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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

FRANCISCO JAVIER GONZALEZ
AKA "JAVIER GONZALEZ"

CRIMINAL NO.

UNDER SEAL

INDICTMENT

3-16CR-463-E

The Grand Jury charges:

Introduction

At all material to this Information:

1. The United States Department of Housing and Urban Development (HUD) was a Cabinet department in the Executive branch of the United States federal government. HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.

2. HUD maintained a housing counseling program which was designed to provide counseling to consumers on seeking financing, maintaining, renting, or owning a home. This program assists homeowners in need of foreclosure assistance and enables anyone who wants to or already does rent or own housing to obtain counseling needed to make rent or mortgage payments and to otherwise be a responsible tenant or owner.

3. The housing counseling program is administered or carried out through local non-profit agencies.

4. For example, a homeowner facing financial difficulty might visit a local non-profit agency and seek advice and assistance in avoiding foreclosure on his/her home. A

non-profit agency that is accredited by HUD to provide types of counseling was only permitted to charge a nominal fee to such homeowners for these services and only in instances when the homeowner had the ability to make such a payment and when the fee had been posted in a prominent place easily viewed by potential clients.

5. The Dallas County Community Action Committee, Inc. (hereinafter "DCCAC") was a non-profit entity incorporated in Texas and accredited by HUD between October 1, 1990 to February 16, 2016, to provide housing counseling through the above-described program. The DCCAC had been placed on inactive status on August 25, 2015.

6. DCCAC was created in 1965 by the Dallas County Commissioners Court to support the efforts of the Johnson Administration to combat poverty. For the time period relevant to the Indictment, DCCAC was located at 611 East Jefferson Boulevard, in the Oak Cliff area of Dallas, Texas, which is located in the Northern District of Texas.

7. In submissions with the Secretary of State for Texas, as far back as July 2010 and as recently as February 2015, the defendant, Francisco Javier Gonzalez, was identified as the Vice President and one of the directors of DCCAC. Gonzalez also leased space in the DCCAC offices for another entity, known as Residential Counseling FJ, LLC.

8. The DCCAC did not have a posting of a fee for counseling services in a prominent place as required by HUD.

9. Through his work at DCCAC, Gonzalez defrauded numerous homeowners under the guise that he was assisting them with mortgage assistance. Instead, Gonzalez falsified paperwork, stole these homeowner's mortgage payments, and extracted large payments out of these homeowners in a claimed (but untrue) effort to unsuccessfully save their homes from foreclosure.

10. As a result of this fraud, these homeowners were defrauded of tens of thousands of dollars, many of whom lost their homes, and HUD suffered a loss of at least approximately \$659,859.00.

11. Bank of America was a financial institution as defined in Title 18, United States Code, Section 20, and its deposits were insured by the Federal Deposit Insurance Corporation (FDIC).

12. CitiMortgage was a financial institution as defined in Title 18, United States Code, Section 20, and its deposits were insured by the Federal Deposit Insurance Corporation (FDIC).

The Scheme and Artifice to Defraud

13. Between in or about 2009 and in or about 2016, the defendant Francisco Javier Gonzalez, did devise and execute and did intend to devise and execute a scheme and artifice to defraud and to obtain money and property from certain homeowners (hereinafter “victims”) by means of materially false and fraudulent pretenses, representations, and promises.

14. The object of the scheme and artifice to defraud was to obtain money from these victims (sometime through banks associated with these victims) that that the defendant was not otherwise entitled to and then use such funds for personal uses.

15. In furtherance of the scheme and artifice to defraud, the defendant used the following manner and means:

a. While working in the DCCAC building, Gonzalez purported to and offered to provide foreclosure assistance to homeowners seeking such assistance. In some

instance, Gonzalez falsely asserted that he was certified by HUD to provide such counseling.

b. Gonzalez specifically sought out victims who were facing financial difficulty and that had contacted the DCCAC seeking mortgage loan and foreclosure prevention assistance. Gonzalez also identified victims facing such financial distress by reviewing his paid subscription to the *Foreclosure Listing Service* (aka “the Roddy List”), which offers listings of foreclosure and pre-foreclosure homes by county through a review of public records.

c. Once identified, Gonzalez would meet with these victims in the DCCAC offices and in the victims’ homes. He would explain a plan to reduce the victim’s mortgage payment and to prevent foreclosure. This plan often included a loan modification application.

d. In many instances, Gonzalez would prepare and submit a *Making Home Affordable Request for Mortgage Assistance* modification application, pay stubs, Hardship Affidavits, and verifications of employment in an attempt to obtain the loan modification for these victims. These documents often contained information that had been falsified by Gonzalez and were otherwise incomplete.

