

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2015 AUG 19 PM 5:21

UNITED STATES OF AMERICA

v.

CASE NO. 2:15-cr-106-FM-99mlm

RONALD R. RAIOLA,
a/k/a Ronald Sambuco, and
ROSE ANN LABARBERA

18 U.S.C. § 371
18 U.S.C. § 641
18 U.S.C. § 2
18 U.S.C. § 981(a)(1)(c) (forfeiture)
28 U.S.C. § 2461 (forfeiture)

INDICTMENT

The Grand Jury charges:

COUNT ONE

**(Conspiracy to Commit Theft of Government Funds)
18 U.S.C. § 371**

A. Introduction

At times material to this Indictment:

1. RONALD R. RAIOLA was a resident of Staten Island, New York, and later Cape Coral, Florida, who made fraudulent representations concerning, among other matters, his identity, marital status, place of residence, financial status, and ability to engage in gainful employment in order to participate in, and receive benefits through, the Housing Choice Voucher Program of the U.S. Department of Housing and Urban Development and from the Supplemental Security Income program of the U.S. Social Security Administration.

2. ROSE ANN LABARBERA was married to RONALD R. RAIOLA and lived with him and their dependent children in their marital residences in Staten Island, New York, and later Cape Coral, Florida. ROSE ANN LABARBERA made fraudulent

representations concerning, among other matters, her marital status and posed as her spouse's landlord in order to receive payments from the Housing Choice Voucher Program of the U.S. Department of Housing and Urban Development.

3. The Social Security Administration was a department or agency of the United States of America, which paid Supplemental Security Income ("SSI") program benefits under Title XVI of the Social Security Act to qualified aged, blind or disabled persons who had limited income and resources.

4. The U.S. Department of Housing and Urban Development ("HUD") was a department or agency of the United States of America responsible for funding the Public Housing program, through authorized Public Housing Authorities ("PHA") which, in turn, provided housing assistance subsidies to qualified individuals and families.

5. HUD paid these housing assistance subsidies, that is, full or partial rental payments, on behalf of qualified individuals and families through the Housing Choice Voucher ("HCV") Program, commonly referred to as "Section 8." HUD made these rental payments through authorized PHAs to property owners or landlords for qualified HCV Program participants.

6. The New York City Housing Authority ("NYCHA") was a PHA authorized and funded by HUD to operate the HCV program in New York City, which included Staten Island, New York.

7. The Housing Authority of the City of Fort Myers ("FMHA") was a PHA authorized and funded by HUD to operate the HCV Program in Lee County, which included both Lehigh Acres and Cape Coral, Florida.

8. In order to obtain and continue to receive HCV housing assistance subsidies, an applicant or participant was required to submit a truthful application for said benefits each year. The application required the applicant or participant to report and provide documentation to substantiate, among other matters, his identity, family composition, household members, income, assets, rental and criminal history.

9. In order to obtain and continue to receive SSI benefit payments, an applicant or participant was required to truthfully report the names of all individuals living in his household and to certify the income and assets of each household member. Only those applicants or participants who lived in households at or below specified lower-income levels qualified for SSI benefit payments. Each participant was required to report any changes in his household composition, household income, or household assets within a month or less of any change.

B. The Agreement

10. From a date unknown, but at least as early as on or about January 7, 1997, and continuing through and including in or about November 2012, in Lee County, in the Middle District of Florida, and elsewhere,

RONALD R. RAIOLA
a/k/a Ronald Sambuco,
and
ROSE ANN LABARBERA,

defendants herein, did knowingly and willfully, combine, conspire, confederate, and agree with each other, and another co-conspirator, known to the Grand Jury, to commit offenses against the United States, that is:

- a. to defraud the United States, and any agency thereof, by impeding, impairing, obstructing by deceit, trickery and dishonest means, the lawful governmental functions of the U.S. Department of Housing and Urban Development in the administration of the Housing Choice Voucher Program, in violation of Title 18, United States Code, Section 371; and,
- b. to knowingly and unlawfully embezzle, steal, purloin, and knowingly convert to their use and the use of another, any record, voucher, money and thing of value, in excess of \$1,000, of the United States and any department and agency thereof, in violation of Title 18, United States Code, Section 641.

C. Manner and Means

11. The manner and means by which the defendants and others sought to accomplish the objects of the conspiracy included, among others, the following:

- a. It was a part of the conspiracy that a conspirator would and did make fraudulent representations concerning, among other matters, his identity, marital status, place of residence, and financial status in order to participate in, and receive housing assistance subsidies through, the HCV Program.
- b. It was further part of the conspiracy that a conspirator would and did use a false name and fraudulently-obtained Social Security Number in his applications to obtain and continue to receive HCV Program housing assistance subsidies.
- c. It was further part of the conspiracy that two of the conspirators would and did conceal their marital relationship from HUD and PHAs.

d. It was further a part of the conspiracy that conspirators would and did purchase and finance real properties in Staten Island, New York, and later in Lehigh Acres and Cape Coral, Florida. Conspirators constructed residences on said real properties.

