

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO. 13-047**

v. * **SECTION: "J"**

ROBERT PACKNETT *

* * *

FACTUAL BASIS

The defendant, **ROBERT PACKNETT**, (hereinafter, the “defendant” or “**PACKNETT**”), has agreed to plead guilty as charged to the bill of information now pending against him, charging him with bank fraud, in violation of Title 18, United States Code, Sections 1344 and 2. Both the Government and the defendant, **ROBERT PACKNETT**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the bill of information now pending against the defendant:

The Government would show that **PACKNETT** was a resident of New Orleans, Louisiana, within the Eastern District of Louisiana. He resided at 7442 Springlake Drive, New Orleans, Louisiana 70126.

Self-authenticating records would be introduced to establish that First NBC Bank (“First NBC”) was a financial institution located in New Orleans, within the Eastern District of Louisiana, and elsewhere, the deposits of which were insured by the Federal Deposit Insurance Corporation.

Self-authenticating records would be introduced to prove that **PACKNETT** owned numerous residential properties in New Orleans, including structures and land located at 4150 State Street, 4152 State Street, 7140 Tudor Court, 14217 Intrepid Street, 14569 Beekman Street, 5525 Spain Street, and 5527 Spain Street (collectively, “The Properties”).

The Government would introduce documentary evidence, as well as the testimony of numerous witnesses, that between at least January 2011 and approximately March 2012, the residences **PACKNETT** owned located at 4150 State Street, 4152 State Street, 14217 Intrepid Street, 14569 Beekman Street, and 5525 Spain Street were vacant and uninhabited. D.R. began renting the residence located at 5527 Spain Street on about December 25, 2011, for which D.R. paid **PACKNETT** approximately \$650 per month. A.W. began renting the residence located at 7140 Tudor Court on about December 1, 2011, for which A.W. paid **PACKNETT** approximately \$1300 per month.

Records from First NBC would be introduced and employees from First NBC would testify that between July 8, 2011, and March 23, 2012, **PACKNETT** applied for, and obtained, not less than six (6) mortgages, refinanced mortgages, or commercial lines of credit from First

NBC. In applying, and as a prerequisite to obtain, these financial benefits, **PACKNETT** provided false and fraudulent material statements concerning the lease income he received from some, or all, of the Properties.

For example, records from First NBC would be introduced and employees from First NBC would testify that on about January 19, 2012, **PACKNETT** refinanced the mortgage in the amount of \$256,000 on his primary residence, located at 7442 Springlake Drive, New Orleans, Louisiana 70126, through Loan Number 1701441845. To obtain this loan, and to do so at a favorable interest rate, **PACKNETT** needed to identify his investments and sources of income to First NBC. In applying for the loan, **PACKNETT** provided false and fraudulent material statements concerning the lease income he received from the Properties. Specifically, **PACKNETT** presented First NBC with misrepresentations about the nature of the Properties, including, but not limited to, the amount of income he received from each property, the length of time that each property had been rented, the identity of the person(s) renting each property, and whether each property was being rented at all. Among the misrepresentations **PACKNETT** provided to First NBC were false, fictitious, and fraudulent lease agreements representing that **PACKNETT** received \$1,250 per month from renting out 14217 Intrepid Street, \$1,500 per month from renting out 14569 Beekman Road, \$1,500 per month from renting out 4150 State Street, \$1,500 per month from renting out 4152 State Street, \$1,500 per month from renting out 5525 Spain Street, \$1,500 per month from renting out 5527 Spain Street, and \$1,500 per month from renting out 7140 Tudor Court.

The Government would prove that the material statements **PACKNETT** made when seeking the loan described above was false by introducing the testimony of numerous witnesses

as well as documentary evidence including the true and correct leases from those among the Properties that were actually being rented. This testimony and evidence would establish the following, thus proving **PACKNETT'S** statements false:

- K.M. began renting 14217 Intrepid Street from **PACKNETT** for \$1,200 per month on about August 2011;
- S.B. never rented 14569 Beekman Street from **PACKNETT**, despite **PACKNETT'S** representation to First NBC that S.B. had lived at 14569 Beekman Street since August 1, 2011;
- 14569 Beekman Street had been vacant and/or under construction through at least May 2012;
- S.P. and T.G. began renting 4150 State Street from **PACKNETT** for \$1,300 per month, collectively, on about May 26, 2012;
- Despite **PACKNETT'S** representations to First NBC, K.J. did not rent 4150 State Street at any time;
- D.M., J.K., and S.W. began leasing 4152 State Street from **PACKNETT** for \$1,300 per month, collectively, on about May 16, 2012;
- No one had rented 4152 State Street from **PACKNETT** prior to D.M., J.K., and S.W.;
- Ant.W. began leasing 5525 Spain Street from **PACKNETT** for \$800 per month in about March 2012;
- No one had rented 5525 Spain Street from **PACKNETT** in the calendar year prior to March 2012; and

- D.R. began renting 5527 Spain Street from **PACKNETT** for \$650 per month on about December 25, 2011;
- A.W. began renting 7140 Tudor Court from **PACKNETT** for \$1,300 per month on about December 15, 2011;
- A.W. agreed to rent 7140 Tudor Court from **PACKNETT** for \$1,500 per month after about May 15, 2012, and, further, agreed to pay **PACKNETT** a balloon payment of \$1,000 with that payment to make up the difference of any outstanding rent.

The Government would further introduce the testimony of employees from First NBC to establish that the false and fraudulent misrepresentations **PACKNETT** made as a prerequisite to obtaining the aforementioned loans were material to First NBC's decision to issue the loans and the favorable interest rate for each loan. As a result of **PACKNETT'S** bank fraud scheme, including the false and fraudulent misrepresentations detailed above, First NBC Bank, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, incurred a risk of being deprived of moneys owned and under the custody and control of First NBC Bank in the amount of approximately \$256,000 for the loan described above.

By engaging in the behavior outlined above, the defendant, **ROBERT PACKNETT**, did knowingly devise, intend to devise, and did, in fact, execute a scheme and artifice to defraud First NBC Bank by obtaining moneys owned by and under the custody and control of First NBC Bank. As a result of **PACKNETT'S** actions, First NBC Bank incurred a risk of financial loss as described above.

The above facts come from an investigation conducted by, and would be proven at trial

by credible testimony from Special Agents from the Federal Bureau of Investigation, Investigators from the Office of the Inspector General (OIG) - City of New Orleans, as well as employees of First NBC, business records from First NBC, documents and tangible exhibits in the custody of the FBI and New Orleans - OIG, and the statements of the defendant, **ROBERT PACKNETT**.

ROBERT PACKNETT
Defendant

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