

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION



IN RE:
DAVID J. RAMOY

Admin. Proceeding No.: 0818-FI-01/11

EMERGENCY ORDER OF SUSPENSION AND PROHIBITION
WITH NOTICE OF RIGHTS

The State of Florida, Office of Financial Regulation (hereinafter "Office"), gives notice that it, having determined that David J. Ramoy (hereinafter "Ramoy"), a financial institution-affiliated party, has been charged by Information with felony violations involving conspiracy to commit bank fraud and conspiracy to launder money, files this Emergency Order of Suspension and Prohibition with Notice of Rights (hereinafter "Emergency Order"), pursuant to the provisions of Sections 655.012 and 655.037(6)(b), Florida Statutes (2010), against Ramoy, immediately suspending Ramoy from serving as an employee of Floridian Community Bank ("Bank"), and as a financial institution-affiliated party of any state financial institution, subsidiary, or service corporation, and immediately prohibiting Ramoy from participation in any manner in the affairs of any state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Floridian Community Bank is a state chartered bank, charter number 1119, with its principal place of business at 5599 South University Drive, Davie, Florida 33328, and is a state financial institution, as the term is defined in Section 655.005(1)(p), Florida Statutes.
2. Between March 11, 2009 and May 11, 2010, Ramoy was an employee of the Bank, making him a financial institution-affiliated party as that term is defined in Section 655.005(1)(i), Florida Statutes. He voluntarily resigned as an employee of the Bank in May 2010.

3. During his tenure at the Bank, Ramoy was employed as a Financial Consultant whose function was to develop business for the bank.
4. On January 11, 2011, the Office of the United States Attorney, Southern District of Florida, filed an Information with the United States District Court, Southern District of Florida, alleging Ramoy, while he was employed by the Bank, conspired with several other persons to commit bank fraud and to launder money.
5. The case, styled United States of America v. Francis Santa, David L. McGuire, David J. Ramoy, Alexander R. Reyes, Daniel Agudelo, Antonio Mannarino, Anthony Depierro, Terrance T. Ward, Jeanne Ward and Derek L. Nadler, was assigned case number 11-80007-CR. The Information, which is attached as Exhibit 1, is hereby incorporated by reference as if set forth in its entirety.
6. The Information alleges that Ramoy is conspired to defraud the Bank by facilitating the processing of fraudulent loan and credit line applications in exchange for kickbacks and other remuneration in violation of 18 U.S.C. §1349 (Conspiracy).
7. A violation of 18 U.S.C. §1349 carries the same penalty as the felony a defendant is alleged to have conspired to commit. Conspiracy to commit bank fraud is punishable by a maximum of thirty years in prison and a fine of up to one million dollars or both.
8. The Information also alleges that on or about March 8, 2010 through May 11, 2010, Ramoy conspired to conduct financial transactions involving funds that were the proceeds of illegal activity with the intent to disguise the source of these funds in violation of 18 U.S.C. § 1956(h) (Conspiracy to Launder Money).

9. A violation of 18 U.S.C. § 1956(h) is a felony punishable by a maximum of twenty years in prison and a fine of up to five hundred thousand dollars or twice the value of the property involved.
10. The Office is responsible for the enforcement of the laws governing financial institutions authorized or chartered by the State of Florida, and financial institution-affiliated persons associated with such institutions, including, but not limited to, employees. §§ 655.001, 655.005(1)(i) and (j), 655.012, 655.037(1), (6)(b), and (8), Fla. Stat.
11. Ramoy's resignation, termination of employment or participation, or separation from the Bank does not affect the jurisdiction and authority of the Office to issue any notice and proceed against Ramoy under Section 655.037, Florida Statutes. Section 655.037(8) states in its entirety:

The resignation, termination of employment or participation, or separation from a state financial institution, subsidiary, or service corporation of the financial institution-affiliated party does not affect the jurisdiction and authority of the office to issue any notice and proceed under this section against such financial institution-affiliated party, if such notice is served before the end of the 6-year period beginning on the date such person ceases to be such a financial institution-affiliated party with respect to such state financial institution, subsidiary, or service corporation.