e. It was further a part of the conspiracy that conspirators would and did take steps to conceal conspirators' ownership interests in the residential real properties from HUD and PHAs.

f. It was further a part of the conspiracy that conspirators took steps to conceal conspirators' income, assets, and gainful employment from, among others, HUD and PHAs.

g. It was further part of the conspiracy that one of the conspirators posed as another conspirator's landlord in order to receive HCV Program rental payment subsidies, when, in truth and fact, the two conspirators were married and living together.

h. It was further part of the conspiracy that, at times, one of the conspirators would and did use an alias to pose as his own landlord in order to receive HCV Program rental payment subsidies.

i. It was further part of the conspiracy that conspirators would and did misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed acts performed in furtherance of the conspiracy.

E. Overt Acts

12. In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were committed on or about the dates identified within the Middle District of Florida and elsewhere:

Act	Date	Overt Act
a.	January 7, 1997	RONALD R. RAIOLA submitted a Section 8 Affidavit of Income to NYCHA
b.	March 18, 2002	RONALD R. RAIOLA submitted, and caused to be submitted, an Affidavit of Income to NYCHA
c.	July 13, 2004	RONALD R. RAIOLA, using the alias Ronald Sambuco, obtained the deed for 745/747 Gilbert Avenue South, Lehigh Acres, Florida
d.	January 5, 2005	ROSE ANN LABARBERA obtained the deed for 2904/2906 Ansel Avenue South, Lehigh Acres, Florida
e.	January 6, 2005	ROSE ANN LABARBERA obtained a mortgage for 2904/2906 Ansel Avenue South, Lehigh Acres, Florida as "a single woman"
f.	February 20, 2005	ROSE ANN LABARBERA wrote a letter to NYCHA, stating, in substance, that her tenant, RONALD R. RAIOLA, planned to move from her house and that she was willing to terminate his lease
g.	July 25, 2005	RONALD R. RAIOLA submitted, and caused to be submitted, paperwork to the FMHA, including the Applicant/Tenant Certification, Household Composition Form, Applicant Tenant Certification, and Personal Declaration
h.	August 26, 2005	RONALD R. RAIOLA, using the alias Ronald Sambuco, acquired a Post Office Box in Cape Coral, Florida
i.	September 19, 2005	RONALD R. RAIOLA submitted, and caused to be submitted, paperwork to the FMHA, including the Request for Tenancy Approval Form and the Landlord Information Questionnaire

j.	July 31, 2006	RONALD R. RAIOLA, using the alias Ronald Sambuco, submitted, and caused to be submitted, a Landlord Certification to the FMHA
k.	August 26, 2006	RONALD R. RAIOLA submitted, and caused to be submitted, paperwork to the FMHA, including the Applicant/Tenant Certification, Household composition Form, and Applicant Tenant Certification
l.	October 4, 2006	RONALD R. RAIOLA submitted, and caused to be submitted, a Self-Declaration of Non-Assets to the FMHA
m.	July 1, 2007	ROSE ANN LABARBERA submitted, and caused to be submitted, a Florida Department of Revenue Employer's Quarterly Tax Report reporting one employee, Ronald Sambuco
n.	August 9, 2007	RONALD R. RAIOLA submitted, and caused to be submitted, an Applicant/Tenant Certification and Household Composition Form to the FMHA
o.	August 14, 2007	RONALD R. RAIOLA, using the alias Ronald Sambuco, submitted, and caused to be submitted, an Information Questionnaire to the FMHA
p.	December 19, 2007	ROSE ANN LABARBERA submitted, and caused to be submitted, a Florida Department of Revenue Employer's Quarterly Tax Report reporting one employee, Ronald Sambuco
q.	January 28, 2008	ROSE ANN LABARBERA submitted, and caused to be submitted, a Florida Department of Revenue Employer's Quarterly Tax Report reporting one employee, Ronald Sambuco
r.	April 30, 2008	ROSE ANN LABARBERA submitted, and caused to be submitted, a Florida Department of Revenue Employer's Quarterly Tax Report reporting one employee, Ronald Sambuco
s.	August 10, 2008	RONALD R. RAIOLA, using the alias Ronald Sambuco, submitted, and caused to be submitted, a letter to the FMHA requesting a rent increase

