

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No.
	:	
DELIO COUTINHO	:	18 U.S.C. § 1349

INFORMATION

(Conspiracy to Commit Wire Fraud)

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Background

1. At various times relevant to this Information:

a. Defendant Delio Coutinho (“COUTINHO”), a resident of Colonia, New Jersey, was employed as a loan officer at Mortgage Company 1, a northern New Jersey mortgage brokerage company.

b. Christopher Ju (“Ju”), a resident of East Brunswick, New Jersey, who is named as a co-conspirator but not as a defendant herein, negotiated short sale real estate transactions.

c. Jose Luis Salguero Bedoya, also known as “Jose Salguero” (“Salguero”), a resident of Elizabeth and Verona, New Jersey, who is named as a co-conspirator but not as a defendant herein, was a real estate investor.

d. Yazmin Soto-Cruz, also known as “Yazmin Soto” (“Soto-Cruz”), a resident of Elizabeth, New Jersey, who is named as a co-conspirator but not as a defendant herein, was the girlfriend of defendant Salguero.

e. Amedeo A. Gaglioti (“Gaglioti”), a resident of Westfield, New Jersey, who is named as a co-conspirator but not as a defendant herein, was a real estate closing attorney.

Mortgage Lending Generally

2. Mortgage loans were loans funded by banks, mortgage companies, and other financial institutions (“lenders”), to enable borrowers to finance the purchase of real estate property, giving the lenders a secured interest in the property. In deciding whether borrowers met the lenders’ income, credit eligibility, and down payment requirements, among other things, the lenders evaluated the financial representations made in loan applications and other documents submitted by the borrowers, and assessed the value of the property securing the loan.

3. A common type of mortgage loan was issued in connection with an insurance program administered by the Federal Housing Administration (“FHA”), which was a division of the United States Department of Housing and Urban Development. The FHA encouraged lenders to make mortgage loans to qualified borrowers by protecting against loan defaults through a government-backed payment guarantee if the borrower defaulted on a mortgage loan. The FHA had certain requirements that needed to be met before it guaranteed a mortgage loan.

4. Another common type of mortgage loan was called a “conventional” mortgage loan. Lenders underwrote and funded conventional mortgage loans using their own funds and credit lines. After funding a conventional mortgage loan, a lender either serviced the loan during the mortgage loan period or sold the loan to other institutional investors in the secondary market.

5. The mortgage companies referred to herein were “financial institutions,” as defined in Title 18, United States Code, Section 20, and their activities affected interstate commerce.

The Conspiracy

6. From at least as early as in or about March 2008 through in or about June 2010, in the District of New Jersey and elsewhere, defendant

DELIO COUTINHO

did knowingly and intentionally conspire and agree with co-conspirators Ju, Salguero, Soto-Cruz, Gaglioti, and others known and unknown, to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, which scheme and artifice would affect financial institutions, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

Object of the Conspiracy

7. The object of the conspiracy was for defendant COUTINHO and his co-conspirators to enrich themselves by obtaining mortgage loans through fraudulent means, including but not limited to submitting to mortgage lenders materially false and fraudulent mortgage loan applications, supporting documents, and closing documents.

Methods and Means of the Conspiracy

8. Defendant COUTINHO and his co-conspirators used various methods and means to execute their scheme, including the following:

a. Defendant COUTINHO and his co-conspirators obtained control of certain properties through fraudulent short sales they arranged and completed.

b. Defendant COUTINHO and his co-conspirators caused to be submitted

materially false and fraudulent mortgage loan applications, supporting documents, and closing documents to mortgage lenders to obtain new mortgage loans on properties they had fraudulently obtained.

9. Using the methods and means described above, among others, defendant COUTINHO and his co-conspirators conducted more than five fraudulent real estate transactions, including, but not limited to, fraudulent real estate transactions involving the following properties:

- a. A property on Magnolia Avenue, Elizabeth, NJ;
- b. A property on Smith Street, Elizabeth, NJ;
- c. A property on Delaware Street, Elizabeth, NJ;
- d. A property on Bond Street, Elizabeth, NJ; and
- e. Two properties on Fulton Street, Elizabeth, NJ, including one property on

523 Fulton Street, Elizabeth, NJ (the "Fulton Street Property").

10. For example, with respect to the Fulton Street Property, defendant COUTINHO and his co-conspirators fraudulently obtained a new mortgage for approximately \$290,400 by, among other things, submitting false bank statements, false tax returns, inflated earnings and assets, and false employment information. In reliance on the fraudulent documents submitted by defendant COUTINHO and his co-conspirators, a financial institution funded an approximately \$290,400 mortgage loan via a wire transfer, on or about June 23, 2009, from a bank account in Pennsylvania to a bank account in New Jersey. Thereafter, defendant COUTINHO and his co-conspirators fraudulently distributed the loan proceeds to themselves and to others, and concealed the fraudulent disbursements of the loan proceeds from the financial institution and from the FHA by submitting a false HUD-1 Settlement Statement.

11. In all, defendant COUTINHO and his co-conspirators obtained approximately \$2 million in illegal proceeds of mortgage loans as a result of their scheme and artifice to defraud. In violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATION

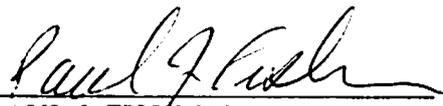
1. The allegations contained in this Information are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. Upon conviction of an offense charged in Count One of this Information, the Government will seek forfeiture from defendant COUTINHO, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 1349.

3. If by any act or omission of defendant COUTINHO any of the property subject to forfeiture herein:

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

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of defendant COUTINHO up to the value of the property described in this forfeiture allegation.



PAUL J. FISHMAN
UNITED STATES ATTORNEY

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INFORMATION FOR

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