12. Section 655.037(6)(b), Florida Statutes, states, in pertinent part:

Whenever any financial institution-affiliated party is charged with a felony in a state or federal court, or in the courts of any foreign country with which the United States maintains diplomatic relations, and such charge alleges violation of any law involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude and the charge under such foreign law is equivalent to a felony charge under state or federal law, the office may enter an emergency order suspending such financial institution-affiliated party or restricting or prohibiting participation by such financial institution-affiliated party in the affairs of that particular state financial institution, subsidiary, or service corporation or any other financial institution, subsidiary, or service corporation, upon service of the order upon the state financial institution, subsidiary, or service corporation and the financial institution-affiliated party so charged.

13. The possibility of Ramoy again gaining employment as a financial institution-affiliated party of a state financial institution, subsidiary or service corporation, poses a threat to the interests of the state financial institution, subsidiary, or service corporation, and poses a threat to the interests of the state financial institution's, subsidiary's, or service corporation's depositors, members, or stockholders. Furthermore, Ramoy again gaining employment as a financial institution-affiliated party of a state financial institution, subsidiary, or service corporation impairs public confidence in the state financial institution, subsidiary, or service corporation, and the state financial institution system in general.
14. Although it is unnecessary to find or demonstrate that an immediate danger to the public health, safety, or welfare exists in the context of an emergency suspension and prohibition pursuant to the provisions of Section 655.037(6)(b), Florida Statutes, the Office nevertheless finds that an immediate danger to the public welfare exists.
15. Although it is unnecessary to find or demonstrate that the reasons for concluding that the procedures employed herein are fair under the circumstances, since this action is in the context of an emergency suspension and prohibition pursuant to the provisions of Sections 655.012(1)(c) and 655.037(6)(b), Florida Statutes, the Office nevertheless finds that the procedures used are fair, since the Office has merely used the procedures contained within the provisions of Sections 655.012(1)(c) and 655.037(6)(b), Florida Statutes.
16. The Office concludes that this Emergency Order is appropriate and authorized pursuant to Section 655.037(6)(b), Florida Statutes, because Ramoy has been charged by Information with felonies involving bank fraud and money laundering while he was a financial institution- affiliated party.
17. The Office further concludes, pursuant to Section 655.0321, Florida Statutes, that this

Emergency Order shall be a public document, and should Ramoy request a post-suspension hearing or appeal this Emergency Order, said hearings and proceedings shall be conducted as public proceedings, and that all documents related to such hearing be public documents unless subject to a protective order or made confidential pursuant to federal or Florida law.

AGENCY ACTION

Based on the foregoing Statement of Facts and Conclusions of Law, it is ORDERED that:

- a. Ramoy is hereby IMMEDIATELY suspended from any and all positions he holds at any state financial institution, subsidiary, or service corporation.
- b. Ramoy is hereby IMMEDIATELY suspended from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, of any state financial institution, subsidiary, or service corporation he may be a financial institution-affiliated party of.
- c. Ramoy is hereby IMMEDIATELY prohibited from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, of any state financial institution, subsidiary, or service corporation.
- d. Ramoy is hereby IMMEDIATELY prohibited from participation in any manner in the affairs of any state financial institution, subsidiary, service corporation, or affiliate. This prohibition includes, but is not limited to, matters of corporate governance and the following prohibitions regarding stock ownership, transfer, and voting:
 - (1) Ramoy shall not vote any stock he owns or controls in any state financial institution, any subsidiary, service corporation or any affiliate, without the prior written permission of the Office.
 - (2) Ramoy shall not solicit, procure, vote, or attempt to vote any proxy, consent, or

authorization with respect to any voting rights in any state financial institution, or any subsidiary, service corporation or affiliate.

(3) Ramoy shall not solicit or procure any additional stock in any other state financial institution, or any subsidiary, service corporation or affiliate.

