

FILED by **CF** D.C.
ELECTRONIC

JUN 17, 2008

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
08-20567-CR-JORDAN/MCALILEY
CASE NO.

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2
18 U.S.C. § 982(a)(2)(A)

UNITED STATES OF AMERICA

vs.

EVELYN MARRERO,
JORGE BACALLAO,
MARILYN DE LA PAZ,
a/k/a "Marilyn Martis,"
DAISY GONZALEZ,
AIVET LOARCA,
ELENA GARMAN,
and
LOAISA RODRIGUEZ,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At various times relevant to this Indictment:

1. Fremont Investment and Loan, hereinafter "Fremont," was a wholly-owned subsidiary of Fremont General that did business as a mortgage lender throughout the United States, including the State of Florida, and whose accounts were insured by the Federal Deposit Insurance Corporation.
2. WMC Mortgage Corporation, hereinafter "WMC Mortgage," was a wholly-owned subsidiary of G.E. Money Bank that did business as a wholesale mortgage lender throughout the

United States, including the State of Florida.

3. First Franklin Financial Corporation, hereinafter “First Franklin,” was a corporation that did business as a mortgage lender throughout the United States, including the State of Florida.

4. Aegis Wholesale Corporation, hereinafter “Aegis,” was a wholly-owned subsidiary of Aegis Mortgage Corporation that did business as a mortgage lender throughout the United States, including the State of Florida.

5. Southeast Capital Mortgage Company, hereinafter “Southeast Capital,” was a Florida corporation incorporated in or around July 1998, with its principal place of business located at 13255 S.W. 137th Avenue, Suite 114, Miami, Florida.

6. All Star Mortgage Financial Corp., hereinafter “All Star Mortgage,” was a Florida corporation incorporated in or around November 1999, with its principal place of business located at 8830 Coral Way, Miami, Florida.

7. J&E Universal Title Services, Inc., hereinafter “J&E Universal,” was a Florida corporation incorporated on or about July 29, 2004, with its principal place of business listed as 14623 S.W. 112th Street, Miami, Florida.

8. Defendant **EVELYN MARRERO** was a Miami-Dade County resident and the president of J&E Universal. Through and on behalf of J&E Universal, **MARRERO** conducted real estate closings and issued escrow checks.

9. Defendant **JORGE BACALLAO** was a Miami-Dade County resident and the vice president of J&E Universal.

10. Defendant **MARILYN DE LA PAZ** was a Miami-Dade County resident and a title agent employed by J&E Universal.

11. Defendant **DAISY GONZALEZ** was a Miami-Dade County resident and a mortgage loan officer at All Star Mortgage. **GONZALEZ** was responsible for preparing mortgage applications that were submitted to lenders for the purchase of real property.

12. Defendant **AIVET LOARCA** was a Miami-Dade County resident and a mortgage loan officer at Southeast Capital. **LOARCA** was responsible for preparing mortgage applications that were submitted to lenders for the purchase of real property.

13. Defendant **ELENA GARMAN** was a Miami-Dade County resident and an office receptionist at Southeast Capital.

14. Defendant **LOAISA RODRIGUEZ** was a Miami-Dade County resident.

COUNT 1
CONSPIRACY TO COMMIT WIRE FRAUD
(18 U.S.C. § 1349)

Paragraphs 1 through 14 of the General Allegations section of this Indictment are realleged and incorporated as though fully set forth herein.

1. From in or around July 2005, and continuing through in or around February 2006, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**EVELYN MARRERO,
JORGE BACALLAO,
MARILYN DE LA PAZ,
a/k/a "Marilyn Martis,"
DAISY GONZALEZ,
AIVET LOARCA,
ELENA GARMAN,
and
LOAISA RODRIGUEZ,**

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine,

conspire, confederate, and agree with each other and with persons known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly, and with intent to defraud, devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and knowingly transmit and cause to be transmitted certain wire communications in interstate commerce, for the purpose of executing the scheme and artifice, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

2. It was a purpose of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things: (a) engaging in the sale and purchase of real property by submitting materially false and fraudulent mortgage loan applications and related documents to lending institutions, thereby causing the lending institutions to fund the loans; and (b) using fraud proceeds for their personal benefit and to further the fraud scheme.

