

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

ERIC PHILPOT

CASE NO. **1:08CR--20**

INDICTMENT

18 U.S.C. § 2

18 U.S.C. § 1341

18 U.S.C. § 1956

18 U.S.C. § 1957

THE GRAND JURY CHARGES THAT:

**J. BECKWITH**

COUNT 1

(18 U.S.C. § 1341, Mail Fraud)

THE SCHEME TO DEFRAUD

1. Beginning at an exact date unknown, but at least by May, 2004 and continuing through February, 2006, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud various mortgage lending companies and to obtain moneys, funds, credits and assets owned by and under the custody and control of the mortgage lending companies by means of false and fraudulent pretenses, representations, and promises made to said mortgage lending companies and others, defendant **ERIC PHILPOT**, knowing at the time that the pretenses and representations were false and fraudulent when made, and which scheme and artifice was, as follows:

2. It was a part of the scheme and artifice to defraud, the defendant, **ERIC PHILPOT**, identified various pieces of residential real estate in Cincinnati, Ohio that he could obtain control of using buyers who would agree to participate in the financial transactions using the buyers' own

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SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
CINCINNATI

names but under the actual direction and control of the defendant, **ERIC PHILPOT**. On occasion, these individuals would then conduct additional transactions under the direction and control of the defendant including making sales of the properties.

3. It was further part of the scheme and artifice to defraud, that these buyers, in agreement with defendant **ERIC PHILPOT**, would obtain loans using false pretenses, in order to generate the necessary funds to complete the desired property purchases. Among the false pretenses used by the buyers to obtain the loans were statements in official lending documents (such as Uniform Residential Loan Applications (forms 1003), Settlement Statements (HUD-1 forms), Owner-Occupancy Agreements, and Verifications of Deposit) that falsely indicated that the purported buyers were the true purchasers of the property, that the buyers were supplying down payments, that they had certain levels of income from various forms of employment, and that they intended to occupy the subject properties as their primary residences. Defendant **ERIC PHILPOT** caused the purported buyers to make these various false representations with the knowledge that this false information would be used to induce mortgage lenders to fund the desired loans through which the properties could be obtained. Defendant **ERIC PHILPOT** also possessed, supplied, and otherwise used false supporting documentation such as tax forms W-2, invoices and other documents, to make the false representations to the mortgage lenders more credible.

4. It was further part of the scheme and artifice to defraud that defendant **ERIC PHILPOT** also caused the purported buyers of the properties to make material omissions in the applicable real estate documentation that was submitted to the lenders. Such omissions included failures to disclose defendant's involvement in the transactions such as his true ownership interests, his involvement in providing funds for down payments, and his use and control of the loan proceeds.

Additionally, at times, the purported buyers failed to disclose other liabilities and financial obligations they had incurred in association with the defendant. The purported buyers also failed to disclose that the loan proceeds were being used for improper personal gain by various individuals including defendant **ERIC PHILPOT**.

5. It was further part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, at times, caused the sellers of the properties to claim that various improvements had been made to the real estate which either had not been made or which were exaggerated as to the extent and scope of the improvements. By these false pretenses, the defendant encouraged and caused the mortgage lenders to increase the amount of the loans that they supplied to the purported buyers.

6. It was further part of the scheme and artifice to defraud that defendant **ERIC PHILPOT** caused inflated appraisals to be prepared, obtained and submitted on the identified properties that reflected inflated and inaccurate fair market values thereby inducing the mortgage lenders to make loans in higher amounts than were warranted by the true value of the properties.

7. It was further part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT** utilized various means of interstate commerce including the mails and telephone and facsimile communications to cause real estate information, documents, and funds to be transferred.

8. It was further part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT** performed or caused to be performed various financial transactions that distributed the wrongfully acquired loan proceeds to himself and others associated with him in the scheme to defraud.

9. It was further part of the scheme and artifice to defraud that defendant **ERIC**

**PHILPOT** failed to provide the purported buyers of the properties with the necessary funds needed to meet the required monthly loan payments to the mortgage lenders thereby causing most of the properties to go into default status and the mortgage lenders to suffer financial losses.

10. Through the above scheme and artifice to defraud, defendant **ERIC PHILPOT** wrongfully caused lenders to fund at least eight mortgage loans in an amount in excess of \$890,000.00.

11. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT** facilitated the purchase of a piece of real estate by MW, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations and omissions for this transaction were that MW would, and did, provide the down payment, that MW would use the piece of property as a primary residence, that his/her income was \$3,500.00 per month, that MW had various assets including a Lexus vehicle worth \$30,000.00, and that the seller was providing a second mortgage to fund the transaction.

