

# United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

WILLIAM O'KEEFE

**CRIMINAL COMPLAINT**

CASE NUMBER: 05-M-553

US DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
JUL 1 2005  
FILED


I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about February 9, 1999, in the Western District of New York, the defendant knowingly made false statements and reports upon an application for a loan to a bank insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 1014.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

**SEE ATTACHED AFFIDAVIT**

Continued on the attached sheet and made a part hereof: (✓) Yes ( ) No

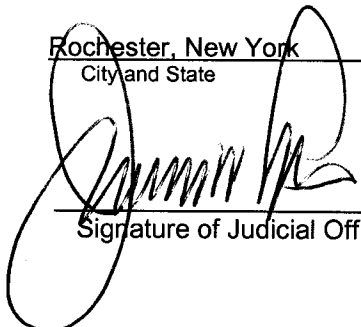
  
\_\_\_\_\_  
PAUL D. BERNREUTHER, Special Agent, FBI  
Signature of Complainant

Sworn to before me and subscribed in my presence,

July 1, 2005  
\_\_\_\_\_  
Date

at Rochester, New York  
\_\_\_\_\_  
City and State

HON. JONATHAN W. FELDMAN, USMJ  
\_\_\_\_\_  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

**AFFIDAVIT  
IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MONROE )ss:  
CITY OF ROCHESTER )

Paul D. Bernreuther, being duly sworn deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since November 1997, duly appointed according to law and acting as such.

2. I am presently assigned to the Rochester, New York, Resident Agency of the FBI and I investigate, among other things, criminal matters, including mortgage fraud violations.

3. As part of my duties, I have become involved in an investigation of mortgage fraud involving homes bought and sold by Theodore Antonucci, Jr.

4. On or about February 9, 1999, WILLIAM O'KEEFE ("O'KEEFE") purchased a home from Antonucci located at 67 Waverly Place, Rochester, New York for \$58,000. Standard Federal Bank provided a mortgage of \$57,525.

5. At all times relevant, Standard Federal Bank was a bank whose deposits were insured by the Federal Deposit Insurance Corporation.

6. The purchase of the residence at 67 Waverly Place was subject to a loan secured by a mortgage from Standard Federal Bank and insured by the Secretary of the U.S. Department of Housing and Urban Development ("HUD").

7. When applying for the mortgage loan, O'KEEFE submitted or caused to be submitted the following false documents to the lender:

Loan applications and supporting documents including earning statements, tax returns, verification of employment documents, and credit letters.

8. Specifically, O'KEEFE submitted the following documents:

a. A 1996 federal tax return reporting earnings of \$31,200 and a 1997 federal tax return reporting earnings of \$35,750.

b. A loan application, dated February 9, 1999, which stated that O'KEEFE earned \$4,117.00 a month in employment income.

c. A Request for Verification of Employment form from W.J. Grinder, dated November 13, 1998, which stated he had earned \$43,700 to date in 1998, \$35,750 in 1997, and \$31,200 in 1996.

d. Earning statements from W.J. Grinder Roofing Co., Inc., dated November 20, 1998, and November 27, 1998, indicating O'KEEFE earned a gross amount of \$950 each week.

9. The investigation has disclosed the following:


a. Per the Department of the Treasury, Internal Revenue Service (IRS), O'KEEFE did not file tax returns with the IRS for the years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

b. Per the State of New York, Department of Labor, W.J. Grinder Roofing Co., Inc., under both EIN 16-0846854 and 16-1500292, had no employees from 1998 through January 2005.

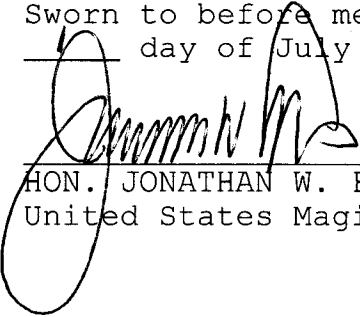
c. O'KEEFE agreed to be interviewed on March 23, 2005 by the FBI and USPS and advised that any money he (O'KEEFE) earned from Grinder Roofing was paid in cash and that he (O'KEEFE) never filed tax returns on his earnings from Grinder Roofing.

10. Standard Federal Bank relied on the false statements and representations made by O'KEEFE in connection with his application for a mortgage. O'KEEFE subsequently defaulted on the mortgage and the property was foreclosed upon causing a loss to Standard Federal Bank of \$50,425.

11. It is respectfully submitted that probable cause exists to believe that WILLIAM O'KEEFE did knowingly make false statements and reports, upon an application for a loan to a bank insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 1014.

  
\_\_\_\_\_  
PAUL D. BERNREUTHER  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
     day of July 2005.

  
\_\_\_\_\_  
HON. JONATHAN W. FELDMAN  
United States Magistrate Judge