MANNER AND MEANS OF THE CONSPIRACY

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

3. **EVELYN MARRERO, JORGE BACALLAO, and MARILYN DE LA PAZ** would enter into purchase and sale transactions of residential property located in Miami-Dade County and otherwise participate in purchase and sale transactions as the title agent through J&E Universal.

4. In order to fund a transaction, **AIVET LOARCA**, through Southeast Capital, and **DAISY GONZALEZ**, through All Star Mortgage, would apply for a mortgage loan by preparing

and causing to be prepared a materially false and fraudulent Uniform Residential Loan Application, also known as Form 1003, that included, among other things, false employment verification, false verification of income and funds on deposit, and false rent verification.

5. **EVELYN MARRERO, JORGE BACALLAO, MARILYN DE LA PAZ, AIVET LOARCA, and DAISY GONZALEZ** would recruit and pay individuals, namely **ELENA GARMAN** and **LOAISA RODRIGUEZ**, to serve as straw buyers of real property and otherwise steal identity information for use in straw real estate transactions.

6. Once a lending institution would approve a loan application, it would send the loan proceeds by wire in interstate commerce to the title company's escrow account for closing on the real property. **EVELYN MARRERO, JORGE BACALLAO, and MARILYN DE LA PAZ** would regularly use J&E Universal as the title closing agent to disburse the loan proceeds.

7. **EVELYN MARRERO, JORGE BACALLAO, and MARILYN DE LA PAZ**, through J&E Universal, would use the loan proceeds to pay creditors, themselves, and their co-conspirators.

8. As a result of their conduct, **EVELYN MARRERO, JORGE BACALLAO, MARILYN DE LA PAZ, DAISY GONZALEZ, AIVET LOARCA, ELENA GARMAN, and LOAISA RODRIGUEZ** fraudulently caused four lending institutions to provide mortgage loans for the purchase of Miami-Dade County residential properties located at 12560 S.W. 75th Street, 14623 S.W. 112th Street, and 1250 South Miami Avenue (Unit No. 2401). These loans totaled at least \$2 million.

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

COUNTS 2-8
WIRE FRAUD
(18 U.S.C. §§ 1343 and 2)

Paragraphs 1 through 14 of the General Allegations section of this Indictment are realleged and incorporated as though fully set forth herein.

1. On or about the dates as set forth in the counts below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**EVELYN MARRERO,
JORGE BACALLAO,
MARILYN DE LA PAZ,
a/k/a "Marilyn Martis,"
DAISY GONZALEZ,
AIVET LOARCA,
ELENA GARMAN,
and
LOAISA RODRIGUEZ,**

did knowingly, and with intent to defraud, devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, pictures, or sounds for the purpose of executing the scheme and artifice.

PURPOSE OF THE SCHEME AND ARTIFICE

2. It was a purpose of the scheme and artifice for the defendants and their accomplices to unlawfully enrich themselves by, among other things: (a) engaging in the sale and purchase of real property by submitting materially false and fraudulent mortgage loan applications and related

documents to lending institutions, thereby causing the lending institutions to fund the loans; and (b) using fraud proceeds for their personal benefit and to further the fraud scheme.

THE SCHEME AND ARTIFICE

3. Paragraphs 4 through 9 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

USE OF THE WIRES

4. On or about the dates enumerated as to each count below, the defendants enumerated as to each count, for the purpose of executing and in furtherance of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, did knowingly transmit and cause to be transmitted in interstate commerce by means of wire communication certain writings, signs, signals, pictures, and sounds:

COUNT	DEFENDANTS	APPROX. DATE	DESCRIPTION OF WIRE COMMUNICATION
2	EVELYN MARRERO, JORGE BACALLAO, and DAISY GONZALEZ	09/22/2005	Wire transfer in the amount of \$749,106.19 from First Franklin Financial Corporation in Ohio to First Fortune International Title account number XXXXXX5412 at Bank Atlantic, in the Southern District of Florida, relating to the sale of property located at 12560 S.W. 75th Street, Miami, Florida.

