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8 UNITED STATES OF AMERICA

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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RYU GOEKU,

15 Defendant.
16

No. CR 16-325

PLEA AGREEMENT
FOR DEFENDANT RYU GOEKU

UNDER SEAL

17 1. This constitutes the plea agreement between RYU GOEKU
18 ("defendant") and the Fraud Section of the Criminal Division of the
19 U.S. Department of Justice and the United States Attorney's Office
20 for the Central District of California (together, "the government")
21 in the above-captioned case. This agreement is limited to the
22 government, as defined to include only the above two components, and
23 does not bind any other federal, state, local, or foreign
24 prosecuting, enforcement, administrative, or regulatory authorities.

25 DEFENDANT'S OBLIGATIONS

26 2. Defendant agrees to:

27 a) Give up the right to indictment by a grand jury and,
28 at the earliest opportunity requested by the government and provided

1 by the Court, appear and plead guilty to a two-count Information in
2 the form attached to this agreement as Exhibit A or a substantially
3 similar form (the "Information"), charging defendant in Count One
4 with conspiracy to commit wire fraud, in violation of 18 U.S.C.
5 § 1349, and in Count Two with subscribing to a false tax return, in
6 violation of 26 U.S.C. § 7206(1).

7 b) Not contest facts agreed to in this agreement.

8 c) Abide by all agreements regarding sentencing
9 contained in this agreement.

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

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

17 f) Be truthful at all times with Pretrial Services, the
18 United States Probation Office, and the Court.

19 g) Pay the applicable special assessment at or before
20 the time of sentencing unless defendant lacks the ability to pay and
21 prior to sentencing submits a completed financial statement on a
22 form to be provided by the government.

23 3. Defendant further agrees to cooperate fully with the
24 government, the Federal Bureau of Investigation, the Internal
25 Revenue Service, the Los Angeles County Sheriff's Department, and,
26 as directed by the government, any other federal, state, local, or
27 foreign prosecuting, enforcement, administrative, or regulatory
28 authority. This 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 4. 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 5. 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, provided that defendant
23 demonstrates an acceptance of responsibility for the offenses up to
24 and including the time of sentencing, recommend a two-level
25 reduction in the applicable Sentencing Guidelines offense level,
26 pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move
27 for an additional one-level reduction if available under that
28 section.

1 6. The government further agrees:

2 a) Not to offer as evidence in its case-in-chief in the
3 above-captioned case or any other criminal prosecution that may be
4 brought against defendant by the government, or in connection with
5 any sentencing proceeding in any criminal case that may be brought
6 against defendant by the government, any Cooperation Information.

7 Defendant agrees, however, that the government may use both

8 Cooperation Information and Plea Information: (1) to obtain and
9 pursue leads to other evidence, which evidence may be used for any
10 purpose, including any criminal prosecution of defendant; (2) to
11 cross-examine defendant should defendant testify, or to rebut any
12 evidence offered, or argument or representation made, by defendant,
13 defendant's counsel, or a witness called by defendant in any trial,
14 sentencing hearing, or other court proceeding; and (3) in any
15 criminal prosecution of defendant for false statement, obstruction
16 of justice, or perjury.

17 b) Not to use Cooperation Information against defendant
18 at sentencing for the purpose of determining the applicable
19 guideline range, including the appropriateness of an upward
20 departure, or the sentence to be imposed, and to recommend to the
21 Court that Cooperation Information not be used in determining the
22 applicable guideline range or the sentence to be imposed. Defendant
23 understands, however, that Cooperation Information will be disclosed
24 to the probation office and the Court, and that the Court may use
25 Cooperation Information for the purposes set forth in U.S.S.G
26 § 1B1.8(b) and for determining the sentence to be imposed.

1 c) In connection with defendant's sentencing, to bring
2 to the Court's attention the nature and extent of defendant's
3 cooperation.

4 d) If the government determines, in its exclusive
5 judgment, that defendant has both complied with defendant's
6 obligations under paragraphs 2 and 3 above and provided substantial
7 assistance to law enforcement in the prosecution or investigation of
8 another ("substantial assistance"), to move the Court pursuant to

9 U.S.S.G. § 5K1.1 to fix an offense level and corresponding guideline
10 range below that otherwise dictated by the sentencing guidelines,
11 and to recommend a sentence within this reduced range.