(4) Ramoy shall not transfer or attempt to transfer: a) any stock he owns or controls in any state financial institution, or any subsidiary, service corporation or affiliate, without the prior written permission of the Office; or b) any proxy, consent, or authorization with respect to any voting rights in any state financial institution, or any subsidiary, service corporation or affiliate, without the prior written permission of the Office.

e. Ramoy is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for any state financial institution, or any subsidiary, service corporation or affiliate.

f. Ramoy is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for any state financial institution, or any subsidiary, service corporation or affiliate, unless, prior to accepting appointment with, and prior to providing any services to, any state financial institution, subsidiary or service corporation as a consultant or independent contractor, or other similar position:

(1) Ramoy provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, service corporation or affiliate, with which Ramoy seeks to serve as a consultant or independent contractor, or other similar position; and

(2) Ramoy, and the chief executive officer and the chairman of the board of directors of the state financial institution, or subsidiary, service corporation or affiliate, with which Ramoy seeks to serve as a consultant or independent contractor, or other similar position, provides

written notification to the Office describing in detail the duties and responsibilities of the services Ramoy desires to provide to the state financial institution, or subsidiary, service corporation or affiliate; and

(3) the Office, in its sole discretion, authorizes Ramoy to accept appointment with the state financial institution, or subsidiary, service corporation or affiliate, as a consultant or independent contractor, or other similar position.

g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office order finding that Ramoy has demonstrated through a post suspension hearing that his continued service to or participation in the affairs of the state financial institution, subsidiary, or service corporation does not pose a threat to the interests of the state financial institution's depositors, members, or stockholders, or threaten to impair public confidence in the state financial institution.

h. This Emergency Order will remain in effect, unless otherwise rescinded or modified by Office Order.

i. This Emergency Order will dissolve in the event of an acquittal, or the final, unappealed dismissal of all charges against Ramoy. However, such dissolution does not prohibit the Office from instituting proceedings under Section 655.037(1), Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida, this 21ST day of January, 2011.



J. Thomas Cardwell, Commissioner
Office of Financial Regulation

NOTICE OF RIGHTS

NOTICE IS HEREBY PROVIDED THAT THE FOREGOING EMERGENCY ORDER IS ENTERED PURSUANT TO SECTION 655.037(6)(b), FLORIDA STATUTES, AND IS ACCORDINGLY EFFECTIVE IMMEDIATELY. RAMOY IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK FOR THE OFFICE OF FINANCIAL REGULATION AS FOLLOWS:

By Mail or Facsimile

Office of Financial Regulation
P.O. Box 8050
Tallahassee, Florida 32314-8050
Phone: (850) 410-9800
Fax: (850) 410-9548

OR

By Hand Delivery

Office of Financial Regulation
General Counsel's Office
The Fletcher Building, Suite 118
101 East Gaines Street
Tallahassee, Florida 32399-0379
Phone: (850) 410-9896

A COPY OF THE NOTICE OF APPEAL, ACCOMPANIED BY THE FILING FEES AS REQUIRED BY LAW, MUST ALSO BE FILED WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. **THE NOTICE OF APPEAL MUST BE FILED WITH BOTH THE AGENCY CLERK FOR THE OFFICE OF FINANCIAL REGULATION AND THE DISTRICT COURT OF APPEAL WITHIN 30 DAYS OF THE RENDITION OF THE ORDER TO BE REVIEWED.**

RAMOY MAY ALSO REQUEST A POST-SUSPENSION HEARING TO BE

CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 120.569 AND 120.57, FLORIDA STATUTES. REQUESTS FOR SUCH A POST-SUSPENSION HEARING MUST COMPLY WITH THE PROVISIONS OF RULE 28-106.104(2) AND RULE 28-106.2015(5) FLORIDA ADMINISTRATIVE CODE, AND MUST BE FILED WITH:

By Mail or Facsimile

OR

By Hand Delivery

Office of Financial Regulation
P.O. Box 8050
Tallahassee, Florida 32314-8050
Phone: (850) 410-9800
Fax: (850) 410-9548