t.	August 14, 2008	RONALD R. RAIOLA submitted, and caused to be submitted, documents, including a Personal Declaration, to the FMHA
u.	November 1, 2008	RONALD R. RAIOLA submitted, and caused to be submitted, documents, including a Housing Voucher Contract, to the FMHA
v.	September 3, 2009	RONALD R. RAIOLA submitted, and caused to be submitted, paperwork to the FMHA, including the Personal Declaration and Housing Choice Voucher Programs Obligations
w.	October 15, 2009	ROSE ANN LABARBERA acquired a Post Office Box in Cape Coral, Florida
x.	October 19-21, 2009	RONALD R. RAIOLA and ROSE ANN LABARBERA submitted, and caused to be submitted, paperwork to the FMHA, including a Request for Tenancy Approval, Section 8 Landlord Certification Form, and a Landlord Information Questionnaire
y.	August 18, 2010	RONALD R. RAIOLA and a coconspirator submitted, and caused to be submitted, documents to the FMHA, including a Personal Declaration
z.	September 16, 2010	RONALD R. RAIOLA and a coconspirator submitted, and caused to be submitted, documents to the FMHA, including a Certification Form, Housing Choice Voucher Program Obligations Form and Applicant/Tenant Certification Form
aa.	November 21, 2011	RONALD R. RAIOLA and a coconspirator submitted, and caused to be submitted, documents to the FMHA, including an Applicant/Tenant Certification Form, Household Composition Form, and Housing Choice Voucher Program Obligations Form
bb.	November 23, 2011	ROSE ANN LABARBERA submitted, and caused to be submitted, documents to the FMHA, including a Section 8 Landlord Certification Form and a Request for Tenancy Approval

cc.	August 2, 2012	RONALD R. RAIOLA and a coconspirator submitted, and caused to be submitted, documents to the FMHA, including an Applicant/Tenant Certification Form, Household Composition Form, and Housing Choice Voucher Program Obligations Form
dd.	August 22, 2012	RONALD R. RAIOLA and a coconspirator submitted, and caused to be submitted, documents to the FMHA, including a Personal Declaration
ee.	November 1, 2012	RONALD R. RAIOLA testified at a Housing Benefit Revocation Hearing
ff.	December 2, 2012	ROSE ANN LABARBERA submitted, and caused to be submitted, to the FMHA, a Housing Assistance Payment Contract

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

**(Theft of Government Funds)
18 U.S.C. §§ 641 and 2**

From a date unknown but at least as early as on or about January 7, 1997, and continuing through and including in or about November 2012, in Lee County, in the Middle District of Florida, and elsewhere,

**RONALD R. RAIOLA
a/k/a Ronald Sambuco,
and
ROSE ANN LABARBERA,**

the defendants herein, did knowingly and willfully steal, purloin and convert to their own use money and a thing of value, with an aggregate value in excess of \$1,000, belonging to the United States and a department or agency thereof, that is, HUD Housing Choice Voucher Program housing assistance payments, to which they were not entitled.

All in violation of Title 18, United States Code, Sections 641 and 2.

COUNT THREE

**(Theft of Government Funds)
18 U.S.C. § 641**

Beginning on a date unknown, but at least as early as in or about December 2004, and continuing through and including in or about the date of this Indictment, in Lee County, in the Middle District of Florida, and elsewhere,

**RONALD R. RAIOLA
a/k/a Ronald Sambuco,**

defendant herein, did knowingly and willfully steal, purloin and convert to his own use and the use of another money and a thing of value, with an aggregate value in excess of \$1,000, belonging to the United States and a department or agency thereof, that is, Supplemental Security Income benefit payments of the Social Security Administration, to which he was not entitled.

In violation of Title 18, United States Code, Section 641.

FORFEITURES

1. The allegations contained in Counts One, Two, and Three of this Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of a violation of Title 18, United States Code, Sections 371 and 641, as charged in Counts One and Two of the Indictment, Ronald R. Raiola, also known as Ronald Sambuco and Rose Ann Labarbera, the defendants, shall

forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including and not limited to, a sum of money equal to \$81,825.98.

3. Upon conviction of a violation of Title 18, United States Code, Section 641, as charged in Count Three of the Indictment, the defendant, Ronald R. Raiola, also known as Ronald Sambuco, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including and not limited to, a sum of money equal to approximately \$71,054.00.

4. If any of the property described above, as a result of any act or omission of the defendant:

- 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 divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,

8/19/15
Dated

Sharon Drew
Foreperson

A. LEE BENTLEY, III
United States Attorney

By: [Signature]
DAVID G. LAZARUS
Assistant United States Attorney
Trial Counsel

By: [Signature]
Michael C. Baggé-Hernández
Assistant United States Attorney
Asset Forfeiture

By: [Signature]
Jesus M. Casas
Assistant United States Attorney
Chief, Fort Myers Division

CC. AUSA
USM

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Fort Myers Division

THE UNITED STATES OF AMERICA

vs.

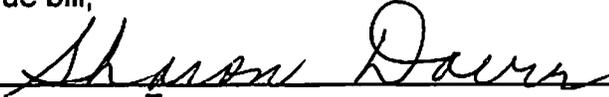
RONALD R. RAIOLA,
a/k/a Ronald Sambuco; and
ROSE ANN LABARBERA

INDICTMENT

Violations:

18 U.S.C. § 371
18 U.S.C. § 641
18 U.S.C. § 2
18 U.S.C. § 981(a)(1)(c)(forfeiture)
18 U.S.C. § 2461(forfeiture)

A true bill,



Foreperson

Filed in open court this 19th day

of August, 2015.

Clerk

Bail \$ _____