12 DEFENDANT'S UNDERSTANDINGS REGARDING COOPERATION

13 7. Defendant understands the following:

14 a) Any knowingly false or misleading statement by
15 defendant will subject defendant to prosecution for false statement,
16 obstruction of justice, and perjury and will constitute a breach by
17 defendant of this agreement.

18 b) Nothing in this agreement requires the government or
19 any other prosecuting, enforcement, administrative, or regulatory
20 authority to accept any cooperation or assistance that defendant may
21 offer, or to use it in any particular way.

22 c) Defendant cannot withdraw defendant's guilty plea if
23 the government does not make a motion pursuant to U.S.S.G. § 5K1.1
24 for a reduced guideline range or if the government makes such a
25 motion and the Court does not grant it or if the Court grants such a
26 government motion but elects to sentence above the reduced range.

27 d) At this time the government makes no agreement or
28 representation as to whether any cooperation that defendant has

1 provided or intends to provide constitutes or will constitute
2 substantial assistance. The decision whether defendant has provided
3 substantial assistance will rest solely within the exclusive
4 judgment of the government.

5 e) The government's determination whether defendant has
6 provided substantial assistance will not depend in any way on
7 whether the government prevails at any trial or court hearing in
8 which defendant testifies or in which the government otherwise
9 presents information resulting from defendant's cooperation.

10 f) The defendant understands that this agreement does
11 not relieve the defendant from any legal obligation to pay
12 additional amounts due and owing to the Internal Revenue Service
13 ("IRS"). The defendant understands that nothing in this agreement
14 restricts the United States or the IRS from initiating any
15 collection or civil enforcement action relating thereto, nor does
16 this agreement bar the defendant from civilly contesting any
17 liabilities determined by the IRS, or bar the defendant from
18 exercising his rights in collection proceedings as provided by the
19 Internal Revenue code and standard IRS procedure.

20 NATURE OF THE OFFENSE

21 8. Defendant understands that for defendant to be guilty of
22 the crime charged in Count One of the Information, that is,
23 conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349,
24 the following must be true: (1) beginning in or about January 2010,
25 or earlier, and ending no earlier than in or about September 2013,
26 there was an agreement between two or more persons to commit the
27 crime of wire fraud; and (2) the defendant became a member of the
28

1 conspiracy knowing of a least one of its objects and intending to
2 help accomplish it.

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

15 9. Defendant understands that for defendant to be guilty of
16 the crime charged in Count Two of the Information, that is,
17 subscribing to a false tax return, in violation of 26 U.S.C.
18 § 7206(1), the following must be true: (1) defendant signed and
19 filed a tax return for the year 2011 that he knew contained false
20 information as to a material matter; (2) the return contained a
21 written declaration that it was being signed subject to the
22 penalties of perjury; and (3) in filing the false tax return
23 defendant acted willfully and intentionally, that is, defendant knew
24 that federal tax law imposed a duty on him, and defendant
25 intentionally and voluntarily violated that duty.

26 PENALTIES AND RESTITUTION

27 10. Defendant understands that the statutory maximum sentence
28 that the Court can impose for a violation of 18 U.S.C. § 1349, as

1 charged in Count One of the Information, is: 20 years imprisonment;
2 a 3-year period of supervised release; a fine of \$250,000 or twice
3 the gross gain or gross loss resulting from the offense, whichever
4 is greatest; and a mandatory special assessment of \$100.

5 11. Defendant understands that the statutory maximum sentence
6 that the Court can impose for a violation of 26 U.S.C. § 7206(1), as
7 charged in Count Two of the Information, is: 3 years imprisonment; a
8 1-year period of supervised release; a fine of \$100,000 or twice the

9 gross gain or gross loss resulting from the offense, whichever is
10 greatest; payment of the costs of prosecution; and a mandatory
11 special assessment of \$100.

12 12. Defendant understands therefore, that for both Counts One
13 and Two, the statutory maximum sentence that the court can impose
14 is: 23 years imprisonment; a 3-year period of supervised release; a
15 fine of \$350,000 or twice the gross gain or gross loss resulting
16 from the offense, whichever is greatest; the payment of the costs of
17 prosecution for Count Two; and a mandatory special assessment of
18 \$200.

