

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 10-
 :
 ROSA DAMASCENO : 18 U.S.C. § 1349

I N F O R M A T I O N

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

1. At all times relevant to this Information:
 - a. Defendant ROSA DAMASCENO was a resident of New Jersey and the owner of a Newark, New Jersey company that provided tax services and driver education.
 - b. The cooperating witness referred to herein ("CW") was a loan officer with a New Jersey mortgage company (the "Mortgage Company").
 - c. CW used telephone, facsimile, and a Yahoo! email account in New Jersey to communicate with defendant ROSA DAMASCENO and her co-conspirators. The emails necessarily were transmitted in interstate commerce because once a user submits a connection request to website servers such as Yahoo!'s or data is transmitted from those website servers back to the user, the data has traveled in interstate commerce. All emails to or from CW described herein pertain to this Yahoo! email account.

d. As of May 20, 2009, the Mortgage Company was a "financial institution" as defined in 18 U.S.C. § 20 because it was a "mortgage lending business[]" as defined in 18 U.S.C. § 27.

2. From in or about August 2009 through in or about February 2010, in Essex County, in the District of New Jersey, and elsewhere, defendant

ROSA DAMASCENO

did knowingly and intentionally conspire and agree with others to devise a scheme and artifice to defraud, which would affect financial institutions, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, 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 18 U.S.C. § 1343.

Object of the Conspiracy

3. It was the object of the conspiracy to obtain mortgage loans through fraudulent means to finance real estate transactions in and near Newark, New Jersey and elsewhere.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that in order to obtain mortgage loans, defendant ROSA DAMASCENO and others caused to be submitted materially false and fraudulent mortgage loan applications and supporting documents to the Mortgage Company

while engaging in or causing wire communications in interstate commerce, including email exchanges with CW.

5. It was further part of the conspiracy that, on or about October 22, 2009, defendant ROSA DAMASCENO's sister, Maria Lourdes Sousa ("Sousa"), met with mortgage consultant Edivaldo Dos Santos ("Dos Santos") and CW in Newark, New Jersey. During the meeting, Sousa told CW that she made false pay stubs, and that defendant ROSA DAMASCENO made false Forms W-2 and tax returns.

6. It was further part of the conspiracy that, on or about November 10, 2009, Sousa received an email from CW ordering four false pay stubs from Sousa and two false Forms W-2 from defendant ROSA DAMASCENO for an individual named Ricardo Muniz ("Muniz") who was trying to qualify for a mortgage loan from the Mortgage Company.

7. It was further part of the conspiracy that, on or about November 10, 2009, during a telephone conversation with CW, defendant ROSA DAMASCENO confirmed that she made false Forms W-2 and told CW that the Forms W-2 would be \$30 each, for a total of \$60. Defendant ROSA DAMASCENO was told by CW that CW did not have an Employer Identification Number ("EIN") for Muniz' employer. Defendant ROSA DAMASCENO told CW that she would come up with an EIN. Following the telephone conversation, defendant ROSA DAMASCENO received a fax from CW with the information needed

to make the Forms W-2, including identifying information related to Muniz and his employer, and the inflated income amounts.

8. It was further part of the conspiracy that, on or about November 13, 2009, at Sousa's direction, CW went to the office of defendant ROSA DAMASCENO's company in Newark, New Jersey, to pick up the false documents that were prepared by defendant ROSA DAMASCENO and Sousa. An employee of defendant ROSA DAMASCENO provided CW with the false documents, for which CW paid the employee \$220.

9. It was further part of the conspiracy that the two Forms W-2 created by defendant ROSA DAMASCENO for Muniz showed false and inflated wages for Muniz, in accordance with the instructions CW had given defendant ROSA DAMASCENO on or about November 10, 2009. As she had promised, defendant ROSA DAMASCENO had fabricated an EIN for use on Muniz' Forms W-2.

10. It was further part of the conspiracy that, on or about November 16, 2009, defendant ROSA DAMASCENO was thanked by CW for preparing the Forms W-2. Defendant ROSA DAMASCENO told CW that she had received the money for the documents that CW had left at her office.

In violation of Title 18, United States Code, Section 1349.


PAUL J. FISHMAN
United States Attorney

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INFORMATION FOR

18 U.S.C. § 1349

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