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Phone: (850) 410-9896

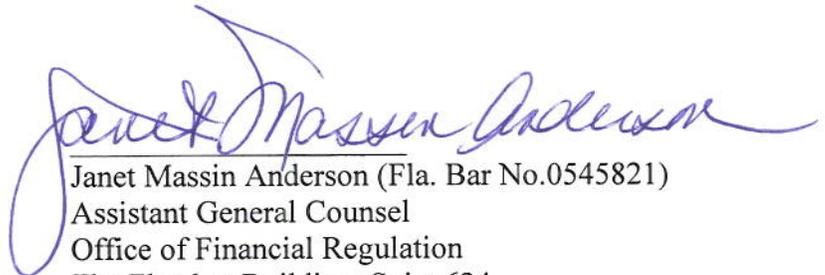
WITHIN TWENTY-ONE (21) DAYS AFTER RAMOY, OR HIS AGENT OR REPRESENTATIVE, RECEIVES THIS ORDER. SHOULD RAMOY REQUEST A POST-SUSPENSION HEARING, HE WILL HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE; TO OFFER TESTIMONY, EITHER WRITTEN OR ORAL; TO CALL AND CROSS EXAMINE WITNESSES; AND TO HAVE SUBPOENAS AND SUBPOENAS DUCES TECUM ISSUED ON HIS BEHALF. FAILURE TO RESPOND WITHIN TWENTY ONE (21) DAYS OF RECEIPT OF THIS EMERGENCY ORDER SHALL BE DEEMED A WAIVER OF ALL RIGHTS TO A POST-SUSPENSION HEARING AND THIS EMERGENCY ORDER SHALL, WITHOUT FURTHER NOTICE REMAIN IN EFFECT.

NOTE THAT THE ACQUITTAL OF THE FINANCIAL INSTITUTION-AFFILIATED PARTY CHARGED, OR THE FINAL UNAPPEALED DISMISSAL OF ALL CHARGES AGAINST SUCH PERSON, WILL DISSOLVE THE EMERGENCY ORDER, BUT WILL NOT PROHIBIT THE OFFICE FROM INSTITUTING PROCEEDINGS UNDER SECTION 655.037(1), FLORIDA STATUTES. PURSUANT TO SECTION 120.73, FLORIDA

STATUTES, RAMOY IS ADVISED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Order of Suspension and Prohibition with Notice of Rights has been furnished via Certified U.S. Mail, Delivery to Addressee Only, return receipt requested, to: David J. Ramoy, 410 NE 7th Street, Delray Beach, Florida 33483, and Joseph Marzouca, Chief Executive Officer, Floridian Community Bank, 5599 South University Drive, Davie, Florida 33328 this 21 day of January, 2011.



Janet Massin Anderson (Fla. Bar No.0545821)
Assistant General Counsel
Office of Financial Regulation
The Fletcher Building, Suite 624
200 East Gaines Street
Tallahassee, Florida 32399-0371
Tel: 850-410-9880

FILED by **TM** D.C.
ELECTRONIC

Jan 11, 2011

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
11-80007-CR-MARRA/HOPKINS
CASE NO. _____

18 U.S.C. § 1349
18 U.S.C. § 1341
18 U.S.C. §§ 1028 and 1028A
18 U.S.C. §§ 1956(a)(3)(B) and (h)
18 U.S.C. § 2

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCIS SANTA,
DAVID L. MCGUIRE,
WILLIAM J. HEBERT,
DAVID J. RAMOY,
ALEXANDER R. REYES,
DANIEL AGUDELO,
ANTONIO MANNARINO,
ANTHONY DEPIERRO,
TERRANCE T. WARD,
JEANNE WARD, and
DEREK L. NADLER,

Defendants.

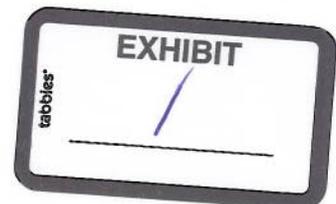
INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Palm Beach Business Consultants, Inc. ("PBBC") was a business incorporated in the state



of Florida and located in Boca Raton, Florida. PBBC provided assistance to businesses and individuals seeking personal and business loans and lines of credit.

2. Wachovia Bank, N.A. (now known as Wells Fargo Bank, N.A.), Fifth Third Bank, Regions Bank, HSBC Bank U.S.A., N.A., Bank of America, N.A., Floridian Community Bank, SunTrust Bank, Commerce Bank (now known as T.D. Bank N.A.), and National City Bank (now known as PNC Bank) were financial institutions whose accounts were insured by the Federal Deposit Insurance Corporation. These financial institutions provided personal and business lines of credit to qualified borrowers.

3. American Brokers Conduit was a lending institution based in Dallas, Texas, and provided, among other products, mortgage loans.

4. Defendant **FRANCIS SANTA** was the true owner of PBBC. Defendant **SANTA** directed PBBC's day-to-day operations and controlled its finances.

