

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

CRIMINAL NO. _____

v.

KEVIN J. O'KEEFE

VIOLATIONS:

18 U.S.C. § 371 (conspiracy to commit
financial institution bribery)

18 U.S.C. § 1344(1) (bank fraud)

INFORMATION

The United States Attorney charges:

COUNT ONE

(Conspiracy -- 18 U.S.C. § 371)

General Allegations

1. At all times relevant to this Information, Fleet Bank and Bank of America were financial institutions whose deposits were insured by the Federal Deposit Insurance Corporation.
2. At times relevant to this Information, the defendant, KEVIN J. O'KEEFE, was a Vice President at Fleet Bank and later at Bank of America after it acquired Fleet Bank.
3. At all times relevant to this Information, Individual A was a lawyer in Connecticut.
4. At all times relevant to this Information, Individual B was a real estate developer in Connecticut.

The Conspiracy

5. Beginning in or about October 2001, the exact date being unknown, and continuing to on or about February 5, 2007, in the District of Connecticut and elsewhere, defendant KEVIN J. O'KEEFE, together with others known and unknown to the United States Attorney, did unlawfully, willfully and knowingly conspire, combine, confederate and agree with each other and with persons known and unknown to the United States Attorney to violate Title 18 United

States Code, Section 215(a), by knowingly and willfully accepting and agreeing to accept something of value, that is, money, intending to be influenced and rewarded in connection with business and transactions of Fleet Bank.

The Object of the Conspiracy

6. The object of the conspiracy was for defendant KEVIN J. O'KEEFE, Individual A and Individual B to enrich themselves through the use of O'KEEFE's position at Fleet Bank by, among other things, corrupting the bidding process on distressed loans that Fleet Bank was selling and using confidential information of Fleet Bank to submit winning bids.

Manner And Means Of The Conspiracy

The manner and means by which defendant KEVIN J. O'KEEFE, Individual A and Individual B, and others known and unknown to the United States Attorney, sought to accomplish the object of the conspiracy included the following:

7. It was part of the conspiracy that the defendant and his co-conspirators would and did create, and cause to be created, shell companies in order to submit bids on Fleet Bank distressed loans and to receive proceeds from the scheme.

8. It was part of the conspiracy that the defendant and his co-conspirators would and did obtain confidential information from Fleet Bank and use that information to submit bids on distressed loans.

9. It was part of the conspiracy that the defendant and his co-conspirators would and did provide outdated information to other bidders involved in the bidding process in order to cause those bidders to submit artificially low bids.

10. It was part of the conspiracy that the defendant and his co-conspirators would and did exclude bidders who they believed would submit competitive bids for distressed loans on which the defendant and his co-conspirators sought to submit the winning bid.

11. It was part of the conspiracy that the defendant and his co-conspirators would and did set up a shell company referred to herein as "LA" for the purpose of receiving and distributing a portion of the profits from the scheme that Individual B agreed to pay Individual A and the defendant through LA in exchange for their corrupt acts to obtain the loans from Fleet Bank.

Overt Acts

12. In furtherance of the conspiracy, and to accomplish its purposes and objects, the defendant, KEVIN J. O'KEEFE, together with Individual A and Individual B and others known and unknown to the United States Attorney, committed and caused others to commit at least one of the following overt acts, among others, in the District of Connecticut:

a. On or about October 29, 2001, Individual A filed Articles of Organization for an entity referred to herein as "IMA" with the Office of the Secretary of the State of Connecticut.

b. On or about June 27, 2002, Individual B caused a check to issue from a shell company he controlled to LA in the amount of \$100,121.25, which represented half of the profits on the purchase and sale of the first loan purchased from Fleet Bank.

c. On or about November 22, 2002, Individual B wrote a letter to LA and Individual A confirming that a shell company controlled by Individual B had agreed to pay LA 15% of its profits on the purchase of a loan from Fleet Bank.

d. On or about August 20, 2003, Individual B caused a wire transfer to be made from the bank account of a shell company he controlled to LA's bank account in the amount of

\$100,176.74, which was a payment made pursuant to Individual B's agreement through his shell company to pay LA 15% of its profits on the purchase of a loan from Fleet Bank.

All in violation of Title 18, United States Code, Section 371 and 2.

COUNT TWO
(Bank Fraud -- 18 U.S.C. § 1344(1))

1. The allegations contained in Paragraphs 1 through 3 of Count One of this Information are realleged as though fully set forth herein.

2. In or about January 2006, the defendant, KEVIN J. O'KEEFE, and Individual A knowingly and intentionally executed and attempted to execute a scheme to defraud Bank of America in that the defendant and Individual A caused a client of Individual A (hereinafter, the "Client") to pay \$55,000 in exchange for a release of a mortgage held by Bank of America, when in truth and in fact, the defendant was able to find no records relating to a mortgage held by Bank of America on the Client's land, yet had Individual A nonetheless inform the Client that he had to pay Bank of America \$55,000 for a release, notwithstanding the fact that Individual A knew there were no records of the mortgage at Bank of America and that the defendant would keep the \$55,000 for himself, all in violation of 18 U.S.C. § 1344(1).

UNITED STATES OF AMERICA

NORA R. DANNEHY
ACTING UNITED STATES ATTORNEY

ERIC J. GLOVER
ASSISTANT UNITED STATES ATTORNEY