

APR 29 2010
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **10-20334** CR-UNGARO

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 2
18 U.S.C. § 982
18 U.S.C. § 981(a)(1)(C)

MAGISTRATE JUDGE
SIMONTON

UNITED STATES OF AMERICA

vs.

**YVETTE GONZALEZ VALDES,
JEANNINE VALDES-PEREZ,
JOSEPH GONZALEZ,
VICTOR PEREZ, and
CATHERINE MAIZ,**

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Argent Mortgage Company, LLC (hereinafter "Argent") was a wholesale mortgage lender doing business throughout the United States, including the State of Florida. Its headquarters were located in California.
2. JPMorgan Chase Bank, NA (hereinafter "JPMorgan Chase") was a financial institution with offices located in the State of New York, and whose accounts were insured by the Federal Deposit Insurance Corporation.

3. Best Mortgage Choice LLC (hereinafter "BMC") was a Florida corporation and mortgage brokerage business that packaged and submitted loan applications and related documents to lenders for consideration and funding.

4. Absolute Title, LLC (hereinafter "Absolute Title") was a Florida corporation and title agency responsible for preparing settlement statements, issuing title commitments, disbursing mortgage proceeds and other funds, and for ensuring that relevant paperwork was properly completed for real estate closings.

5. Defendant **YVETTE GONZALEZ VALDES** was a resident of Miami-Dade County in the Southern District of Florida. **VALDES** owned and controlled BMC. Defendant's relatives, including co-defendants **JEANNINE VALDES-PEREZ**, **JOSEPH GONZALEZ**, and **VICTOR PEREZ** worked at BMC.

6. **JEANNINE VALDES-PEREZ** was a resident of Miami-Dade County in the Southern District of Florida. She is the daughter of **YVETTE GONZALEZ VALDES** and the wife of **VICTOR PEREZ**. **VALDES-PEREZ** was the registered agent for and worked at BMC. Her responsibilities included, among other things, completing loan applications and related documentation to be submitted to lenders.

7. **JOSEPH GONZALEZ** was a resident of Miami-Dade County in the Southern District of Florida. He is the brother of **YVETTE GONZALEZ VALDES**.

8. **VICTOR PEREZ** was a resident of Miami-Dade County in the Southern District of Florida. He is the husband of **JEANNINE VALDES-PEREZ** and the son-in-law of **YVETTE GONZALEZ VALDES**. **PEREZ** was the listed purchaser of 10802 SW 244th Terrace, Miami, FL (the "10802 Property") and 21012 SW 122nd Court, Miami, FL (the "21012 Property").

9. Defendant **CATHERINE MAIZ** was a resident of Miami-Dade County in the Southern District of Florida. **MAIZ** was part owner of Absolute Title and managed the Absolute Title office on a day-to-day basis.

10. The term "closing" was used in the real estate industry to refer to the event at which the legal transfer of real estate from seller to buyer formally took place and the point at which funds were transferred between various parties, such as from the lending institution to the buyer, or to the seller on the buyer's behalf, which transfer often was accomplished by temporarily passing the funds through an intermediary commonly referred to as a "settlement agent" or "title company," such as Absolute Title.

11. A HUD-1 Settlement Statement ("HUD-1 Statement") was a standard form required to be executed for the closing of all real estate transactions. The HUD-1 Statement itemized for the lenders all aspects of the closing, including an itemized list of payments to be made by the borrower, money due to the seller, and any fees paid to third parties in connection with the closing.

COUNT 1
CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)

1. Paragraphs 1 through 11 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2006, and continuing through in or around April 2007, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

YVETTE GONZALEZ VALDES,
JEANNINE VALDES-PEREZ,
JOSEPH GONZALEZ,
VICTOR PEREZ, and
CATHERINE MAIZ,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and with others known and unknown to the Grand Jury, to knowingly and with intent to defraud devise and intend 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, knowing that they were false and fraudulent when made, and did transmit and cause to be transmitted by means of wire communications in interstate commerce, certain writings, signs, and signals, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting false and fraudulent mortgage loan applications and related documents to Argent and JPMorgan Chase in connection with identified properties, thereby inducing these lenders to approve the mortgage loans to purchase the properties; and (b) diverting property and fraud proceeds for their personal use and benefit.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. **YVETTE GONZALEZ VALDES, JEANNINE VALDES-PEREZ, JOSEPH GONZALEZ, and VICTOR PEREZ** identified the 10802 Property and the 21012 Property for purchase through BMC and use in connection with fraudulent real estate transactions.

