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U.S. DISTRICT COURT L

\* OCT 23 2008

BROOKLYN OFFICE

CP

JM:DAS:JEG  
F.#2008R00488

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

OSMOND DECOTEAU,

Defendants.

- - - - -X

I N D I C T M E N T

Cr. No. **08** **736**  
(T. 18, U.S.C., §§ 1349 and  
3551 et seq.)

**IRIZARRY, J.**

THE GRAND JURY CHARGES:

INTRODUCTION

1. Mortgage lenders often employ an entity that services mortgage loans (the "Loan Servicer"). The Loan Servicer typically collects monthly mortgage loan payments from homeowners and remits those payments to the lender in exchange for a small monthly fee. When a property is sold or a mortgage is refinanced, the lender issuing the new loan usually wires the proceeds to the closing attorney, who in turn sends a portion of the proceeds to the Loan Servicer to pay off the pre-existing mortgage. In order to ensure that the loan proceeds are properly allocated, the Loan Servicer provides the closing attorney with a payoff letter setting forth the amount of the existing loan to be paid off and the identity of the Loan Servicer to whom payment should be made.

### THE FRAUDULENT SCHEME

2. The defendant, OSMOND DECOTEAU, together with others, falsely represented that three corporations under his control were Loan Servicers for properties located in Brooklyn and Florida (the "Properties"). DECOTEAU did this by causing phony payoff letters to be presented at the closings for the sales of the Properties. A payoff check was then written to an entity that DECOTEAU controlled instead of the real Loan Servicer for the existing mortgage holder.

3. The defendant OSMOND DECOTEAU also controlled the sales of the Properties. Among other things, DECOTEAU recruited purchasers and ensured that the purchasers' loan applications would be approved by causing misrepresentations to be made in the applications.

4. To conceal and thereby perpetuate the fraud, the defendant OSMOND DECOTEAU, together with others, caused monthly payments to be made on the underlying mortgages.

### CONSPIRACY TO COMMIT WIRE FRAUD

5. In or about and between April 2005 and January 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant OSMOND DECOTEAU, together with others, did knowingly and intentionally conspire 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, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communication in interstate commerce, writings, signs, signals, pictures and sounds, contrary to Section 1343 of Title 18 of the United States Code.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

*A* TRUE BILL *A*

~~FOREPERSON~~

\_\_\_\_\_  
BENTON J. CAMPBELL  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY:   
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.136

UNITED STATES DISTRICT COURT

EASTERN DISTRICT of NEW YORK

Criminal Division

THE UNITED STATES OF AMERICA

Osmond Decoteau,  
Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 1349 and 3551 et seq.)

A true bill



Foreman

Filed in open court this \_\_\_\_\_ day.

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

Clerk

Bail, \$ \_\_\_\_\_

AUSA Jonathan E. Green, (718) 254-6297

INFORMATION SHEET

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

08 736

1. Title of Case: **United States v. Osmond Decoteau**

2. Related Magistrate Docket Number(s): m-08-585

None ( )

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 23 2008 ★

**IRIZARRY, J.** BROOKLYN OFFICE

3. Arrest Date: **8/25/08**

4. Nature of offense(s):  Felony  
 Misdemeanor

5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the  
Local E.D.N.Y. Division of Business Rules): \_\_\_\_\_

6. Projected Length of Trial: Less than 6 weeks (X)  
More than 6 weeks ( )

7. County in which crime was allegedly committed: Brooklyn  
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

8. Has this indictment/information been ordered sealed? ( ) Yes (X) No

9. Have arrest warrants been ordered? ( ) Yes (X) No

BENTON J. CAMPBELL  
UNITED STATES ATTORNEY

By:



Jonathan Green  
Assistant U.S. Attorney  
(718) 254-6297