspirators that they would perform short sales on behalf of the  
15 distressed borrowers. Defendant MATSUBA-GARCIA worked as the manager  
16 of the short sale department at the Companies under the direction of  
17 co-conspirator D.M.

18           23. Instead of performing short sales as represented, the  
19 conspirators rented the distressed properties to third parties,  
20 collecting rent and not paying most mortgages on the distressed  
21 properties. The conspirators then engaged in various tactics  
22 designed by D.M. and other co-conspirators to delay foreclosure by  
23 lenders on distressed properties so the conspirators could continue  
24 collection of rent from these properties. These tactics included,  
25 but were not limited to:

- 26           (a) fabricating short sale offers for distressed properties  
27               using stolen and fictitious identities and submitting  
28

1           those offers to lenders, including financial institutions  
2           insured by the FDIC;

3           (b) falsifying financial and tax statements for distressed  
4           borrowers, including by forging the signatures of  
5           distressed borrowers, and submitting them to lenders,  
6           including financial institutions insured by the FDIC;

7           (c) filing bankruptcy petitions in the names of distressed  
8           borrowers without their knowledge, including by forging  
9           the signatures of distressed borrowers on the petitions;  
10          and

11          (d) fabricating liens on the distressed properties. At the  
12          direction of D.M., defendant would assist with these  
13          tactics to delay foreclosure on properties controlled by  
14          the conspirators.

15          24. Substantially all of the false documents created by  
16          defendant and her co-conspirators and submitted to federally-insured  
17          banks and mortgage lending businesses or mortgage servicers, were  
18          transmitted by wire, and specifically, by fax, through interstate  
19          commerce. The fraudulent actions of the conspirators exposed  
20          financial institutions to new and increased risk of loss.

21          25. For the purpose of carrying out the conspiracy, the  
22          defendant and her co-conspirators committed numerous overt acts,  
23          including the following:

24               a. On or about April 2, 2007, co-conspirators  
25          transferred and caused to be transferred property at 10415 Monogram  
26          Avenue, Granada Hills, California ("the Monogram Avenue property"),  
27          to a trust controlled by the conspirators. See Overt Act No. 1 in  
28          the Indictment.

1           b. On or about June 25, 2007, co-conspirators submitted  
2 and caused to be submitted, to Washington Mutual, N.A., a false  
3 application for a mortgage loan, financing the purchase of the  
4 Monogram Avenue property in the name of stolen identity S.Y.Y. See  
5 Overt Act No. 2 in the Indictment.

6           c. On or about June 26, 2009, defendant and her co-  
7 conspirators submitted and caused to be submitted a fraudulent short  
8 sale purchase offer for the property at 20101 Halsted Street,  
9 Chatsworth, California ("the Halsted Street property"), and related  
10 documents to AHMSI in the name of stolen identity A.G., accompanied  
11 by fraudulent financial hardship documents and other  
12 misrepresentations. See Overt Act No. 3 in the Indictment.

13           d. On or about December 11, 2009, co-conspirator D.M.  
14 wrote a check in the amount of \$11,075.00 from a Wells Fargo bank  
15 account for Bill Pay Service, an OMS company, account number  
16 xxxxxx2050, to OMS employee C.L. See Overt Act No. 4 in the  
17 Indictment.

18           e. On or about December 12, 2009, co-conspirators D.M.  
19 and T.M. caused OMS employee C.L. to purchase a cashier's check  
20 payable to T.M. in the amount of \$11,075.00. See Overt Act No. 5 in  
21 the Indictment.

22           f. On or about December 17, 2009, co-conspirator T.M.  
23 deposited the cashier's check in the amount of \$11,075.00 into a  
24 Wells Fargo bank account in the name of co-conspirators D.M., J.M.,  
25 and T.M., account number xxxxxx8059. See Overt Act No. 6 in the  
26 Indictment.

27           g. On or about March 25, 2010, co-conspirator D.M.  
28 caused the submission of a fraudulent loan modification request and



1 related documents for the Halsted Street property to AHMSI,  
2 including a falsified "Andex, Inc." pay stub and containing false  
3 statements regarding her unemployment and financial hardship. See  
4 Overt Act No. 7 in the Indictment.

