

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO.

1:05 CR 00011

v.

INFORMATION

DONALD M. POWERS, JR.

18 U.S.C. § 1014

26 U.S.C. § 7206(1)

HONORABLE SUSAN J. DLOTT

COUNT 1

(18 U.S.C. § 1014)

1. On or about September 5, 2001, in the Southern District of Ohio, the defendant, **DONALD M. POWERS, JR.**, knowingly signed and submitted a false statement, that is a Form HUD-1 Settlement Statement from the Department of Housing and Urban Development, to First Union Mortgage Corporation (hereinafter "First Union Mortgage"), which at the time was a division of First Union Bank, whose deposits were insured by the Federal Deposit Insurance Corporation (First Union Bank has since merged with Wachovia Corporation, whose deposits are also federally insured), for the purpose of influencing First Union Mortgage in connection with a mortgage loan application.

2. On September 5, 2001, Mr. Powers purchased the property located at 1794 Carll Street in Cincinnati, Ohio for \$37,000. Then, on December 11, 2001, Mr. Powers sold the property to Patrick Goedde for \$78,000. According to the HUD-1, Mr. Goedde brought a down payment of \$11,659.67 to the closing. In reality, Mr. Goedde did not provide the funds used to make the down payment on the property. Mr. Powers signed the HUD-1 Settlement Statement

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knowing it was false. In turn, he caused the false loan package, containing the fraudulent HUD-1, to be submitted it to First Union Mortgage. He did so in order to further the scheme to defraud First Union Mortgage.


All in violation of Title 18, United States Code, Section 1014.

COUNT 2
(26 U.S.C. § 7206(1))

1. On or about October 17, 2003, in the Southern District of Ohio, **DONALD M. POWERS, JR.**, a resident of Cincinnati, Ohio, did willfully make and subscribe a 2002 U.S. Individual Income Tax Return, Form 1040, that was verified by a written declaration that it was made under the penalties of perjury and was signed and filed with the Internal Revenue Service, which said 2002 U.S. Individual Income Tax Return, Form 1040, he did not believe to be true and correct as to every material matter in that the said 2002 U.S. Individual Income Tax Return, Form 1040, reported taxable income of \$282,390 and a tax due and owing of \$94,382, whereas, as he then and there well knew and believed that his correct taxable income was \$335,483.52 and his correct tax due and owing was \$114,876.

All in violation of Title 26, United States Code, Section 7206(1).

GREGORY G. LOCKHART
UNITED STATES ATTORNEY


RALPH W. KOHNEN
Deputy Criminal Chief