19 13. Defendant understands that defendant will be required to
20 pay full restitution to the victims of the offenses to which
21 defendant is pleading guilty. Defendant agrees that, in return for
22 the government's compliance with its obligations under this
23 agreement, the Court may order restitution to persons other than the
24 victims of the offenses to which defendant is pleading guilty and in
25 amounts greater than those alleged in the count to which defendant
26 is pleading guilty. In particular, defendant agrees that the Court
27 may order restitution to any victim for any losses suffered by that
28 victim as a result of any relevant conduct, as defined in U.S.S.G.

1 § 1B1.3, in connection with the offenses to which defendant is
2 pleading guilty. The parties currently believe the applicable amount
3 of restitution is approximately \$16,796,629.67, but recognize and
4 agree that this amount could change based on facts that come to the
5 attention of the parties prior to sentencing. The defendant agrees
6 to pay full restitution to the IRS in an amount of \$15,981. Any
7 restitution paid to the IRS shall be credited by the IRS against any
8 amount which the defendant owes the IRS, in accordance with standard
9 IRS procedure.

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

19 15. Defendant understands that, by pleading guilty, defendant
20 may be giving up valuable government benefits and valuable civic
21 rights, such as the right to vote, the right to possess a firearm,
22 the right to hold office, and the right to serve on a jury.
23 Defendant understands that once the Court accepts defendant's guilty
24 plea, it will be a federal felony for defendant to possess a firearm
25 or ammunition. Defendant understands that the conviction in this
26 case may also subject defendant to various other collateral
27 consequences, including but not limited to revocation of probation,
28 parole, or supervised release in another case and suspension or

1 revocation of a professional license. Defendant understands that
2 unanticipated collateral consequences will not serve as grounds to
3 withdraw defendant's guilty plea.

4 16. Defendant understands that, if defendant is not a United
5 States citizen, the felony conviction in this case may subject
6 defendant to: removal, also known as deportation, which may, under
7 some circumstances, be mandatory; denial of citizenship; and denial
8 of admission to the United States in the future. The Court cannot,

9 and defendant's attorney also may not be able to, advise defendant
10 fully regarding the immigration consequences of the felony
11 conviction in this case. Defendant understands that unexpected
12 immigration consequences will not serve as grounds to withdraw
13 defendant's guilty plea.

14 FACTUAL BASIS

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

24 In or around 2009, defendant GOEKU began working for and
25 with co-conspirators D.M., T.M., Jn.M., and J.H., and others,
26 and shortly thereafter, with co-conspirator Jm.M. D.M. was the
27 beneficial owner and primary officer of Owner Management
28 Service, LLC, d/b/a Trust Holding Service Co., OMS Global, LLC,

1 and affiliated companies (collectively, "the Companies"),
2 located in Los Angeles County, within the Central District of
3 California. The Companies purported to assist property owners
4 ("distressed borrowers") in short sales where the property
5 owners could no longer afford mortgage payments on the
6 properties ("distressed properties"). At the direction of the
7 conspirators, distressed borrowers transferred distressed
8 properties' titles to trusts established and controlled by the

9 conspirators, based on representations by D.M. and other co-
10 conspirators that they would perform short sales on behalf of
11 the distressed borrowers. Defendant GOEKU worked as a manager
12 at the Companies under the direction of co-conspirator D.M.
13 Defendant GOEKU transferred two distressed properties he owned
14 to co-conspirator D.M.'s control, based on representations that
15 she would facilitate short sales of the properties.

16 Instead of performing short sales as represented, the
17 conspirators rented the distressed properties to third-parties,
18 collecting rent and not paying most mortgages on the distressed
19 properties. The conspirators then engaged in various tactics
20 designed by D.M. and other co-conspirators to delay foreclosure
21 by lenders on distressed properties so the conspirators could
22 continue collection of rent from these properties. These
23 tactics included, but were not limited to: (1) fabricating
24 short sale offers for distressed properties using stolen and
25 fictitious identities and submitting those offers to lenders,
26 including financial institutions insured by the FDIC;
27 (2) falsifying financial and tax statements for distressed
28 borrowers, including by forging the signatures of distressed

1 borrowers, and submitting them to lenders, including financial
2 institutions insured by the FDIC; (3) filing bankruptcy
3 petitions in the names of distressed borrowers without their
4 knowledge, including by forging the signatures of distressed
5 borrowers on the petitions; and (4) fabricating liens on the
6 distressed properties. At the direction of D.M., GOEKU would
7 assist with these tactics to delay foreclosure on properties
8 controlled by the conspirators.