5 h. On or about August 24, 2010, defendant and co-  
6 conspirator D.M. submitted, and caused to be submitted, a fraudulent  
7 short sale purchase offer and related documents for the Halsted  
8 Street property to AHMSI in the name of fabricated identity J.A. See  
9 Overt Act No. 8 in the Indictment.

10 i. On or about June 22, 2011, defendant and co-  
11 conspirator D.M. caused a false short sale purchase offer and  
12 related documents for the property at 13243 Bryson Street, Arleta,  
13 California ("the Bryson Street property") to be submitted in the  
14 name of stolen identity S.M.L. to Wells Fargo dba America's  
15 Servicing Company to delay foreclosure on the Bryson Street  
16 property. See Overt Act No. 9 in the Indictment.

17 j. On or about September 8, 2011, defendant and co-  
18 conspirator D.M. caused a false short sale purchase offer Addendum  
19 on behalf of distressed homeowner J.V. and stolen identity S.M.L. to  
20 be submitted to Wells Fargo dba America's Servicing Company,  
21 featuring forged signatures of J.V. and S.M.L., to delay foreclosure  
22 on the Bryson Street property. See Overt Act No. 10 in the  
23 Indictment.

24 26. As a result of the foregoing fraudulent actions by the  
25 conspirators, the Companies obtained at least approximately  
26 \$17,810,194 in rental income from approximately September 2007  
27 through October 2011.

28

1           27. In addition, in or around July 27, 2011, at the direction  
2 of D.M. and other co-conspirators, defendant knowingly and  
3 fraudulently made false statements under penalty of perjury in a  
4 deposition as part of the civil proceeding in *Hee Eun Yoo v. U.S.*  
5 *Bank National Association, et al.*, Case No. BC443288 (Cal. Sup.),  
6 including testifying falsely about the roles of co-conspirators  
7 D.M., Y.P., T.M., and Jm.M.; the ownership of Creative Group  
8 Resource and Trust Holding Service; and the operations of Creative  
9 Group Resource and Trust Holding Service.

10           28. In addition, as described in Count Nine in the Indictment,  
11 in or around June 26, 2009, defendant, together with others, aiding  
12 and abetting each other, knowingly submitted and willfully caused to  
13 be submitted from within the Central District of California a false  
14 short sale purchase offer for the Halsted Street property and  
15 related documents, including false statements regarding unemployment  
16 and financial hardship, to AHMSI in the name of stolen identity A.G,  
17 for the purpose of influencing the actions of AHMSI, a mortgage  
18 lending business that was a financial institution as defined in  
19 Title 18, United States Code, Section 20(10). The defendant  
20 submitted and caused to be submitted the false statements and  
21 materials to AHMSI knowing they were false, and did so for the  
22 purpose of influencing the action of AHMSI in connection with a  
23 residential loan application, and any change, extension, or  
24 deferment thereto.

25           29. In addition, on or about March 16, 2012, defendant  
26 willfully made and subscribed to a U.S. Individual Income Tax  
27 Return, Form 1040, for the tax year 2010, which defendant verified  
28 by a written declaration that said the tax return was made under the

1 penalty of perjury, and was true, correct, and complete, and which  
2 was filed with the IRS. However, as defendant then well knew, said  
3 Form 1040 was not true and correct as to every material matter.  
4 Specifically, defendant listed or caused to be listed a false amount  
5 for adjusted gross income. Defendant reported gross income of \$0,  
6 when, in fact, as she then well knew, she had earned income in the  
7 2010 tax year. Defendant falsely subscribed to the return willfully,  
8 with the specific intent to violate the duty she knew was imposed on  
9 her by the tax laws to file truthful returns. As a result, there was  
10 a tax loss to the IRS for the 2010 tax year. Defendant further  
11 agrees that as a result of listing false amounts for adjusted gross  
12 income in a return for tax year 2011, the IRS incurred a tax loss  
13 for the 2011 tax year.

#### 14 SENTENCING FACTORS

15 30. Defendant understands that in determining defendant's  
16 sentence the Court is required to calculate the applicable  
17 Sentencing Guidelines range and to consider that range, possible  
18 departures under the Sentencing Guidelines, and the other sentencing  
19 factors set forth in 18 U.S.C. § 3553(a). Defendant understands that  
20 the Sentencing Guidelines are advisory only, that defendant cannot  
21 have any expectation of receiving a sentence within the calculated  
22 Sentencing Guidelines range, and that after considering the  
23 Sentencing Guidelines and the other § 3553(a) factors, the Court  
24 will be free to exercise its discretion to impose any sentence it  
25 finds appropriate up to the maximum set by statute for the crimes of  
26 conviction.