12. On or about May 20, 2004, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from

the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Aegis Funding Corporation in Houston, Texas related to a loan being funded by Aegis Funding Corporation in the amount of \$165,700.00 for the purchase of the property located at 2243 Loth Street, Cincinnati, Ohio 45210.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 2**  
**(18 U.S.C. § 1341, Mail Fraud)**

13. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

14. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT** facilitated the purchase of a piece of real estate by MW, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that MW would use the piece of property as a primary residence, that his/her income was \$5,000.00 per month, that MW had various assets including a Lexus vehicle worth \$30,000.00, and that improvements were performed by a company that thereby should receive approximately \$74,112.00 from the loan proceeds at closing. Among the fraudulent omissions for this transaction were the failure to disclose that MW had entered into the transaction described in Count 1 of this Indictment thereby resulting in an undisclosed liability, and the failure to disclose that MW had entered into another real estate transaction for a piece of property located at 2758 Queenswood Drive, Cincinnati, Ohio which was another undisclosed liability.

15. On or about August 5, 2004, in the Southern District of Ohio and elsewhere, the

defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Decision One Mortgage Company in Indianapolis, Indiana, related to a loan being funded by Decision One Mortgage Company in the amount of \$ 84,000.00 for the purchase of the property located at 2217 Rice Street, Cincinnati, Ohio 45219.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 3**  
**(18 U.S.C. § 1341, Mail Fraud)**

16. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

17. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT** facilitated the purchase of a piece of real estate by MW, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that MW would use the piece of property as a primary residence, that his/her income was \$5,000.00 per month, that MW had various

assets including a Lexus vehicle worth \$30,000.00, and that the signature of the seller on the sales contract which was provided to the mortgage lender as supporting documentation for the transaction was the genuine signature of SB, an individual whose identity is known to the Grand Jury. Among the fraudulent omissions for this transaction were the failure to disclose that MW had entered into the transactions described in Counts 1 and 2 of this Indictment thereby resulting in undisclosed liabilities, the failure to disclose that MW had entered into another real estate transaction for a piece of property located at 2758 Queenswood Drive, Cincinnati, Ohio which was another undisclosed liability, and the failure to disclose that some of the loan proceeds were given to MW, the purported buyer of the property.

18. On or about August 31, 2004, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Encore Credit Corporation in Glen Allen, Virginia related to a loan being funded by Encore Credit Corporation in the amount of \$99,130.00 for the purchase of the property located at 2219 Rice Street, Cincinnati, Ohio 45219.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 4**  
**(18 U.S.C. § 1341, Mail Fraud)**

19. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

20. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, facilitated the purchase of a piece of real estate by MW, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that MW would, and did, provide the down payment, that his/her income was \$5,404.00 per month, and that MW had various assets including a Lexus vehicle worth \$30,000.00. Among the fraudulent omissions for this transaction were the failure to disclose that MW had entered into the transaction described in Counts 2 and 3 of this Indictment thereby resulting in undisclosed liabilities, the failure to disclose that MW had entered into another real estate transaction for a piece of property located at 2758 Queenswood Drive, Cincinnati, Ohio which was another undisclosed liability, and the failure to disclose that some of the loan proceeds were given to MW, the purported buyer of the property.

21. On or about November 22, 2004, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent

and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Aegis Funding Corporation in Houston, Texas, related to a loan being funded by Aegis Funding Corporation in the amount of \$160,000.00 for the purchase of the property located at 1805-1807 Lang Street, Cincinnati, Ohio 45210.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 5**  
**(18 U.S.C. § 1341, Mail Fraud)**

22. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

23. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, facilitated the purchase of a piece of real estate by TB, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that TB would use the piece of property as a primary residence, that the seller was taking a loan to provide funds for the down payment, and that certain improvements had been made to the property thereby justifying a wrongful payment at closing. Among the fraudulent omissions for this transaction were the failure to disclose that some of the loan proceeds were given to TB, the purported buyer of the property.

24. On or about March 16, 2005, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means

of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Fremont Investment and Loan in Downers Groves, Illinois related to a loan being funded by Fremont Investment and Loan in the amount of \$152,000.00 for the purchase of the property located at 211 Peete Street, Cincinnati, Ohio 45202.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 6**  
**(18 U.S.C. § 1341, Mail Fraud)**

25. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

26. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, facilitated the purchase of a piece of real estate by SW, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations and omissions for this transaction were that SW would, and did, provide the down payment, that SW would use the property as a primary residence, and that his/her income was \$6,000.00 per month.