e. Banks would often deny the application submitted by Gonzalez because the information required for the application was incomplete.

f. On some occasions, Gonzalez would tell victims to not communicate with the banks as that would prevent Gonzalez from effectively obtaining the loan modification.

g. Gonzalez would tell these victims to stop making their mortgage payments directly to the bank and instead make payments to him so that once the loan modification was approved, he could forward the funds to the bank.

h. In some instances, Gonzalez instructed the victim to make a large lump-sum payment to him to stave off foreclosure.

i. Gonzalez also often required a lump sum payment for his own services.

j. In many instances, these victims made the payments described in subparagraphs 15.g through 15.i above to Gonzalez. Gonzalez deposited these funds into bank accounts that he controlled.

k. On almost all occasions, Gonzalez did not submit this money paid to him by the victims to the banks as he had promised and instead used the money for personal expenses.

l. As a result of the failure to make mortgage payments and incomplete applications to modify the loans, banks would often start the foreclosure process.

m. In some instances, Gonzalez would then submit, through the United States Postal Service, a Real Estate Settlement Procedures Act (RESPA) Qualified Written Request to the bank in an effort to delay the foreclosure and extract additional funds from the victims. Gonzalez also instructed certain victims to file for bankruptcy in an effort to avoid foreclosure.

n. On other occasions, when a victim provided Gonzalez with a money order already made out to the bank, Gonzalez would alter the money order to make it payable to Gonzalez, as opposed to the bank and the money would not be transferred to the bank.

Counts One through Five
Mail Fraud
[Violation of 18 U.S.C. §§ 1341]

16. The Grand Jury re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 15 of the Introduction and The Scheme and Artifice to Defraud sections of this Indictment, as if fully set forth herein.

17. Between in or about 2009 and in or about 2016, in the Northern District of Texas, the defendant, **Francisco Javier Gonzalez**, with the intent to defraud, devised and/or willfully participated in, with knowledge of its fraudulent nature, the above-described scheme and artifice to defraud and obtain money and/or property by materially false and fraudulent pretenses, representations, and promises.

18. In furtherance of that scheme, and for the purpose of executing and attempting to execute the above described scheme and artifice to defraud, the defendant knowingly placed in an authorized depository for mail, to be sent by and delivered by the Postal Service, the following matters on the following dates:

Count	Date of Mailing (on or about)	Document
1	February 28, 2013	RESPA Application for individual known to Grand Jury as A.D. sent to Bank of America
2	May 30, 2012	RESPA Application for individual known to Grand Jury as Na.F. sent to Shapiro & Schwartz LLP (on behalf of CitiMortgage)
3	August 25, 2012	RESPA Application for individual known to Grand Jury as D.I. sent to Bank of America
4	October 1, 2012	Verification of Debt and Request for Disclosure for individual known to Grand Jury as G.F. sent to Bank of America
5	July 24, 2013	RESPA Application for individual known to Grand Jury as J.D. sent to Bank of America

All in violation of Section 1341 of Title 18 of the United States Code.

Counts Six through Eleven
Wire Fraud
[Violation of 18 U.S.C. §§ 1343]

19. The Grand Jury re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 18 of the Introduction and The Scheme and Artifice to Defraud sections of this Indictment, as if fully set forth herein.

20. Between in or about 2009 and in or about 2016, the defendant, **Francisco Javier Gonzalez**, devised and intended to devise the above-described scheme, to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

21. On or about the dates set forth below, in the Northern District of Texas and elsewhere, the defendant, **Francisco Javier Gonzalez**, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce, the following facsimiles, each transmission constituting a separate count:

Count	Date of Wire (Fax) (on or about)	Document
6	May 29, 2014	Making Home Affordable Request for Modification Assistance Application for an individual known to Grand Jury as A.D. sent to Nationstar Mortgage
7	October 27, 2010	Bank Statements, Utility Bills, and Profit and Loss Statements for individual known to Grand Jury as Na.F. sent to CitiMortgage
8	January 21, 2015	Homeowner Financial Assistance Form for individual known to Grand Jury as A.A. sent to Bank of America
9	November 25, 2014	Uniform Borrower Assistance Form for individuals known to Grand Jury as F.A. and A.A. sent to Bank of America
10	October 1, 2012	Verification of Debt and Request for Disclosure for individual known to Grand Jury as G.F. sent to Bank of America
11	September 26, 2014	Making Home Affordable Request for Modification Assistance Application for individual known to Grand Jury as J.D. sent to Bank of America

All in violation of Section 1343 of Title 18 of the United States Code.