27 31. Defendant and the government agree to the following  
28 applicable Sentencing Guidelines factors:

1           Base Offense Level:                           +7 [U.S.S.G. § 2B1.1(a)(2)]

2           Specific Offense

3           Characteristics

4           Gain between \$9.5m and \$25m: +20 [U.S.S.G. § 2B1.1(b)(1)(K)]

5           Resulted in substantial

6           financial hardship

7           to 25 or more victims:                   +6 [U.S.S.G. § 2B1.1(b)(2)(C)]

8           Sophisticated Means:

+2 [U.S.S.G. § 2B1.1(b)(10)]

9           Aggravating Role:

+2 [U.S.S.G. § 3B1.1(c)]

10          The government will agree to a two-level downward adjustment for  
11          acceptance of responsibility (and, if applicable, move for an  
12          additional one-level downward adjustment under U.S.S.G. § 3E1.1(b))  
13          only if the conditions set forth in paragraph 6(d) are met. Subject  
14          to paragraphs 7 above and 44 below, defendant and the government  
15          agree not to seek or argue, either orally or in writing, that any  
16          other specific offense characteristics, adjustments, or departures  
17          relating to the offense level be imposed. Defendant agrees, however,  
18          that if, after signing this agreement but prior to sentencing,  
19          defendant were to commit an act, or the government were to discover  
20          a previously undiscovered act committed by defendant prior to  
21          signing this agreement, which act, in the judgment of the  
22          government, constituted obstruction of justice within the meaning of  
23          U.S.S.G. § 3C1.1, the government would be free to seek the  
24          enhancement set forth in that section.

25          32. Defendant understands that there is no agreement as to  
26          defendant's criminal history or criminal history category.

27          33. Defendant and the government reserve the right to argue  
28          for a sentence outside the sentencing range established by the

1 Sentencing Guidelines based on the factors set forth in 18 U.S.C.  
2 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

3 WAIVER OF CONSTITUTIONAL RIGHTS

4 34. Defendant understands that by pleading guilty, defendant  
5 gives up the following rights:

6 a. The right to persist in a plea of not guilty.

7 b. The right to a speedy and public trial by jury.

8 c. The right to be represented by counsel - and if  
9 necessary have the court appoint counsel - at trial. Defendant

10 understands, however, that, defendant retains the right to be  
11 represented by counsel - and if necessary have the court appoint  
12 counsel - at every other stage of the proceeding.

13 d. The right to be presumed innocent and to have the  
14 burden of proof placed on the government to prove defendant guilty  
15 beyond a reasonable doubt.

16 e. The right to confront and cross-examine witnesses  
17 against defendant.

18 f. The right to testify and to present evidence in  
19 opposition to the charges, including the right to compel the  
20 attendance of witnesses to testify.

21 g. The right not to be compelled to testify, and, if  
22 defendant chose not to testify or present evidence, not to have that  
23 choice be used against defendant.

24 h. Any and all rights to pursue any affirmative  
25 defenses, Fourth Amendment or Fifth Amendment claims, and other  
26 pretrial motions that have been filed or could be filed.

1                                    WAIVER OF APPEAL OF CONVICTION

2            35. Defendant understands that, with the exception of an  
3 appeal based on a claim that defendant's guilty pleas were  
4 involuntary, by pleading guilty defendant is waiving and giving up  
5 any right to appeal defendant's convictions on the offenses to which  
6 defendant is pleading guilty.

7                                    LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

8            36. Defendant agrees that, provided the Court imposes a total  
9 term of imprisonment on all counts of conviction of no more than 188  
10 months, defendant gives up the right to appeal all of the following:  
11 (a) the procedures and calculations used to determine and impose any  
12 portion of the sentence; (b) the term of imprisonment imposed by the  
13 Court; (c) the fine imposed by the Court, provided it is within the  
14 statutory maximum; (d) the restitution ordered by the Court related  
15 to defendant's guilty plea to the one-count Information, provided  
16 the restitution ordered does not exceed \$49,608.14; (e) the term of  
17 probation or supervised release imposed by the Court, provided it is  
18 within the statutory maximum; and (f) any of the following  
19 conditions of supervised release imposed by the Court: the  
20 conditions set forth in General Orders 318, 01-05, and/or 05-02 of  
21 this Court; the drug testing conditions mandated by 18 U.S.C.  
22 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions  
23 authorized by 18 U.S.C. § 3563(b)(7).