9 Substantially all of the false documents created by
10 defendant GOEKU and his co-conspirators and submitted to
11 lenders or to servicers, were transmitted by wire, and
12 specifically, by fax, through interstate commerce. The
13 fraudulent actions of the conspirators exposed financial
14 institutions to new and increased risk of loss.

15 As a result of the foregoing fraudulent actions by the
16 conspirators, the Companies obtained at least approximately
17 \$16,796,629.67 in rental income from 2009 through September
18 2013.

19 In addition, beginning in or around January 9, 2012, at
20 the direction of D.M. and other co-conspirators, defendant
21 GOEKU knowingly and fraudulently made false statements under
22 penalty of perjury in relation to the bankruptcy proceeding
23 under Title 11 of the United States Code entitled *In re Owner*
24 *Management Service, LLC*, Case No. 12-bk-10231, in the United
25 States Bankruptcy Court for the Central District of California
26 ("the bankruptcy proceedings"). In particular, at the direction
27 of D.M. and other co-conspirators, defendant GOEKU signed under
28 penalty of perjury a January 9, 2012 Chapter 11 bankruptcy

1 petition for Owner Management Service, LLC, knowing it to
2 contain false statements, including falsely identifying the
3 defendant, not D.M., as the owner and manager of Owner
4 Management Service, LLC. Also, at the direction of D.M. and
5 other co-conspirators, defendant GOEKU testified falsely under
6 penalty of perjury in the course of the bankruptcy proceedings,
7 including by knowingly and fraudulently making the false
8 statement that the defendant, not D.M., was the owner and
9 manager of Owner Management Service, LLC.

10 In addition, on or about February 11, 2012, defendant
11 GOEKU willfully made and subscribed to a joint U.S. Individual
12 Income Tax Return, Form 1040, for the tax year 2011, which
13 defendant verified by a written declaration that said the tax
14 return was made under the penalty of perjury, and was true,
15 correct, and complete, and which was filed with the IRS.
16 However, as defendant GOEKU then well knew, said Form 1040 was
17 not true and correct as to every material matter. Specifically,
18 defendant GOEKU listed or caused to be listed a false amount
19 for adjusted gross income. Defendant GOEKU reported gross
20 income of \$45,206, when, in fact, as he then well knew, he
21 earned approximately \$46,065 more than that for the 2011 tax
22 year. Defendant GOEKU falsely subscribed to the return
23 willfully, with the specific intent to violate the law. The tax
24 loss to the IRS for the 2011 tax year was \$7,439. Defendant
25 GOEKU further agrees that as a result of listing false amounts
26 for adjusted gross income in returns for tax years 2010 and
27 2012, (i) the tax loss to the IRS for 2010 was \$1,293, and
28 (ii) the tax loss to the IRS for 2012 was \$7,249.

SENTENCING FACTORS

18. Defendant understands that in determining defendant's sentence the Court is required to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the Sentencing Guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated

Sentencing Guidelines range, and that after considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crimes of conviction.

19. Defendant and the government agree to the following applicable Sentencing Guidelines factors:

<u>Base Offense Level:</u>	7	[U.S.S.G. § 2B1.1(a)(2)]
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Specific Offense
Characteristics

Gain between \$9.5m and \$25m:	+20	[U.S.S.G. § 2B1.1(b)(1)(K)]
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Resulted in substantial financial hardship to 25 or more victims:	+6	[U.S.S.G. § 2B1.1(b)(2)(C)]
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Sophisticated Means:	+2	[U.S.S.G. § 2B1.1(b)(10)]
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<u>Acceptance of Responsibility:</u>	-3	[U.S.S.G. § 3E1.1]
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Total Offense Level:	32	
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The government will agree to a two-level downward adjustment for acceptance of responsibility (and, if applicable, move for an additional one-level downward adjustment under U.S.S.G. § 3E1.1(b)) only if the conditions set forth in paragraph 5(c) are met. Subject

1 to paragraphs 6(d) above and 30 below, defendant and the government
2 agree not to seek or argue, either orally or in writing, that any
3 other specific offense characteristics, adjustments, or departures
4 relating to the offense level be imposed, except that defendant
5 reserves the right to seek a downward adjustment pursuant to
6 U.S.S.G. § 3B1.2 solely on the grounds that he is being held
7 accountable under U.S.S.G. § 1B1.3 for a loss amount under U.S.S.G.
8 § 2B1.1 that greatly exceeds his personal gain from the offense
9 charged in Count One. Defendant agrees, however, that if, after
10 signing this agreement but prior to sentencing, defendant were to
11 commit an act, or the government were to discover a previously
12 undiscovered act committed by defendant prior to signing this
13 agreement, which act, in the judgment of the government, constituted
14 obstruction of justice within the meaning of U.S.S.G. § 3C1.1, the
15 government would be free to seek the enhancement set forth in that
16 section.