5. Defendants **DAVID L. MCGUIRE**, **WILLIAM J. HEBERT**, **DAVID J. RAMOY**, **ALEXANDER R. REYES**, and **DANIEL AGUDELO** were loan officers responsible for processing applications for loans and lines of credit from borrowers. At various times, defendant **MCGUIRE** was employed at Wachovia Bank, defendant **HEBERT** was employed at HSBC Bank, defendants **REYES** and **AGUDELO** were employed at Fifth Third Bank, and defendant **RAMOY** was employed at Floridian Community Bank.

6. Defendants **ANTONIO MANNARINO**, **ANTHONY DEPIERRO**, and **TERRANCE T. WARD**, were business owners who sought assistance from PBBC with obtaining lines of credit. Defendant **JEANNE WARD**, who was the wife of defendant **TERRANCE T. WARD** and an investigative aide at the Broward County Sheriff's Office, also sought help from PBBC with

obtaining lines of credit. As an investigative aide at Broward County Sheriff's Office, defendant **JEANNE WARD** had access to the Florida Driver and Vehicle Identification Database (known as DAVID), which contained personal information about all licensed drivers in the State of Florida.

7. Defendant **DEREK L. NADLER** was a friend of defendant **MANNARINO's** and agreed to let his name be used on several lines of credit obtained by PBBC for **MANNARINO**.

COUNT 1
(Conspiracy to Commit Bank Fraud: 18 U.S.C. § 1349)

8. Paragraphs 1 - 2, and 4 - 7 of the General Allegations section of this Information are realleged and incorporated as though fully set forth herein.

9. From in or about September 2005, and continuing through in or about June 2010, at Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

**FRANCIS SANTA,
DAVID L. MCGUIRE,
WILLIAM J. HEBERT,
DAVID J. RAMOY,
ALEXANDER R. REYES,
DANIEL AGUDELO,
ANTONIO MANNARINO,
ANTHONY DEPIERRO,
TERRANCE T. WARD,
JEANNE WARD, and
DEREK L. NADLER,**

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the United States Attorney, to execute, and cause the execution of, a scheme and artifice to defraud financial institutions, that is, Wachovia Bank, Fifth Third Bank, Regions Bank, HSBC Bank, Bank of America, Floridian Community Bank, SunTrust Bank, Commerce Bank, and National City Bank, and to obtain any of the moneys, funds, assets and other property owned by and under the custody and control of said financial institution, by means of

materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Sections 1344 and 2.

PURPOSE OF THE CONSPIRACY

10. It was the purpose and object of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by (a) preparing and submitting to financial institutions false and fraudulent loan and line of credit applications, and supporting financial documents, on behalf of PBBC borrowers, (b) paying kickbacks to bank officers in order to facilitate the processing and approval of the fraudulent loans and lines of credit, and (c) collecting substantial fees from the PBBC borrowers in return for these services and distributing the fees among the defendants and their co-conspirators.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, but were not limited to, the following:

11. SANTA established PBBC to assist businesses and individuals with obtaining personal and business loans and lines of credit. To induce clients to use PBBC's services, SANTA represented that he had connections with numerous bankers who would assist him in getting PBBC clients up to \$300,000 in loans and/or lines of credit. To take advantage of PBBC's services, the clients, including MANNARINO, DEPIERRO, and the WARDS were required to pay SANTA a fee, typically ranging from \$12,500 to \$25,000, which was paid up front or after the loan or line of credit was funded by the bank.

12. Most of the clients who sought assistance from PBBC lacked the income, credit scores,

and/or collateral to qualify for legitimate loans or lines of credit. **SANTA** promised these clients that he could obtain loans and/or lines of credit for them by manipulating the financial information submitted to the bank to make it appear as if the clients were qualified, when in fact they were not.

13. **SANTA** hired several employees who were responsible for preparing the fraudulent loan and credit packages for PBBC clients. These co-conspirators routinely prepared fraudulent applications in which they falsely reported the clients' income. In many instances, the co-conspirators included false and fraudulent financial documents, that is, false tax returns, false pay stubs, false balance sheets and false income statements, in the fraudulent loan and credit packages.