24            37. Defendant also gives up any right to bring a post-  
25 conviction collateral attack on the convictions or sentence,  
26 including any order of restitution, except a post-conviction  
27 collateral attack based on a claim of ineffective assistance of  
28 counsel, a claim of newly discovered evidence, or an explicitly

1 retroactive change in the applicable Sentencing Guidelines,  
2 sentencing statutes, or statutes of conviction.

3 38. The government agrees that, provided (a) all portions of  
4 the sentence are at or below the statutory maximum specified above  
5 and (b) the Court imposes a term of imprisonment of no less than 151  
6 months, the government gives up its right to appeal any portion of  
7 the sentence, with the exception that the government reserves the  
8 right to appeal the amount of restitution ordered.

9 RESULT OF WITHDRAWAL OF GUILTY PLEA

10 39. Defendant agrees that if, after entering guilty pleas  
11 pursuant to this agreement, defendant seeks to withdraw and succeeds  
12 in withdrawing defendant's guilty pleas on any basis other than a  
13 claim and finding that entry into this plea agreement was  
14 involuntary, then (a) the government will be relieved of all of its  
15 obligations under this agreement, including in particular its  
16 obligations regarding the use of Cooperation Information; (b) in any  
17 investigation, criminal prosecution, or civil, administrative, or  
18 regulatory action, defendant agrees that any Cooperation Information  
19 and any evidence derived from any Cooperation Information shall be  
20 admissible against defendant, and defendant will not assert, and  
21 hereby waives and gives up, any claim under the United States  
22 Constitution, any statute, or any federal rule, that any Cooperation  
23 Information or any evidence derived from any Cooperation Information  
24 should be suppressed or is inadmissible; and (c) should the  
25 government choose to pursue any charge or any civil, administrative,  
26 or regulatory action that was either dismissed or not filed as a  
27 result of this agreement, then (i) any applicable statute of  
28 limitations will be tolled between the date of defendant's signing

1 of this agreement and the filing commencing any such action; and  
2 (ii) defendant waives and gives up all defenses based on the statute  
3 of limitations, any claim of pre-indictment delay, or any speedy  
4 trial claim with respect to any such action, except to the extent  
5 that such defenses existed as of the date of defendant's signing  
6 this agreement.

7 EFFECTIVE DATE OF AGREEMENT

8 40. This agreement is effective upon signature and execution  
9 of all required certifications by defendant, defendant's counsel,  
10 and an attorney for the government.

11 BREACH OF AGREEMENT

12 41. Defendant agrees that if defendant, at any time after the  
13 effective date of this agreement, knowingly violates or fails to  
14 perform any of defendant's obligations under this agreement ("a  
15 breach"), the government may declare this agreement breached. For  
16 example, if defendant knowingly, in an interview, before a grand  
17 jury, or at trial, falsely accuses another person of criminal  
18 conduct or falsely minimizes defendant's own role, or the role of  
19 another, in criminal conduct, defendant will have breached this  
20 agreement. All of defendant's obligations are material, a single  
21 breach of this agreement is sufficient for the government to declare  
22 a breach, and defendant shall not be deemed to have cured a breach  
23 without the express agreement of the government in writing. If the  
24 government declares this agreement breached, and the Court finds  
25 such a breach to have occurred, then:

26 a. If defendant has previously entered guilty pleas  
27 pursuant to this agreement, defendant will not be able to withdraw  
28 the guilty pleas.



1           b.    The government will be relieved of all its  
2 obligations under this agreement; in particular, the government:  
3 (i) will no longer be bound by any agreements concerning sentencing  
4 and will be free to seek any sentence up to the statutory maximum  
5 for the crimes to which defendant has pleaded guilty; and (ii) will  
6 no longer be bound by any agreement regarding the use of Cooperation  
7 Information and will be free to use any Cooperation Information in  
8 any way in any investigation, criminal prosecution, or civil,  
9 administrative, or regulatory action.