27. On or about April 29, 2005, in the Southern District of Ohio and elsewhere, the

defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Argent Mortgage Company, LLC in Rolling Meadows, Illinois related to a loan being funded by Argent Mortgage Company, LLC in the amount of \$91,800.00 for the purchase of the property located at 2265 Schroedinger Avenue, Cincinnati, Ohio 45214.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 7**  
**(18 U.S.C. § 1341, Mail Fraud)**

28. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

29. It was further a part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, facilitated the purchase of a piece of real estate by TB, an individual whose identity is known to the Grand Jury, through various false representations and omissions to the mortgage lender. Among the false representations and omissions for this transaction were falsehoods relating to the employment record of TB, that TB would provide the down payment, and that CW, an

individual whose identity is known to the Grand Jury, was the true seller of the property.

30. On or about July 5, 2005, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Nations Title Agency of Ohio in Cincinnati, Ohio to Argent Mortgage Company, LLC in Rolling Meadows, Illinois related to a loan being funded by Argent Mortgage Company, LLC in the amount of \$61,500.00 for the purchase of the property located at 2478 Seegar Avenue, Cincinnati, Ohio 45214.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 8**  
**(18 U.S.C. § 1341, Mail Fraud)**

31. Paragraphs 1 through 10 of Count 1 above are hereby incorporated and made a part of this count as if totally realleged herein.

32. It was further part of the scheme and artifice to defraud, that defendant **ERIC PHILPOT**, facilitated a real estate closing and purported sale of a piece of property through various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that CW, an individual whose identity is known to the Grand Jury, was the true

seller of the property entitled to some of the loan proceeds and that defendant **ERIC PHILPOT** would and did provide the down payment. Among the fraudulent omissions for this transaction were the failure of defendant **ERIC PHILPOT** to disclose the various other financial liabilities that he had incurred as described in Counts 1 through 7 of this Indictment, that he was already the true owner of the property, and that he was wrongfully using the loan proceeds to, among other things, make the down payment.

33. On or about February 24, 2006, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Royal Land Title Agency, LTD in Loveland, Ohio to New Century Mortgage Corporation in Columbus, Ohio related to a loan being requested from New Century Mortgage Corporation in the amount of \$56,000.00 for the purported purchase of the property located at 2616 Linden Street, Cincinnati, Ohio 45225.

In violation of Title 18, United States Code, Sections 1341 and 2.

**COUNT 9**  
**(18 U.S.C. § 1957, Money Laundering)**

34. On or about May 20, 2004, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check # 04022612) in the amount of \$12,215.70 to MH, an individual whose identity is known to the Grand Jury, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 10**  
**(18 U.S.C. § 1957, Money Laundering)**

35. On or about August 5, 2004, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check # 04023843) in the amount of \$74,112.00 to S & E Construction, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 11**  
**(18 U.S.C. § 1957, Money Laundering)**

36. On or about September 2, 2004, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check #809736168) in the amount of \$44,299.69 to FINESSE HOME IMPROVEMENTS, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 12**  
**(18 U.S.C. § 1957, Money Laundering)**

37. On or about November 22, 2004, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check #236281518) in the amount of \$52,000.00 to FINESSE HOME IMPROVEMENTS, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 13**  
**(18 U.S.C. § 1957, Money Laundering)**

38. On or about March 16, 2005, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check # 04026646) in the amount of \$63,333.30 to RASS MORTGAGE, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U.S.C. § 1957 and 18 U.S.C. § 2.

**COUNT 14**  
**(18 U.S.C. § 1957, Money Laundering)**

39. On or about May 9, 2005, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through PNC BANK , a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is the transfer of a monetary instrument (check # 04649337) in the amount of \$49,961.00 to TB, an individual whose identity is known to the Grand Jury, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 15**  
**(18 U.S.C. § 1957, Money Laundering)**

40. On or about July 5, 2005, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly engage and attempt to engage, and aid and abet the same, in a monetary transaction by and through BANK ONE, a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000.00, that is a deposit of \$42,604.14 into account number xxxxx2994 in the name of CAW, an individual whose identity is known to the Grand Jury, such property having been derived from a specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341.

In violation of 18 U. S. C. § 1957 and 18 U. S. C. § 2.

**COUNT 16**  
**(18 U.S.C. § 1956, Money Laundering)**

41. On or about February 24, 2006, in the Southern District of Ohio, defendant **ERIC PHILPOT**, did knowingly and willfully conduct and attempt to conduct, and aid and abet the same, a financial transaction affecting interstate commerce, to wit: the deposit of Fifth Third Bank check #2846063 in the amount of \$56,700.41 payable to RP, an individual whose identity is known to the Grand Jury into an account maintained by RP at the General Electric Evandale Employees Federal Credit Union, which involved the proceeds of specified unlawful activity, that is mail fraud in violation of 18 U.S.C. § 1341, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of said specified unlawful activity and that while conducting and attempting to conduct

such financial transaction defendant **ERIC PHILPOT** knew that property involved in the financial transaction represented the proceeds of some form of unlawful activity.