Counts Twelve through Nineteen
 Bank Fraud
 [Violation of 18 U.S.C. §§ 1344]

22. The Grand Jury re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 14 of the Introduction and The Scheme and Artifice to Defraud sections of this Indictment, as if fully set forth herein.

23. On or the dates enumerated below, in the Dallas Division of the Northern District of Texas, the defendant **Francisco Javier Gonzalez**, did knowingly devise and execute the above-described scheme and artifice to defraud and to obtain money, funds, credits, assets, securities, and other property owned by, and under the custody or control of the financial institutions listed below, whose deposits were insured by the FDIC, by means of materially false and fraudulent pretenses, representations, and promises

Count	Date of Mailing or Fax (on or about)	Document	Bank
12	August 25, 2012	RESPA Application for individual known to Grand Jury as D.I.	Bank of America
13	October 1, 2012	Verification of Debt and Request for Disclosure for individual known to Grand Jury as G.F.	Bank of America
14	July 24, 2013	Notice of Qualified Written Request, Dispute of Debt, and Validation of Debt for individual known to Grand Jury as J.D.	Bank of America
15	October 27, 2010	Bank Statements, Utility Bills, and Profit and Loss Statements for individual known to Grand Jury as Na.F.	CitiMortgage
16	January 21, 2015	Homeowner Financial Assistance Form for individual known to Grand Jury as A.A.	Bank of America
17	November 25, 2014	Uniform Borrower Assistance Form for individuals known to Grand Jury as F.A. and A.A.	Bank of America
18	October 1, 2012	Verification of Debt and Request for Disclosure for individual known to Grand Jury as G.F.	Bank of America
19	September 26, 2014	Making Home Affordable Request for Modification Assistance Application for individual known to Grand Jury as J.D.	Bank of America

All in violation of Section 1344 of Title 18 of the United States Code.

Counts Twenty and Twenty-One
 Aggravated Identity Theft
 [Violation of 18 U.S.C. §§ 1028A and 2]

24. The Grand Jury re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 14 of the Introduction and The Scheme and Artifice to Defraud sections of this Indictment, as if fully set forth herein.

25. On or about the dates listed below, in the Dallas Division of the Northern District of Texas, the defendant, **Francisco Javier Gonzalez**, did knowingly transfer, possess, and use without lawful authority, the means of identification of other persons (listed below), during and in relation to a conspiracy to commit bank fraud.

Count	Date of Document (on or about)	Document	Initials of Individual(s) Whose Identity was Subject to Theft	Form of Identity Stolen
20	July 31, 2009 (fax date)	Ferman Moreno LLC Employment Verification	Ni.F.	Name and Signature
21	September 30, 2013	Uniform Borrower Assistance Form for an individual known to the Grand Jury as G.F. sent to Bank of America	G.F. and Y.F.	Names and Signatures

All in violation of Section 18 §§ 1028(A) and 2.

NOTICE OF FORFEITURE

[18 U.S.C. §§ 981(a)(1)(c), 982(a)(2)(A) 982(a)(2)(B), and 1028(b)(5); 28 U.S.C. § 2461(c)]

Upon conviction for any of the offenses alleged in Counts One through Twenty-One and pursuant to Title 18, United States Code, Section 982(a)(2)(A) – (B), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), the defendant, **Francisco Javier Gonzalez**, shall forfeit to the United States any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of the respective offenses, including the total proceeds obtained, directly or indirectly, as a result of any of these offenses, commonly referred to as the “money judgment.” Upon conviction for any of the offenses alleged in Counts Twenty and Twenty-One, the defendant **Francisco Javier Gonzalez** shall also forfeit to the United States of America, pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offenses.

This property includes, but is not limited to, the following:

1. A red 2007 Dodge Nitro Sport Utility vehicle bearing Vehicle Identification Number 1D8GT58K17W666611 and Texas license plate number CC2R053.
2. Wells Fargo Bank accounts held in the name of Javier Gonzalez, account numbers ending in 7181 and 4288.
3. BB&T Bank accounts held in the name of Javier Gonzalez, account numbers ending in 5614 and 6903.

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

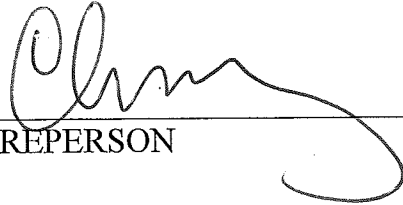
- a. cannot be located upon the exercise of due diligence;

- 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 pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

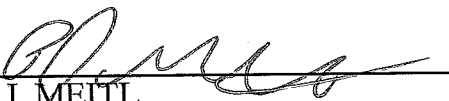
All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(A) – (B), 1028(b)(5), and 28 U.S.C. § 2461(c).

A TRUE BILL



FOREPERSON

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