THE 10802 PROPERTY

5. In or around January 2006, **YVETTE GONZALEZ VALDES, JEANNINE VALDES-PEREZ, and VICTOR PEREZ** prepared and submitted to Argent a materially false and fraudulent mortgage application on behalf of **VICTOR PEREZ** in connection with the purchase of the 10802 Property. The mortgage application prepared on behalf of **VICTOR PEREZ** and submitted to Argent contained materially false representations regarding **VICTOR PEREZ's** employment, income, ability and intent to meet cash to close obligations, and other information necessary to induce Argent to fund the mortgage loan.

6. On or about January 11, 2006, **CATHERINE MAIZ** sent a letter to Argent falsely claiming that Absolute Title had received \$17,000 as a deposit in connection with **VICTOR PEREZ's** purchase of the 10802 Property, which Absolute Title maintained in its escrow account.

7. On or about January 23, 2006, based on the materially false and fraudulent representations in the application and supporting documentation, Argent approved the loan request and wired \$337,808.42 in loan proceeds in interstate commerce to Absolute Title for disbursement at the closing for the 10802 Property transaction.

8. The loan subsequently went into default when **VICTOR PEREZ** failed to make the required mortgage payments, resulting in a substantial loss to Argent.

THE 21012 PROPERTY

9. In or around October 2006, **YVETTE GONZALEZ VALDES, JOSEPH GONZALEZ, and VICTOR PEREZ** prepared and submitted to JPMorgan Chase a materially false and fraudulent mortgage application on behalf of **PEREZ** in connection with the purchase of the 21012 Property. The mortgage application prepared on behalf of **PEREZ** and submitted to JPMorgan Chase contained materially false representations regarding **PEREZ's** employment,

income, ability to meet cash to close obligations, intent to live in the property and other information necessary to induce JPMorgan Chase to fund the mortgage loan.

10. **VICTOR PEREZ** was recruited by **JOSEPH GONZALEZ** and agreed to pose as a straw borrower in the purchase of the 21012 property. That is, **PEREZ** agreed to allow his identity and credit information to be used in a false and fraudulent mortgage loan application associated with the purchase of the 21012 Property, all the while understanding that he would neither be the true owner nor responsible for the monthly mortgage payments.

11. As part of the closing process, **YVETTE GONZALEZ VALDES, JOSEPH GONZALEZ, VICTOR PEREZ** and **CATHERINE MAIZ** prepared and submitted to JPMorgan Chase a HUD-1 Statement that falsely represented that **PEREZ** was going to bring \$26,326.61 as cash to close the 21012 Property transaction. In truth and in fact, **PEREZ** did not bring any money to the closing.

12. Additionally, **YVETTE GONZALEZ VALDES, JOSEPH GONZALEZ, VICTOR PEREZ,** and **CATHERINE MAIZ** prepared a second HUD-1 Statement (the "Second HUD-1"), which was not disclosed to JPMorgan Chase. The Second HUD-1 indicated that **PEREZ** was not required to pay any money at closing. The disbursement of the loan proceeds was made in accordance with the Second HUD-1, not the HUD-1 presented to the lender.

13. On or about October 2, 2006, based on the materially false and fraudulent representations in the application, supporting documentation and HUD-1 Statement, JPMorgan Chase approved the loan request and wired \$248,646.75 in loan proceeds in interstate commerce to Absolute Title for disbursement at the closing of the 21012 Property.