17 20. Defendant understands that there is no agreement as to
18 defendant's criminal history or criminal history category.

19 21. Defendant and the government reserve the right to argue
20 for a sentence outside the sentencing range established by the
21 Sentencing Guidelines based on the factors set forth in 18 U.S.C.
22 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

23 WAIVER OF CONSTITUTIONAL RIGHTS

24 22. Defendant understands that by pleading guilty, defendant
25 gives up the following rights:

- 26 a) The right to persist in a plea of not guilty.
27 b) The right to a speedy and public trial by jury.
28

1 c) The right to be represented by counsel - and if
2 necessary have the court appoint counsel - at trial. Defendant
3 understands, however, that, defendant retains the right to be
4 represented by counsel - and if necessary have the court appoint
5 counsel - at every other stage of the proceeding.

6 d) The right to be presumed innocent and to have the
7 burden of proof placed on the government to prove defendant guilty
8 beyond a reasonable doubt.

9 e) The right to confront and cross-examine witnesses
10 against defendant.

11 f) The right to testify and to present evidence in
12 opposition to the charges, including the right to compel the
13 attendance of witnesses to testify.

14 g) The right not to be compelled to testify, and, if
15 defendant chose not to testify or present evidence, not to have that
16 choice be used against defendant.

17 h) Any and all rights to pursue any affirmative
18 defenses, Fourth Amendment or Fifth Amendment claims, and other
19 pretrial motions that have been filed or could be filed.

20 WAIVER OF APPEAL OF CONVICTION

21 23. Defendant understands that, with the exception of an
22 appeal based on a claim that defendant's guilty plea was
23 involuntary, by pleading guilty defendant is waiving and giving up
24 any right to appeal defendant's conviction on the offenses to which
25 defendant is pleading guilty.

26 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

27 24. Defendant agrees that, provided the Court imposes a total
28 term of imprisonment on all counts of conviction of no more than 151

1 months, defendant gives up the right to appeal all of the following:
2 (a) the procedures and calculations used to determine and impose any
3 portion of the sentence; (b) the term of imprisonment imposed by the
4 Court; (c) the fine imposed by the Court, provided it is within the
5 statutory maximum; (d) the amount and terms of any restitution
6 order, provided it requires payment of no more than \$16,796,629.67;
7 (e) the term of probation or supervised release imposed by the
8 Court, provided it is within the statutory maximum; and (f) any of
9 the following conditions of probation or supervised release imposed
10 by the Court: the conditions set forth in General Orders 318, 01-05,
11 and/or 05-02 of this Court; the drug testing conditions mandated by
12 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and drug use
13 conditions authorized by 18 U.S.C. § 3563(b)(7).

14 25. Defendant also gives up any right to bring a post-
15 conviction collateral attack on the convictions or sentence,
16 including any order of restitution, except a post-conviction
17 collateral attack based on a claim of ineffective assistance of
18 counsel, a claim of newly discovered evidence, or an explicitly
19 retroactive change in the applicable Sentencing Guidelines,
20 sentencing statutes, or statutes of conviction.

21 26. The government agrees that, provided (a) all portions of
22 the sentence are at or below the statutory maximum specified above
23 and (b) the Court imposes a term of imprisonment of no less than 121
24 months, the government gives up its right to appeal any portion of
25 the sentence, with the exception that the government reserves the
26 right to appeal the amount of restitution ordered if that amount is
27 less than \$16,796,629.67.