In violation of 18 U. S. C. § 1956(a)(1)(B)(i) and 18 U. S. C. § 2.

**COUNT 17**  
**(18 U.S.C. § 1956(h), Conspiracy to Commit Money Laundering)**

42. Beginning at an exact date unknown, but at least by February 24, 2006, and continuing until on or about May 10, 2006, in the Southern District of Ohio and elsewhere, the defendant, **ERIC PHILPOT**, did knowingly, willfully and intentionally combine, conspire, confederate and agree with others whose identities are both known and unknown to the Grand Jury to commit certain offenses, to wit: (1) Money Laundering in violation of 18 U.S.C. § 1956(a)(1)(B)(i) by conducting and causing to be conducted financial transactions which involved the proceeds of specified unlawful activity, to wit: Mail Fraud in violation of 18 U.S.C. § 1341, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, and (2) Money Laundering in violation of 18 U.S.C. § 1957 by engaging in monetary transactions in criminally derived property of a value greater than \$10,000.00 derived from specified unlawful activity, to wit: Mail Fraud in violation of 18 U.S.C. § 1341.

**Objects of the Conspiracy**

43. The objects of the conspiracy were the use of the proceeds of specified unlawful activity for personal gain by defendant **ERIC PHILPOT** in a manner where his involvement in the illegal activities would be disguised from detection.

### Manner and Means

44. To carry out the conspiracy, defendant **ERIC PHILPOT** and his conspirators used various manners and means, including:

- a. It was part of the conspiracy that defendant **ERIC PHILPOT** and R.P., an individual whose identity is known to the Grand Jury, would use a bank account belonging to R.P. to deposit the proceeds of a loan obtained by defendant **ERIC PHILPOT** from the lender through fraud.
- b. It was further part of the conspiracy that defendant **ERIC PHILPOT** directed R.P. to conduct financial transactions on his behalf utilizing the funds which were deposited into the account of R.P.
- c. It was further part of the conspiracy that R.P. conducted various financial transactions utilizing the funds in his bank account which transactions were done for the benefit of defendant **ERIC PHILPOT**.

### Overt Acts

45. In furtherance of the conspiracy and to achieve the objects thereof, the following overt acts, among others, were committed by defendant **ERIC PHILPOT**, or one of his conspirators, in the Southern District of Ohio:

- a. On or about February 24, 2006, defendant **ERIC PHILPOT**, along with R.P. and C.W., an individual whose identity is known to the Grand Jury, attended a real estate closing in which defendant **ERIC PHILPOT** purportedly purchased from C.W. a piece of real estate located at 2616 Linden Avenue, Cincinnati, Ohio.
- b. On or about February 24, 2006, defendant **ERIC PHILPOT** caused check # 2813 in the amount of \$12,809.85 to be tendered as part of the down payment for the purchase of 2616 Linden Avenue, Cincinnati, Ohio.
- c. On or about February 24, 2006, defendant **ERIC PHILPOT**, C.W. and R.P. traveled to a Fifth Third Bank branch in Loveland, Ohio.
- d. On or about February 24, 2006, C.W. purchased Fifth Third Bank official check # 2846063 in the amount of \$56,700.41, which check was made

payable to R.P.

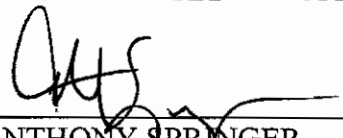
- e. On or about February 24, 2006, R.P. deposited the \$56,700.41 check into his account at the General Electric Evendale Employees Federal Credit Union.
- f. On or about March 3, 2006, R.P. wrote check # 2825 in the amount of \$3,500.00 for the benefit of defendant **ERIC PHILPOT**.
- g. On or about March 6, 2006, R.P. wrote check # 2836 in the amount of \$3,000.00 for the benefit of defendant **ERIC PHILPOT**.
- h. On or about March 21, 2006, R.P. wrote check # 2841 in the amount of \$1,000.00 for the benefit of defendant **ERIC PHILPOT**.
- i. On or about April 17, 2006 defendant **ERIC PHILPOT** and R.P. met with an attorney in Cincinnati, Ohio.
- j. On or about April 17, 2006, R.P. wrote check # 2854 in the amount of \$5,000.00 for the benefit of defendant **ERIC PHILPOT**.
- k. On or about April 21, 2006, R.P. wrote check # 2855 in the amount of \$1,000.00 for the benefit of defendant **ERIC PHILPOT**.

All in violation of 18 U.S.C. § 1956(h).

A TRUE BILL

  
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FOREPERSON

GREGORY G. LOCKHART  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
ANTHONY SPRINGER  
Deputy Criminal Chief