14. In most instances, the fraudulent loan and line of credit applications were in the name of the client or the client's business. However, if the client had a friend or relative with good credit or available collateral, the PBBC employee would sometimes use the name of the friend or relative or a business owned by the friend or relative on the fraudulent application. In several instances, this was done without the knowledge or consent of the friend or relative. On other occasions, **SANTA** would arrange to have an inactive corporation which had been in existence for several years placed in the name of the client and used on the fraudulent application. **SANTA** claimed that banks preferred to lend money to "seasoned" corporations rather than new ones.

15. **SANTA** directed his co-conspirators to submit the fraudulent loan and credit applications to collusive bank officers, including **MCGUIRE, HEBERT, REYES, RAMOY** and **DANIEL AGUDELO**. These bank officers agreed to facilitate the processing of the fraudulent loan and line of credit applications for **SANTA** in return for a kickback – typically cash, an American Express gift card or other means of remuneration.

16. In most instances, the fraudulent loan and line of credit applications were approved by

the bank. The clients would then take possession of the loan proceeds and withdraw funds against the lines of credit. In most instances, the clients were not able to repay the loans and/or lines of credit, which resulted in substantial losses to the banks.

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

COUNT 2
(Mail Fraud: 18 USC §§ 1341 and 2)

17. Paragraphs 2, 3, and 7 of the General Allegations section are realleged and incorporated as though fully set forth herein.

18. From in or about March 1, 2007, and continuing through in or about April 16, 2007, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

ANTONIO MANNARINO, and
DEREK L. NADLER,

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from American Brokers Conduit and National City Bank, by means of materially false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made, and for the purpose of executing such scheme and artifice to defraud and attempting to do so, did knowingly cause certain mail matter to be delivered by the United States Postal Service, according to the directions thereon.

PURPOSE OF THE SCHEME AND ARTIFICE TO DEFRAUD

19. It was the purpose of the scheme and artifice to defraud for the defendants to unlawfully enrich themselves by obtaining mortgage loans for more than \$1 million based on false and fraudulent financial information.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD

The manner and means by which the defendants sought to accomplish the object of the scheme and artifice to defraud included, among others, the following:

20. **MANNARINO** solicited **NADLER** to participate in a sham sale of **MANNARINO**'s residence for \$1.2 million. **MANNARINO** orchestrated the sale in order to obtain funds to pay-off his original mortgage on the residence and to use for his own benefit.

21. To accomplish the sham sale, **MANNARINO** caused to be submitted fraudulent mortgage applications in **NADLER**'s name seeking more than \$1 million in loan proceeds from American Brokers Conduit and National City Bank. Because **NADLER** could not qualify for such large loans, the mortgage applications falsely represented **NADLER**'s income and assets.

22. **NADLER** signed the fraudulent mortgage applications knowing that they contained false financial information.

23. Based on the false mortgage applications, the lenders disbursed \$1,160,000 in loan proceeds, which **MANNARINO** used to pay-off his first mortgage and to benefit himself and **NADLER**.

24. After the purported sale of the residence, **MANNARINO** continued to make mortgage payments on the residence for a short period of time. After that, the property was foreclosed on, resulting in substantial losses to both lenders.

USE OF THE MAILS

25. On or about April 16, 2007, in the Southern District of Florida, and elsewhere, for the purpose of executing the above scheme and artifice to defraud and to obtain money and property from American Brokers Conduit and National City Bank by means of materially false and fraudulent

pretenses, representations and promises, the defendants,

**ANTONIO MANNARIONO, and
DEREK L. NADLER,**

did knowingly cause to be delivered by a commercial interstate carrier, that is, United Parcel Service, according to the address thereon, a check for \$526,737.29 issued by Complete Title Solutions, Inc., to GMAC Mortgage Corporation, Louisville, Kentucky.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 3
(Conspiracy to Launder Money: 18 U.S.C. § 1956(h))

26. From in or about April 2010, and continuing through in or about June 2010, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

DAVID L. MCGUIRE,

did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown to the United States Attorney, to knowingly conduct and attempt to conduct financial transactions affecting interstate or foreign commerce involving property represented by a law enforcement officer to be proceeds of a specified unlawful activity, that is, illegal narcotics trafficking, in violation of the laws of the United States, with the intent to conceal and disguise the nature, location, source, ownership and control of property believed to be the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(3)(B), all in violation of Title 18, United States Code, Section 1956(h).