28

RESULT OF WITHDRAWAL OF GUILTY PLEA

27. Defendant agrees that if, after entering a guilty plea pursuant to this agreement, defendant seeks to withdraw and succeeds in withdrawing defendant's guilty plea on any basis other than a claim and finding that entry into this plea agreement was involuntary, then (a) the government will be relieved of all of its obligations under this agreement, including in particular its obligations regarding the use of Cooperation Information; and (b) in any investigation, criminal prosecution, or civil, administrative, or regulatory action, defendant agrees that any Cooperation Information and any evidence derived from any Cooperation Information shall be admissible against defendant, and defendant will not assert, and hereby waives and gives up, any claim under the United States Constitution, any statute, or any federal rule, that any Cooperation Information or any evidence derived from any Cooperation Information should be suppressed or is inadmissible.

EFFECTIVE DATE OF AGREEMENT

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

BREACH OF AGREEMENT

29. Defendant agrees that if defendant, at any time after the effective date of this agreement, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the government may declare this agreement breached. For example, if defendant knowingly, in an interview, before a grand jury, or at trial, falsely accuses another person of criminal conduct or falsely minimizes defendant's own role, or the role of

1 another, in criminal conduct, defendant will have breached this
2 agreement. All of defendant's obligations are material, a single
3 breach of this agreement is sufficient for the government to declare
4 a breach, and defendant shall not be deemed to have cured a breach
5 without the express agreement of the government in writing. If the
6 government declares this agreement breached, and the Court finds
7 such a breach to have occurred, then:

8 a) If defendant has previously entered a guilty plea
9 pursuant to this agreement, defendant will not be able to withdraw
10 the guilty plea.

11 b) The government will be relieved of all its
12 obligations under this agreement; in particular, the government:
13 (i) will no longer be bound by any agreements concerning sentencing
14 and will be free to seek any sentence up to the statutory maximum
15 for the crimes to which defendant has pleaded guilty; and (ii) will
16 no longer be bound by any agreement regarding the use of Cooperation
17 Information and will be free to use any Cooperation Information in
18 any way in any investigation, criminal prosecution, or civil,
19 administrative, or regulatory action.

20 c) The government will be free to criminally prosecute
21 defendant for false statement, obstruction of justice, and perjury
22 based on any knowingly false or misleading statement by defendant.

23 d) In any investigation, criminal prosecution, or civil,
24 administrative, or regulatory action: (i) defendant will not assert,
25 and hereby waives and gives up, any claim that any Cooperation
26 Information was obtained in violation of the Fifth Amendment
27 privilege against compelled self-incrimination; and (ii) defendant
28 agrees that any Cooperation Information and any Plea Information, as

1 well as any evidence derived from any Cooperation Information or any
2 Plea Information, shall be admissible against defendant, and
3 defendant will not assert, and hereby waives and gives up, any claim
4 under the United States Constitution, any statute, Rule 410 of the
5 Federal Rules of Evidence, Rule 11(f) of the Federal Rules of
6 Criminal Procedure, or any other federal rule, that any Cooperation
7 Information, any Plea Information, or any evidence derived from any
8 Cooperation Information or any Plea Information should be suppressed
9 or is inadmissible.

10 COURT AND PROBATION OFFICE NOT PARTIES

11 30. Defendant understands that the Court and the United States
12 Probation Office are not parties to this agreement and need not
13 accept any of the government's sentencing recommendations or the
14 parties' agreements to facts or sentencing factors.

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

1 paragraph does not affect defendant's and the government's
2 obligations not to contest the facts agreed to in this agreement.

3 32. Defendant understands that even if the Court ignores any
4 sentencing recommendation, finds facts or reaches conclusions
5 different from those agreed to, and/or imposes any sentence up to
6 the maximum established by statute, defendant cannot, for that
7 reason, withdraw defendant's guilty plea, and defendant will remain
8 bound to fulfill all defendant's obligations under this agreement.

9 Defendant understands that no one -- not the prosecutor, defendant's
10 attorney, or the Court -- can make a binding prediction or promise
11 regarding the sentence defendant will receive, except that it will
12 be within the statutory maximum.

13 NO ADDITIONAL AGREEMENTS

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

19 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

20 34. The parties agree that this agreement will be considered
21 part of the record of defendant's guilty plea hearing as if the
22 entire agreement had been read into the record of the proceeding.

