

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. 1349 --- wire fraud conspiracy Petty
COUNT TWO: 18 U.S.C. 1519 and 2 --- destruction of records in federal investigation Minor
COUNT THREE: 18 U.S.C. 1512(b)(3) --- witness tampering Misdemeanor Felony
PENALTY: Count One: 30 years imprisonment; \$1,000,000 fine or twice gain/loss; 5 years supervised release; criminal forfeiture
Counts Two and Three: for each count, 20 years imprisonment; \$250,000 fine; 5 years supervised release

CR 09

0770

JOHN A. BUI

DISTRICT COURT NUMBER

PJH

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

09-70448/70547

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Jeffrey Rabkin

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

4) On this charge

5) On another conviction } Federal State

6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year
5/14/2009

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: _____

Date/Time: _____ Before Judge: _____

Comments:

FILED
JUL 29 2009
RICHARDSON
MILPITAS
E-filing

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 JOHN A. BUI,
15 Defendant.
16
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No. 09-0770

PJH

Violations: 18 U.S.C. § 1349 — Wire Fraud
Conspiracy; 18 U.S.C. § 1519 —
Destruction of Records in a Federal
Investigation; 18 U.S.C. § 1512(b)(3) —
Witness Tampering; 18 U.S.C. § 2 —
Aiding and Abetting; 18 U.S.C. §
981(a)(1)(C) and 28 U.S.C. § 2461 —
Forfeiture of Fraud Proceeds

SAN FRANCISCO VENUE

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20 INFORMATION

21 The United States Attorney charges:

22 BACKGROUND

23 At all times relevant to this Information:

24 1. The defendant JOHN A. BUI owned and operated a California corporation
25 located in Milpitas, California known as “JBL International Holdings, Inc.” and doing
26 business as “JB Financial Group.”

27 2. BUI, together with others known and unknown to the United States
28 Attorney, participated in a fraudulent scheme to generate fees by originating mortgage

INFORMATION

1 loans through the transmission of materially false and misleading information to mortgage
2 lenders.

3 THE SCHEME TO DEFRAUD

4 3. As set forth more fully below, between a time unknown to the United States
5 Attorney, but no later than in or about 2003 through April 30, 2009, both dates being
6 approximate and inclusive, in the Northern District of California and elsewhere, the
7 defendant,

8 JOHN A. BUI,

9 and others known and unknown to the United States Attorney, engaged in an illegal
10 scheme to defraud by transmitting materially false and fraudulent loan applications and
11 supporting documentation to mortgage lenders, including financial institutions, in order to
12 induce those mortgage lenders to fund loans to persons and at terms that the mortgage
13 lenders otherwise would not have funded.

14 4. As part of the scheme to defraud, BUI, together with others, prepared and
15 transmitted loan applications and supporting documentation to the mortgage lenders
16 which purported accurately to represent the personal and financial information of the
17 borrowers. However, BUI, together with others, fraudulently improved the
18 creditworthiness of the borrowers by falsifying personal and financial information that
19 was material to the mortgage lenders in making their lending decisions. For example,
20 among other things, BUI, together with others, prepared and transmitted to the mortgage
21 lenders false and misleading information and documents concerning the employment,
22 income and assets of the borrowers.

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1 COUNT ONE: 18 U.S.C. § 1349 – Wire Fraud Conspiracy

2 5. Paragraphs 1 through 4 of this Information are hereby re-alleged and
3 incorporated by reference as if set forth in full herein.

4 6. Between a time unknown to the United States Attorney, but no later than in
5 or about 2003 through April 30, 2009, both dates being approximate and inclusive, within
6 the Northern District of California and elsewhere, the defendant,

7 JOHN A. BUI,

8 and others, did knowingly and intentionally conspire to and did devise a material scheme
9 and artifice to defraud as to material matters, and to obtain money and property from,
10 mortgage lenders, including financial institutions, by means of materially false and
11 fraudulent pretenses, representations and promises, and for the purpose of executing such
12 scheme and artifice to defraud, did knowingly and intentionally transmit and cause to be
13 transmitted, by means of wire in interstate commerce, writings, signs, signals, pictures,
14 and sounds, in violation of Title 18, United States Code, Section 1343.

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

16 COUNT TWO: 18 U.S.C. §§ 1519 and 2 – Destruction of Records in a Federal
17 Investigation

18 7. Paragraphs 1 through 4 of this Information are hereby re-alleged and
19 incorporated by reference as if set forth in full herein.

20 8. On or about May 2, 2009, in the Northern District of California, the
21 defendant,

22 JOHN A. BUI,

23 did knowingly destroy records, documents, and tangible objects, and did aid, abet,
24 counsel, command, induce, procure and cause to be done the same, with the intent to
25 impede, obstruct, and influence the investigation and proper administration of a matter

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1 within the jurisdiction of a department and agency of the United States, namely,
2 the Federal Bureau of Investigation (“FBI”), and in relation to and in contemplation of
3 such a matter.

4 All in violation of Title 18, United States Code, Sections 1519 and 2.

5 COUNT THREE: 18 U.S.C. §§ 1512(b)(3) and 2 – Witness Tampering

6 9. On or about May 28, 2009, in the Northern District of California, the
7 defendant,

8 JOHN A. BUI,

9 did knowingly use intimidation and threats and did corruptly persuade another person,
10 namely, an individual known to the United States Attorney and identified here as “L.T.,”
11 and attempt to do so, with the intent to hinder, delay and prevent the communication to a
12 law enforcement officer and judge of the United States of information relating to the
13 commission or possible commission of a Federal offense, and did aid, abet, counsel,
14 command, induce, procure and cause to be done the same.

15 All in violation of Title 18, United States Code, Sections 1512(b)(3) and 2.

16 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

17 10. The allegations contained in this Information are realleged and by this
18 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
19 provisions of Title 18, United States Code, Section § 981(a)(1)(C).

20 11. Upon a conviction for the offenses alleged above, the defendant,

21 JOHN A. BUI,

22 shall forfeit to the United States any property, real or personal, which constitutes or is
23 derived from proceeds traceable to said offenses, including but not limited to a sum of
24 money equal to the total proceeds from the commission of said offense.

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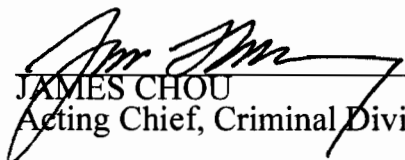
- 1 12. If, as a result of any act or omission of the defendant, any of said property
- 2 a. cannot be located upon the exercise of due diligence;
- 3 b. has been transferred or sold to or deposited with, a third person;
- 4 c. has been placed beyond the jurisdiction of the Court;
- 5 d. has been substantially diminished in value; or
- 6 e. has been commingled with other property which cannot be divided
- 7 without difficulty;

8 any and all interest defendant has in any other property up to the value of the property
 9 described in paragraph 11 above, shall be forfeited to the United States pursuant to Title
 10 18, United States Code, Section 981(a)(1)(C), as incorporated by Title 28, United States
 11 Code, Section 2461.

12 All in violation of Title 18, United States Code, Sections 981(a)(1)(C), 1343,
 13 1349; Title 28, United States Code, Section 2461; and Rule 32.2 of the Federal Rules of
 14 Criminal Procedure.

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 16 Dated: July 21, 2009

JOSEPH P. RUSSONIELLO
 United States Attorney

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 JAMES CHOU
 Acting Chief, Criminal Division

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 22 (Approved as to form: )

AUSA RABKIN
 AUSA FINIGAN
 Assistant United States Attorneys

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