14. **YVETTE GONZALEZ VALDES, JOSEPH GONZALEZ,** and **CATHERINE MAIZ** diverted proceeds from the fraudulently obtained loan to themselves for their personal use

and benefit. Unbeknownst to JPMorgan Chase, **VALDES, GONZALEZ,** and **MAIZ** caused \$15,000 of the loan proceeds to be diverted to an account controlled by **GONZALEZ** for his recruitment of **PEREZ** as the straw borrower.

15. After the closing of the 21012 Property transaction, the loan went into default when **VICTOR PEREZ** failed to make the required mortgage payments, resulting in a substantial loss to JPMorgan Chase.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-3
WIRE FRAUD
(18 U.S.C. § 1343)

1. Paragraphs 1 through 11 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or around January 2006, and continuing through in or around April 2007, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**YVETTE GONZALEZ VALDES,
JEANNINE VALDES-PEREZ,
JOSEPH GONZALEZ,
VICTOR PEREZ, and
CATHERINE MAIZ,**

did knowingly and with intent to defraud devise and intend 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, knowing that they were false and fraudulent when made, and did transmit and cause to be transmitted by means of wire communications in interstate commerce, certain writings, signs, and signals, for the purpose of executing the scheme and artifice.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) submitting false and

fraudulent mortgage loan applications and related documents to Argent and JPMorgan Chase in connection with identified properties, thereby inducing these lenders to approve the mortgage loans to purchase the properties; and (b) diverting property and fraud proceeds for their personal use and benefit.

THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 15 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

5. On or about the dates set forth as to each count below, in the Southern District of Florida, and elsewhere, the defendants listed as to each count, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, did knowingly transmit and cause to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, and signals, as more particularly described in each count below:

Count	Defendants	Approximate Date	Description of Wire Communication
2	YVETTE GONZALEZ VALDES, JEANNINE VALDES-PEREZ, VICTOR PEREZ and CATHERINE MAIZ	January 27, 2006	Wire transfer in the approximate amount of \$337,808.42 from Deutsche Bank Trust Co. Americas, in New York, New York, to Absolute Title's account at Wachovia Bank NA in the Southern District of Florida, relating to the purchase of the 10802 Property

Count	Defendants	Approximate Date	Description of Wire Communication
3	YVETTE GONZALEZ VALDES, JOSEPH GONZALEZ, VICTOR PEREZ and CATHERINE MAIZ	October 2, 2006	Wire transfer in the approximate amount of \$248,646.75 from JPMorgan Chase Bank, NA, in New York, New York to Absolute Title's account at Wachovia Bank NA in the Southern District of Florida, relating to the purchase of the 21012 Property

In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE

1. The allegations of Counts 1 through 3 of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants has an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1349 and 1343, as alleged in this Indictment, the defendants, **YVETTE GONZALEZ VALDES, JEANNINE VALDES-PEREZ, JOSEPH GONZALEZ, VICTOR PEREZ, and CATHERINE MAIZ** shall forfeit to the United States any property, constituting, or derived from, proceeds the defendants obtained directly or indirectly, as the result of such violation.

3. The property subject to forfeiture, includes, but is not limited to, the proceeds of loan 1 in the approximate amount of \$337,808.42, and the proceeds of loan 2 in the approximate amount of \$248,646.75.

4. Pursuant to Title 21 United States Code, Section 853(p), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendants:

- 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 to seek the forfeiture of other property of the defendants up to the value of the above-described forfeitable properties.

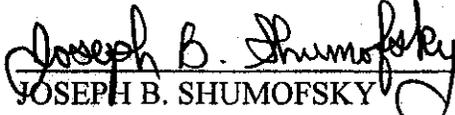
All pursuant to Title 18, United States Code, Sections 982(a)(2)(A) and 981(a)(1)(C) and the procedures outlined at Title 21, United States Code, Section 853.

A TRUE BILL

FOREPERSON



JEFFREY H. SLOMAN
UNITED STATES ATTORNEY



JOSEPH B. SHUMOFSKY
ASSISTANT UNITED STATES ATTORNEY