23 //

24 //

25 //

26 //

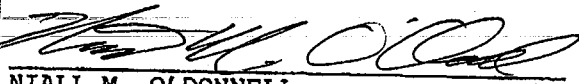
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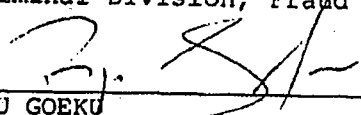
1 AGREED AND ACCEPTED

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

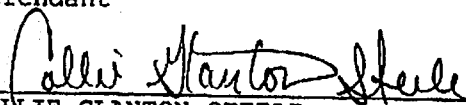
7 BENJAMIN SINGER
8 Deputy Chief
9 U.S. Department of Justice
10 Criminal Division, Fraud Section

11 
12 NIALL M. O'DONNELL
13 CASEY O'NEILL
14 Trial Attorneys
15 U.S. Department of Justice
16 Criminal Division, Fraud Section

5/9/16
Date

17 
18 RYU GOEKU
19 Defendant

5/9/16
Date

20 
21 CALLIE GLANTON STEELE
22 Attorney for Defendant RYU GOEKU

5/9/16
Date

23 CERTIFICATION OF DEFENDANT

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

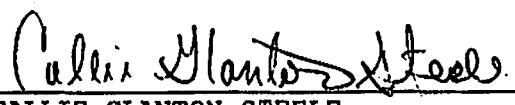
1 inducements, or representations of any kind have been made to me
 2 other than those contained in this agreement. No one has threatened
 3 or forced me in any way to enter into this agreement. I am satisfied
 4 with the representation of my attorney in this matter, and I am
 5 pleading guilty because I am guilty of the charges and wish to take
 6 advantage of the promises set forth in this agreement, and not for
 7 any other reason.

8 
 9 RYU GOEKU
 Defendant

5/9/16
 Date

10 CERTIFICATION OF DEFENDANT'S ATTORNEY

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

25 
 26 CALLIE GLANTON STEELE
 27 Attorney for Defendant RYU GOEKU

5/9/16
 Date

EXHIBIT A

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2
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4
5
6
7

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYU GOEKU,

Defendant.

No.

I N F O R M A T I O N

[18 U.S.C. § 1349: Conspiracy to
Commit Wire Fraud; 26 U.S.C.
§ 7206(1): Subscribing to a
False Tax Return]

The United States charges:

COUNT ONE

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this Information:

1. Defendant RYU GOEKU ("defendant") was a resident of
Los Angeles County, California, within the Central District of
California.

2. From in or around January 2009 to in or around
September 2013, defendant was employed at Owner Management
Service, LLC, d/b/a Trust Holding Service Co., and OMS Global,

1 LLC (together with all predecessors, successors, and affiliates,
2 hereinafter collectively referred to as "the Companies"),
3 located at 20960 Knapp Street, Chatsworth, California, within
4 the Central District of California.

5 3. The Companies purported to provide foreclosure relief
6 to individual borrowers ("distressed borrowers") whose
7 properties were facing foreclosure ("distressed properties").

8 4. Co-conspirator D.M., a resident of Los Angeles County,
9 California, within the Central District of California, was a
10 beneficial owner and controller of the Companies.

11 5. Co-conspirator T.M., a resident of Los Angeles County,
12 California, within the Central District of California, was a
13 beneficial owner, officer, and primary finance manager for the
14 Companies.

15 6. Co-conspirator Jn.M., a resident of Los Angeles
16 County, California, within the Central District of California,
17 was an officer and the head of the short sale department for the
18 Companies.

19 7. Co-conspirator Jm.M., a resident of Los Angeles
20 County, California, within the Central District of California,
21 was an officer and a primary property manager, among other
22 roles, for the Companies.

23 8. Co-conspirator J.H., a resident of Los Angeles County,
24 California, within the Central District of California, was
25 employed in the short sale department of the Companies.
26
27
28

1 9. A bankruptcy case is commenced by the filing of a
2 petition for bankruptcy under Title 11 of the United States
3 Code. An individual who files a petition for bankruptcy is known
4 under federal bankruptcy law as a "debtor".

5 B. THE OBJECT OF THE CONSPIRACY

6 10. Beginning in or about January 2010 and continuing
7 through at least in or about September 2013, in Los Angeles
8 County, within the Central District of California, and
9 elsewhere, defendant RYU GOEKU, and others known and unknown to
10 the United States, knowingly and willfully combined, conspired,
11 and agreed to commit the following offense against the United
12 States: wire fraud, that is, with intent to defraud, having
13 devised and intending to devise a scheme and artifice to
14 defraud, and to obtain money and property by means of materially
15 false and fraudulent pretenses, representations, and promises,
16 and for the purpose of executing the scheme transmitted and
17 caused to be transmitted wire communications in interstate
18 commerce, in violation of 18 U.S.C. § 1343.

