

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.  
 :  
 v. : Crim. No. 17-  
 :  
 RAFAEL POPOTEUR : 18 U.S.C. § 1349  
 :  
 :

INFORMATION

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

BACKGROUND

1. At various times relevant to this Information:
  - a. Defendant RAFAEL POPOTEUR was a resident of Ridgefield Park, New Jersey;
  - b. Simon Curanaj, a co-conspirator not named as a defendant in this Information, resided in or near New York;
  - c. “Victim Bank 1,” “Victim Bank 2,” and “Victim Bank 3” (collectively, the “Victim Banks”) were federally regulated national banking associations, the accounts of which were insured by the FDIC, making them “financial institutions” as that term is defined in Title 18, United States Code, Section 20.
  - d. “Residence 1” was a residential property located in Ridgefield Park, New Jersey.

## THE CONSPIRACY

2. From in or around 2012 through in or around January 2014, in the District of New Jersey, and elsewhere, defendant

### **RAFAEL POPOTEUR**

did knowingly and intentionally conspire and agree with Simon Curanaj and others to devise a scheme and artifice to defraud financial institutions, as defined in Title 18, United States Code, Section 20, namely Victim Bank 1, Victim Bank 2, and Victim Bank 3, and others, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain money, funds, assets, and other property owned by, and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

## OBJECT OF THE CONSPIRACY

3. It was the object of the conspiracy for Defendant RAFAEL POPOTEUR and Simon Curanaj, and others, to obtain multiple Home Equity Lines of Credit (“HELOCs”) from Victim Bank 1, Victim Bank 2, and Victim Bank 3 by: (a) using the name and personal information of a homeowner to apply for HELOCs; (b) making various false representations on loan documents about the homeowner in order to obtain the necessary bank approvals for the HELOCs; and (c) pledging the same residential property more than once as collateral for the multiple HELOCs—all within a short span of time to conceal

from the Victim Banks that the same residential property had been pledged for multiple HELOCs.

4. It was further the object of the conspiracy that, once the HELOCs were approved and the funds disbursed, Defendant RAFAEL POPOTEUR and Simon Curanaj, and others, shared in the proceeds obtained from the Victim Banks, which far outstripped the available equity in the property pledged as collateral for the HELOCs.

#### MANNER AND MEANS OF THE CONSPIRACY

5. It was part of the conspiracy that, Defendant RAFAEL POPOTEUR contacted Simon Curanaj for help in obtaining a bank loan using Residence 1 as collateral.

6. It was further part of the conspiracy that Simon Curanaj prepared a quitclaim deed that facilitated the transfer of ownership of Residence 1 to Defendant RAFAEL POPOTEUR and a relative of Defendant RAFAEL POPOTEUR for a nominal purchase price.

7. It was further part of the conspiracy that, with Residence 1 now in his name, defendant RAFAEL POPOTEUR, with the assistance and at the direction of Simon Curanaj, applied for multiple HELOCs from the Victim Banks using Residence 1 as the collateral.

8. It was further part of the conspiracy that the HELOC applications contained false information concerning Defendant RAFAEL POPOTEUR's income, which was stated to be higher than his actual income.

9. It was further part of the conspiracy that, at the time the HELOC applications were made, the available equity in Residence 1 was far exceeded by the amount of money sought in the HELOC applications.

10. It was further part of the conspiracy that, after the Victim Banks funded the HELOCs and deposited money into Defendant RAFAEL POPOTEUR's bank accounts, Defendant RAFAEL POPOTEUR disbursed portions of the HELOC funds to himself, Simon Curanaj, and others.

11. It was further part of the conspiracy that, in or around 2014, Defendant RAFAEL POPOTEUR defaulted on all three HELOC loans.

12. As a result of the conspiracy, Defendant RAFAEL POPOTEUR and others caused the Victim Banks to suffer a loss of over \$250,000.

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

## FORFEITURE ALLEGATION

1. The allegations contained in this Information are incorporated by reference as though set forth in full here 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).

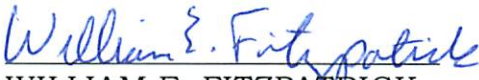
2. The United States hereby gives notice to the defendant charged in this Information, that upon conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

3. If any of the above-described forfeitable property, as a result of any act or omission of a 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;

It is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any

other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

  
WILLIAM E. FITZPATRICK  
Acting United States Attorney