

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	No. <u>09-00233-01/02-CR-W-ODS</u>
)	
Plaintiff,)	
)	
v.)	18 U.S.C. § 371
)	(Conspiracy to Commit Bank & Wire Fraud)
)	
JOSEPH SILVESTRO,)	NMT Five Years Imprisonment
[DOB: 02/28/1957],)	NMT \$250,000 Fine
)	NMT Three Years Supervised Release
and)	Class D Felony
)	
JULIE SILVESTRO,)	Plus \$100 Special Assessment
[DOB: 01/18/1966],)	
)	
Defendants.)	

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE
Introduction

1. At all times material to this Information:

a. Defendants JOSEPH and JULIE SILVESTRO are husband and wife and they operate Taylor Investment Group, Inc. (hereinafter "Taylor Investment"), which was incorporated in the State of Missouri on May 25, 2000. JULIE SILVESTRO also served as the registered agent for J.A.I.G., LLC, which was registered with the State of Missouri on June 2, 2005, as a real estate and consulting business.

b. Integrity Land Title Company, Incorporated, (hereinafter "Integrity") was engaged in the business of title insurance, real estate escrow, and closings. Integrity has a number of office locations throughout the Midwest, including in Liberty, Missouri.

c. Legacy Land Title (hereinafter “Legacy”) was engaged in the business of title insurance, real estate escrow, and closings. It had an office in Kansas City, Missouri, among other locations.

d. An individual, whose identity is known to the United States Attorney’s Office, worked as a closing title agent at Legacy in its Kansas City, Missouri, office and then later at the Liberty, Missouri, office of Integrity in a similar capacity.

e. Gold Bank was a FDIC-insured financial institution that provided a number of financial services, including making mortgage loans. It had branches in a number of locations, including Kansas City, Missouri.

f. Long Beach Mortgage Company (hereinafter “Long Beach”), was engaged in the business of making mortgage loans. It had several offices including in Anaheim, California, and Itasca, Illinois.

g. Morreale & Associates, LLC, was registered with the State of Missouri on October 25, 2002, as a construction company.

h. Morreale Properties, LLC, was registered with the State of Missouri on February 14, 2006, as being involved in real estate investments.

The Conspiracy and Its Object

2. Beginning in or about February 2005, the exact date being unknown to the United States Attorney’s Office, and continuing through on or about September 1, 2007, in the Western District of Missouri, and elsewhere, defendants JOSEPH and JULIE SILVESTRO and others known and unknown to the United States Attorney’s Office, combined, confederated and agreed with each other and others known and unknown to the United States Attorney’s Office to obtain money from

mortgage lenders and financial institutions, and to retain the money obtained, by means of material false and fraudulent pretenses, representations and promises, and by the concealment of material facts, and in the execution of the said scheme to commit offenses against the United States, that is,

a. to knowingly and willfully transmit and cause to be transmitted in interstate commerce, wire communications, that is, communications by facsimile communications and electronic mail, in furtherance of and for the purpose of executing a scheme to defraud, in violation of Title 18, United States Code, Sections 1343 and 2; and

b. to knowingly and willfully obtain moneys, funds, credits, and assets, owned by and under the control of a financial institution, by means of a false and fraudulent pretense, representation, and promise in violation of Title 18, United States Code, Sections 1344 and 2.

Purpose of the Conspiracy

3. The purpose of the conspiracy was to obtain money and other benefits by the sale and purchase of residences at inflated prices, that is, to obtain mortgage loan proceeds, given in reliance on material false and fraudulent representations and promises, and by the concealment of material facts, for the personal financial and other benefit of the defendants and others known and unknown to the United States Attorney's Office.

Scheme and Artifice to Defraud

4. It was a part of the conspiracy and scheme and artifice to defraud that defendants JOSEPH and JULIE SILVESTRO would make arrangements to purchase real estate properties.

5. It was a part of the conspiracy and scheme and artifice to defraud that defendants JOSEPH and JULIE SILVESTRO, or others known and unknown to the United States Attorney's

Office, would arrange for the preparation of mortgage documents that oftentimes included payment of fictitious and fraudulent invoices as part of the settlement statement.

6. It was a part of the conspiracy and scheme and artifice to defraud that defendants JOSEPH and JULIE SILVESTRO, or others known and unknown to the United States Attorney's Office, would oftentimes falsely represent that a substantial cash down payment was being brought to the closing by the buyer.