19 C. THE MANNER AND MEANS OF THE CONSPIRACY

20 11. The object of the conspiracy was carried out, and was
21 to be carried out, in substance, as follows:

22 a. Co-conspirator D.M. and other co-conspirators
23 would identify distressed borrowers whose properties were facing
24 foreclosure.

25 b. Co-conspirator D.M. and other co-conspirators
26 would misrepresent to the distressed borrowers that the
27 Companies would perform a short sale and thus avoid foreclosure
28 on the distressed properties; based on that misrepresentation,

1 the distressed borrowers would transfer title for the distressed
2 properties to trusts controlled by the co-conspirators.

3 c. Instead of performing short sales as represented,
4 the co-conspirators rented the distressed properties to third
5 parties, collecting rent and not paying most mortgages on the
6 distressed properties.

7 d. At the direction of D.M. and other co-
8 conspirators, defendant GOEKU and other co-conspirators engaged
9 in various tactics designed by D.M. and other co-conspirators to
10 delay foreclosure on the distressed properties so the
11 conspirators could continue the collection of rent from these
12 properties. These tactics included: (1) fabricating short sale
13 offers for distressed properties using stolen and fictitious
14 identities and submitting those offers to lenders, including
15 financial institutions insured by the FDIC; (2) falsifying
16 financial and tax statements for distressed borrowers, including
17 by forging the signatures of distressed borrowers, and
18 submitting them, in most instances by wire, that is, facsimile
19 communication, through interstate commerce, to lenders;
20 (3) filing bankruptcy petitions for distressed borrowers without
21 their knowledge, including by forging the signatures of
22 distressed borrowers on the petitions; and (4) fabricating liens
23 on the distressed properties. As a result of those tactics, the
24 lenders were exposed to new and increased risk of loss.

25 e. One of the distressed properties for which these
26 tactics were used was located at 13243 Bryson Street in Arleta,
27 California ("Bryson Street Property"). Based on representations
28 by the co-conspirators, including GOEKU, the distressed borrower

1 for the Bryson Street Property, J.V., transferred the Bryson
2 Street Property's title to a trust controlled by the co-
3 conspirators. Thereafter, the co-conspirators leased the Bryson
4 Street Property and collected the rent payments. While
5 collecting rent, to delay foreclosure on the Bryson Street
6 Property, the co-conspirators created fake short sale offer
7 documents for the Bryson Street Property, including by using a
8 stolen identity, S.M.L., as a purported short sale offeror and
9 transmitted those falsified documents, through the use of
10 interstate electronic wires, to the mortgage servicer. The
11 conspirators also fabricated tax returns, authorization forms,
12 and hardship letters for distressed borrower J.V., and submitted
13 those fabricated documents to the servicer for the Bryson Street
14 Property to delay foreclosure.

15 f. The conspirators would cause payments to be made
16 to themselves from the proceeds of the scheme, which included
17 rental income from the distressed properties.

18 g. During the course of a bankruptcy proceeding
19 entitled *In re Owner Management Service, LLC*, Case No. 12-bk-
20 10231, in the United States Bankruptcy Court for the Central
21 District of California, at the direction of D.M. and other co-
22 conspirators, GOEKU knowingly and fraudulently made false
23 statements under penalty of perjury, including falsely stating
24 that GOEKU, not D.M., was the owner and manager of debtor Owner
25 Management Service, LLC, to hide its true ownership by co-
26 conspirator D.M.

COUNT TWO

[26 U.S.C. § 7206(1)]

12. On or about February 11, 2012, in Los Angeles County, in the Central District of California, defendant RYU GOEKU, a resident of Los Angeles County, within the Central District of California, did willfully make and subscribe to a joint U.S. Individual Income Tax Return, Form 1040, for the tax year 2011, which defendant verified by a written declaration made under penalty of perjury was true, correct, and complete, and which was filed with the Internal Revenue Service. In truth and in fact, defendant GOEKU did not believe the tax return to be true and correct as to every material matter, in that the return reported adjusted gross income of \$45,206, whereas, as defendant GOEKU well knew and believed, he had earned approximately \$46,065 more than that for the 2011 tax year.

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

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CASEY O'NEILL
Trial Attorneys
U.S. Department of Justice
Criminal Division, Fraud Section