10           c.    The government will be free to criminally prosecute  
11 defendant for false statement, obstruction of justice, and perjury  
12 based on any knowingly false or misleading statement by defendant.

13           d.    In any investigation, criminal prosecution, or civil,  
14 administrative, or regulatory action: (i) defendant will not assert,  
15 and hereby waives and gives up, any claim that any Cooperation  
16 Information was obtained in violation of the Fifth Amendment  
17 privilege against compelled self-incrimination; and (ii) defendant  
18 agrees that any Cooperation Information and any Plea Information, as  
19 well as any evidence derived from any Cooperation Information or any  
20 Plea Information, shall be admissible against defendant, and  
21 defendant will not assert, and hereby waives and gives up, any claim  
22 under the United States Constitution, any statute, Rule 410 of the  
23 Federal Rules of Evidence, Rule 11(f) of the Federal Rules of  
24 Criminal Procedure, or any other federal rule, that any Cooperation  
25 Information, any Plea Information, or any evidence derived from any  
26 Cooperation Information or any Plea Information should be suppressed  
27 or is inadmissible.

1           42. Following the Court's finding of a knowing breach of this  
2 agreement by defendant, should the government choose to pursue any  
3 charge or any civil, administrative, or regulatory action that was  
4 either dismissed or not filed as a result of this agreement, then:

5           a. Defendant agrees that any applicable statute of  
6 limitations is tolled between the date of defendant's signing of  
7 this agreement and the filing commencing any such action.

8           b. Defendant waives and gives up all defenses based on  
9 the statute of limitations, any claim of pre-indictment delay, or  
10 any speedy trial claim with respect to any such action, except to  
11 the extent that such defenses existed as of the date of defendant's  
12 signing this agreement.

13                   COURT AND PROBATION OFFICE NOT PARTIES

14           43. Defendant understands that the Court and the United States  
15 Probation Office are not parties to this agreement and need not  
16 accept any of the government's sentencing recommendations or the  
17 parties' agreements to facts or sentencing factors.

18           44. Defendant understands that both defendant and the  
19 government are free to: (a) supplement the facts by supplying  
20 relevant information to the United States Probation Office and the  
21 Court; (b) correct any and all factual misstatements relating to the  
22 Court's Sentencing Guidelines calculations and determination of  
23 sentence; and (c) argue on appeal and collateral review that the  
24 Court's Sentencing Guidelines calculations and the sentence it  
25 chooses to impose are not error, although each party agrees to  
26 maintain its view that the calculations in paragraph 31 are  
27 consistent with the facts of this case. While this paragraph permits  
28 both the government and defendant to submit full and complete

1 factual information to the United States Probation Office and the  
2 Court, even if that factual information may be viewed as  
3 inconsistent with the facts agreed to in this agreement, this  
4 paragraph does not affect defendant's and the government's  
5 obligations not to contest the facts agreed to in this agreement.

6 45. Defendant understands that even if the Court ignores any  
7 sentencing recommendation, finds facts or reaches conclusions  
8 different from those agreed to, and/or imposes any sentence up to  
9 the maximum established by statute, defendant cannot, for that  
10 reason, withdraw defendant's guilty pleas, and defendant will remain  
11 bound to fulfill all defendant's obligations under this agreement.  
12 Defendant understands that no one -- not the prosecutor, defendant's  
13 attorney, or the Court -- can make a binding prediction or promise  
14 regarding the sentence defendant will receive, except that it will  
15 be within the statutory maximum.

16 NO ADDITIONAL AGREEMENTS

17 46. Defendant understands that, except as set forth herein,  
18 there are no promises, understandings, or agreements between the  
19 government and defendant or defendant's attorney, and that no  
20 additional promise, understanding, or agreement may be entered into  
21 unless in a writing signed by all parties or on the record in court.

22 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

23 47. The parties agree that this agreement will be considered  
24 part of the record of defendant's guilty plea hearing as if the  
25 entire agreement had been read into the record of the proceeding.