COUNT 4
(Conspiracy to Launder Money: 18 USC § 1956(h))

27. From at least as early as March 8, 2010, and continuing through approximately May 17, 2010, the exact dates being unknown to the United States Attorney, in Palm Beach County, in the

Southern District of Florida, and elsewhere, the defendants,

**WILLIAM J. HEBERT JR., and
DAVID J. RAMOY,**

did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to the United States Attorney to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce involving property represented by a law enforcement officer to be the proceeds of a specified unlawful activity, that is, illegal narcotics trafficking, with the intent to conceal and disguise the nature, location, source, ownership and control of the property believed to be the proceeds of a specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(3)(B).

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 5
(Money Laundering Concealment: 18 USC § 1956(a)(3)(B))

28. Between on or about March 31, 2010 and April 28, 2010, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

ALEXANDER R. REYES,

did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, that is, seven cash deposits totaling \$47,000, into various accounts at Fifth Third Bank, involving property represented by a law enforcement officer to be the proceeds of a specified unlawful activity, that is, illegal narcotics trafficking, with the intent to conceal and disguise the nature, location, source, ownership and control of the property believed to be the proceeds of said specified unlawful activity.

All in violation of Title 18, United States Code Sections 1956(a)(3)(B) and 2.

COUNT 6
(Money Laundering Concealment: 18 USC § 1956(a)(3)(B))

29. Between on or about May 21, 2010 and June 4, 2010, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

DANIEL AGUDELO,

did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, that is, nine cash deposits totaling \$40,000 into accounts at various financial institutions, involving property represented by a law enforcement officer to be the proceeds of a specified unlawful activity, that is, illegal narcotics trafficking, with the intent to conceal and disguise the nature, location, source, ownership and control of the property believed to be the proceeds of said specified unlawful activity.

All in violation of Title 18, United States Code Sections 1956(a)(3)(B) and 2.

COUNT 7
(Aggravated Identity Theft: 18 U.S.C. §1028A(a)(1))

30. On about January 26, 2010, through on or about February 6, 2010, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEANNE WARD, and
TERRANCE T. WARD,

during and in relation to felony violations of Title 18, United States Code, Section 1349, that is conspiracy to commit fraud on a financial institution, did knowingly transfer, possess and use without lawful authority, a means of identification of another person, that is, Florida Driver License No. Wxxx-xxx-xx-002-0, in the name TJW, and Social Security Number xxx-xx-0018, issued to TJW.

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT 8
(Identity Theft: 18 U.S.C. §1028)

31. On or about January 26, 2010, in Palm Beach and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

JEANNE WARD, and
TERRANCE T. WARD,

did knowingly transfer, possess and use, in or affecting interstate commerce, without lawful authority, a means of identification of another person, that is, Driver License No. Wxxx-xxx-xx-002-0, in the name TJW, date of birth, 1-2-1970, with the intent to commit, or to aid or abet the commission of an unlawful activity that constitutes a violation of federal law, that is, violations of Title 18, United States Code, Section 1349, conspiracy to commit fraud on a financial institution as set forth in Count 1.

All in violation of Title 18, United States Code, Sections 1028(a)(7), (b)(1)(A)(ii) and 2.

COUNT 9
(Identity Theft: 18 U.S.C. §1028)

32. On or about June 8, 2010, in Palm Beach and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

JEANNE WARD,

did knowingly transfer, possess and use, in or affecting interstate commerce, without lawful authority, a means of identification of another person, that is, Driver License No. Wxxx-xxx-xx-841-0, in the name JNW, date of birth, 9-21-1953, and Social Security Number xxx-xx-4621, with the intent to commit, or to aid or abet the commission of an unlawful activity that constitutes a violation of federal law, that is, violations of Title 18, United States Code, Section 1349, conspiracy to commit

fraud on a financial institution as set forth in Count 1.

All in violation of Title 18, United States Code, Sections 1028(a)(7), (b)(1)(A)(ii) and 2.



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ELLEN L. COHEN
ASSISTANT UNITED STATES ATTORNEY



ADRIENNE RABINOWITZ
ASSISTANT UNITED STATES ATTORNEY