Overt Acts

7. In furtherance of the conspiracy and to accomplish the object of the conspiracy, one or more members of the conspiracy committed and caused to be committed the following overt acts in the Western District of Missouri and elsewhere:

a. On or about October 4, 2005, at Integrity's office located in Liberty, Missouri, caused to be executed settlement statement documents in connection with the sale of 3909 Scarritt, Kansas City, Missouri, which contained false and fraudulent representations, including a false statement that \$44,716.21 would be brought to the closing by the borrower and a false representation that an invoice was received from Taylor Investments stating that it was entitled to \$75,000.00 at the time of the closing.

b. On or about October 4, 2005, caused Gold Bank to issue a cashier check number 165789 made payable to Integrity Land Title in the amount of \$185,404.00 in connection with the closing of 3909 Scarritt, Kansas City, Missouri.

c. On or about October 6, 2005, caused check number 3604 to be issued by Integrity made payable to Taylor Investments for \$25,283.79, out of the funds provided by Gold Bank in connection with the closing of 3909 Scarritt, Kansas City, Missouri.

d. On or about October 6, 2005, caused check number 3602 to be issued by Integrity made payable to Anthony Morreale for \$5,000.00 out of the funds provided by Gold Bank in connection with the closing of 3909 Scarritt, Kansas City, Missouri.

e. On or about September 26, 2005, at Integrity's office located in Liberty, Missouri, caused to be executed settlement statement documents in connection with the sale of 811 NE 83rd Street, Kansas City, Missouri, which contained false and fraudulent representations, including a false representation that a legitimate invoice was received from Taylor Investments stating that it was entitled to \$37,103.50 at the time of the closing.

f. On or about September 26, 2005, caused Long Beach Mortgage to wire transfer \$115,963.55 to a Integrity Land Title account in connection with the closing of 811 NE 83rd Street, Kansas City, Missouri.

g. On or about September 26, 2005, caused check number 3485 to be issued by Integrity made payable to Taylor Investments for \$37,103.50, out of the funds provided by Long Beach Mortgage in connection with the closing of 811 NE 83rd Street, Kansas City, Missouri.

h. On or about September 26, 2005, caused Wells Fargo Mortgage Services to fax a payoff amount from Des Moines, Iowa to Integrity's Liberty, Missouri, office in connection with the closing of 811 NE 83rd Street, Kansas City, Missouri.

i. On or about June 30, 2005, at Integrity's office located in Liberty, Missouri, caused to be executed settlement statement documents in connection with the sale of 1043 Ella, Kansas City, Kansas, which contained false and fraudulent representations, including a false representation that an invoice was received from Taylor Investments stating that it was entitled to \$20,326.88 at the time of the closing.

j. On or about July 1, 2005, caused Long Beach Mortgage to wire transfer \$69,987.83 to a Integrity Land Title account in connection with the closing of 1043 Ella, Kansas City, Kansas.

k. On or about July 6, 2005, caused check number 2690 to be issued by Integrity made payable to Taylor Investments for \$20,326.88, out of the funds provided by Long Beach Mortgage in connection with the closing of 1043 Ella, Kansas City, Kansas.

l. On or about June 29, 2005, caused Long Beach Mortgage to fax closing/wire instructions from Itasca, Illinois, to Integrity's Liberty, Missouri, office in connection with the closing of 1043 Ella, Kansas City, Kansas.

All in violation of Title 18, United States Code, Section 371.

ALLEGATION OF FORFEITURE

1. The allegations of Count One of this Information are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants have an interest, pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A), and the procedures outlined in Title 21, United States Code, Section 853.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1343 and/or 1344, or a conspiracy to violate such sections, each defendant shall forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly pursuant to Title 18, United States Code, Section 982(a)(2)(A).

3. The property subject to forfeiture includes, but is not limited to, the following:

a. Money Judgment and Other Property Involved In or Traceable to the Offense:

Any interest or proceeds traceable thereto, representing the net proceeds obtained by defendants JOSEPH SILVESTRO and JULIE SILVESTRO, in that such sum in aggregate is involved in, or is derived from, proceeds traceable to the scheme described in the offense set forth in Count One.

b. Substitute Assets

If the property described above as being subject to forfeiture as a result of any act or omission of any defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of the defendants up to the value of the above-forfeitable property or to seek return of the property to the jurisdiction of the Court so that the property may be seized and forfeited.

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

Matt J. Whitworth
Acting United States Attorney

By /s/ Roseann A. Ketchmark

Roseann A. Ketchmark
Assistant United States Attorney

Dated: 07/31/2009
Kansas City, Missouri