

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 8:15-CR-344-T-23JSS
	:	18 U.S.C. § 1341
MICHAEL PERRY CARLETON	:	

CORRECTED
NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS

ELEMENTS OF OFFENSE

The essential elements of a violation of 18 U.S.C. § 1341 are as follows:

- First: That the defendant knowingly devised or participated in a scheme to defraud someone, or obtain money or property, using false or fraudulent pretenses, representations, or promises;
- Second: That the false or fraudulent pretenses, representations or promises were about a material fact;
- Third: That the defendant intended to defraud someone; and
- Fourth: That the defendant used the United States Postal Service by mailing or by causing to be mailed something meant to help carry out the scheme to defraud.

MAXIMUM PENALTY

The penalty for the offense charged in Count One of the Indictment is:

Imprisonment for not more than twenty (20) years;

Supervised release for not more than three (3) years;

Fine of not more than \$250,000; and a

Special Assessment of \$100.

FACTUAL BASIS

Defendant Michael Perry Carleton is a United States (U.S.) citizen who was born in 1962 and lives in Manatee County, Middle District of Florida. During 2012 and 2013, he worked as a realtor and property manager doing business as Coast Line Realtors, Coast Line Accommodations, and Coast Line Accommodations & Realtors, on Anna Maria Island, in Manatee County, Middle District of Florida (MDFL).

On or about April 2013, U.S. Postal Inspectors initiated an investigation based on several Mail Fraud complaints involving Michael Carleton. The investigation resulted in findings that from an unknown date prior to April 2012 through at least July 20, 2013, over seventy individuals/families had entered into rental contracts via email with Michael Carleton to rent vacation properties located in the cities of Anna Maria and Holmes Beach, on Anna Maria Island, Manatee County, MDFL. The majority of these contracts resulted from defendant Carleton's advertising on internet websites. The contracts called for the renters to pay for the rental period prior to taking possession of the property and thus most of the renters mailed their rental payment, typically a personal or certified check, via the U.S. Mail to one of two U.S. Post Office box addresses on Anna Maria Island rented by Carleton. These payments were all deposited into one of two bank accounts, C-1 Bank or Whitney/Hancock Bank, with defendant Carleton as the signatory on both accounts. As the vacation rental date approached, many victims were contacted by defendant Carleton and given various excuses of why they could not be placed in their rental property. Excuses provided by Carleton varied from rental repairs being needed to telling victims he was filing bankruptcy and all monies needed to be secured by the trustee. In some cases, the victims physically arrived at the vacation unit they had rented via contract only to find another family already utilizing the rental property. In many cases, defendant Carleton would rent and receive up-front payment from numerous renters for the same rental properties for the same period of time. Victims arrived in Florida from all over the country, including one victim as far away as Germany. Defendant Carleton fraudulently received more than \$200,000.00 from more than 70 victims over the course of the above described scheme which he did not refund or return to said victims.

On or about February 26, 2013, a husband and wife with the initials of T.F. and J.L. of Webster, New York (NY), entered into a written contract with defendant Carleton, doing business as "Coastline Realtors Inc.," to rent the property identified as 5300 Gulf Drive, Holmes Beach, Florida. The agreed upon arrival date was March 30, 2013 with a departure of April 6, 2013. The rental fee was \$1,849.85 which included taxes, cleaning fee, and a refundable "home damage deposit." On February 26, 2013, T.F. obtained certified check No. 100899061 from M&T Bank, Webster, NY, for \$1849.85 made payable to Coastline Realtors. On the same date, Flood mailed the check at the U.S. Post Office in Webster, NY 14580, via certified mail, label no. 701216400000410 54720, to Coastline Realtors, Bradenton Beach, Florida 34217. Defendant Carleton deposited that certified check into his C-1 Bank account on March 1, 2013.

On March 27, 2013, T.F. and J.L. received an e-mail notice from defendant Carleton that their reservation was cancelled due to the defendant filing Chapter 13 Bankruptcy. No such bankruptcy filing was ever made in March of 2013 or since. T.F. and J.L. were never able to use the week and never received a refund of their rental fee, notwithstanding numerous attempts to contact defendant Carleton for a refund.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Yvette C. Gray, Esquire
Assistant Federal Public Defender

s/ *Donald L. Hansen*

DONALD L. HANSEN
Assistant United States Attorney