26 //

27 //

28 //

1 AGREED AND ACCEPTED

2 ANDREW WEISSMANN  
Chief  
3 U.S. Department of Justice  
Criminal Division, Fraud Section

4 BENJAMIN SINGER  
Deputy Chief  
5 U.S. Department of Justice  
6 Criminal Division, Fraud Section

7 

8 NIALL M. O'DONNELL  
DAVID A. BYBEE  
9 Trial Attorneys  
U.S. Department of Justice  
10 Criminal Division, Fraud Section

2/22/17  
Date

11

12 JANE MATSUBA-GARCIA  
Defendant

Date

13

14

15 MARK J. WERKSMAN  
Attorney for Defendant  
16 JANE MATSUBA-GARCIA

Date

17

CERTIFICATION OF DEFENDANT

18

19 I have read this agreement in its entirety. I have had enough  
20 time to review and consider this agreement, and I have carefully and  
21 thoroughly discussed every part of it with my attorney. I understand  
22 the terms of this agreement, and I voluntarily agree to those terms.  
23 I have discussed the evidence with my attorney, and my attorney has  
24 advised me of my rights, of possible pretrial motions that might be  
25 filed, of possible defenses that might be asserted either prior to  
26 or at trial, of the sentencing factors set forth in 18 U.S.C.  
27 § 3553(a), of relevant Sentencing Guidelines provisions, and of the  
28 consequences of entering into this agreement. No promises,

1 Criminal Division, Fraud Section

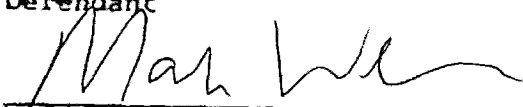
2 BENJAMIN SINGER  
3 Deputy Chief  
4 U.S. Department of Justice  
5 Criminal Division, Fraud Section

6 NYALL M. O'DONNELL  
7 DAVID A. BYBEE  
8 Trial Attorneys  
9 U.S. Department of Justice  
10 Criminal Division, Fraud Section

Date

11   
12 JANE MATSUBA-GARCIA  
13 Defendant

2/16/17  
Date

14   
15 MARK J. WERKSMAN  
16 Attorney for Defendant  
17 JANE MATSUBA-GARCIA

2/21/17  
Date

18 CERTIFICATION OF DEFENDANT

19 I have read this agreement in its entirety. I have had enough  
20 time to review and consider this agreement, and I have carefully and  
21 thoroughly discussed every part of it with my attorney. I understand  
22 the terms of this agreement, and I voluntarily agree to those terms.  
23 I have discussed the evidence with my attorney, and my attorney has  
24 advised me of my rights, of possible pretrial motions that might be  
25 filed, of possible defenses that might be asserted either prior to  
26 or at trial, of the sentencing factors set forth in 18 U.S.C.  
27 § 3553(a), of relevant Sentencing Guidelines provisions, and of the  
28 consequences of entering into this agreement. No promises,  
29 inducements, or representations of any kind have been made to me  
30 other than those contained in this agreement. No one has threatened  
31 or forced me in any way to enter into this agreement. I am satisfied

1 with the representation of my attorney in this matter, and I am  
 2 pleading guilty because I am guilty of the charges and wish to take  
 3 advantage of the promises set forth in this agreement, and not for  
 4 any other reason.

5   
 6 JANE MATSUBA-GARCIA  
 Defendant

2/16/17  
 Date

7  
 8 CERTIFICATION OF DEFENDANT'S ATTORNEY

9 I am JANE MATSUBA-GARCIA's attorney. I have carefully and  
 10 thoroughly discussed every part of this agreement with my client.  
 11 Further, I have fully advised my client of her rights, of possible  
 12 pretrial motions that might be filed, of possible defenses that  
 13 might be asserted either prior to or at trial, of the sentencing  
 14 factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing  
 15 Guidelines provisions, and of the consequences of entering into this  
 16 agreement. To my knowledge: no promises, inducements, or  
 17 representations of any kind have been made to my client other than  
 18 those contained in this agreement; no one has threatened or forced  
 19 my client in any way to enter into this agreement; my client's  
 20 decision to enter into this agreement is an informed and voluntary  
 21 one; and the factual basis set forth in this agreement is sufficient  
 22 to support my client's entry of guilty pleas pursuant to this  
 agreement.

23   
 24 MARK J. WERKSMAN  
 25 Attorney for JANE MATSUBA-GARCIA

2/21/17  
 Date