COUNT	DEFENDANTS	APPROX. DATE	DESCRIPTION OF WIRE COMMUNICATION
3	EVELYN MARRERO, JORGE BACALLAO, MARILYN DE LA PAZ, a/k/a "Marilyn Martis," AIVET LOARCA, and ELENA GARMAN	10/04/2005	Wire transfer in the amount of \$310,790.22 from Fremont Investment and Loan in California to J&E Universal Title Services, Inc., account number XXXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 14623 S.W. 112th Street, Miami, Florida.
4	EVELYN MARRERO, JORGE BACALLAO, MARILYN DE LA PAZ, a/k/a "Marilyn Martis," AIVET LOARCA, and ELENA GARMAN	10/04/2005	Wire transfer in the amount of \$77,006.12 from Fremont Investment and Loan in California to J&E Universal Title Services, Inc., account number XXXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 14623 S.W. 112th Street, Miami, Florida.
5	MARILYN DE LA PAZ, a/k/a "Marilyn Martis," AIVET LOARCA, and LOAISA RODRIGUEZ	01/25/2006	Wire transfer in the amount of \$521,557.02 from Aegis Wholesale Corporation in New York to J&E Universal Title Services, Inc., account number XXXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 1250 South Miami Avenue, No. 2401, Miami, Florida.

COUNT	DEFENDANTS	APPROX. DATE	DESCRIPTION OF WIRE COMMUNICATION
6	MARILYN DE LA PAZ, a/k/a "Marilyn Martis," AIVET LOARCA, and LOAISA RODRIGUEZ	01/25/2006	Wire transfer in the amount of \$129,775.62 from Aegis Wholesale Corporation in New York to J&E Universal Title Services, Inc., account number XXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 1250 South Miami Avenue, No. 2401, Miami, Florida.
7	MARILYN DE LA PAZ, a/k/a "Marilyn Martis," AIVET LOARCA, and LOIASA RODRIGUEZ	02/01/06	Wire transfer in the amount of \$4,062.50 from Aegis Wholesale Corporation in New York to J&E Universal Title Services, Inc., account number XXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 1250 South Miami Avenue, No. 2401, Miami, Florida.
8	EVELYN MARRERO, JORGE BACALLAO, MARILYN DE LA PAZ, a/k/a "Marilyn Martis," and AIVET LOARCA	02/01/06	Wire transfer in the amount of \$470,213.56 from WMC Mortgage Corporation in New York to J&E Universal Title Services, Inc., account number XXXXXXXXXX3207 at Wachovia Bank, in the Southern District of Florida, relating to the sale of property located at 14623 S.W. 112th Street, Miami, Florida.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 9
AGGRAVATED IDENTITY THEFT
(18 U.S.C. §§ 1028A(a)(1) and 2)

On or about October 4, 2005, in Miami-Dade County, in the Southern District of Florida, the defendants,

**EVELYN MARRERO,
JORGE BACALLAO,
MARILYN DE LA PAZ,
a/k/a "Marilyn Martis,"
AIVET LOARCA,
and
ELENA GARMAN,**

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, wire fraud, as set forth in Counts 3 and 4 of this Indictment, did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name "Y.G." on a United States Department of Housing and Urban Development Settlement Statement (Form HUD-1), in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

CRIMINAL FORFEITURE

1. The allegations of Counts 1 through 8 of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants has an interest, pursuant to the provisions of Title 18, United States Code, Section and 982(a)(2)(A), and the procedures outlined at Title 21, United States Code, Section 853.

2. Upon conviction of any violation alleged in Counts 1 through 8 of this Indictment, the defendants shall forfeit to the United States all property, constituting or derived from proceeds obtained, directly or indirectly, from the violation.

All pursuant to Title 18, United States Code, Section 982(a)(2)(A), and the procedures outlined at Title 21, United States Code, Section 853.

A TRUE BILL

FOREPERSON



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



JEFFREY E. TSAI
ASSISTANT UNITED STATES ATTORNEY