

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SEALED

UNITED STATES OF AMERICA

v.

CASE NO. 8:12-cr-260-T-30AEP

JESUS SIRA

a/k/a Jay Sira,

NESTOR URDANETA-GONZALEZ

a/k/a Nestor Urdaneta,

MARIA URDANETA-GONZALEZ

a/k/a Maria Urdaneta, and

VANESSA URDANETA

a/k/a Vanessa Valentin,

18 U.S.C. § 1349

18 U.S.C. §§ 1341 and 2

18 U.S.C. §§ 1343 and 2

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461(c)

INDICTMENT

The Grand Jury charges:

COUNT ONE

(Conspiracy - 18 U.S.C. § 1349)

A. Introduction

At times material to this Indictment:

1. A Uniform Residential Loan Application (or a "Fannie Mae Form 1003"), commonly referred to as a mortgage loan application, was universally utilized by financial institutions and other lenders in the mortgage loan approval process. The Fannie Mae Form 1003 required the borrower to truthfully provide to the lender various types of material information, including employment information, monthly income, assets and liabilities, and the specific details of the residential real estate transaction, such as the purchase price of the real estate.

12:57:27 PM EDT
Federal District Court
Tampa, Florida

2. Near the end of the Fannie Mae Form 1003, in the Acknowledgment and Agreement section, the form included the following or similar language, in pertinent parts:

Each of the undersigned specifically represents to Lender and to Lender's actual or potential agents, brokers, processors, attorneys, insurers, servicers, successors and assigns and agrees and acknowledges that:

(a) the information provided in this application is true and correct as of the date set forth opposite my signature and that any intentional or negligent misrepresentation of this information contained in this application may result in civil liability, including monetary damages, to any person who may suffer any loss due to reliance upon any misrepresentation that I have made on this application, and/or in criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Sec. 1001, et seq.;

(b) the loan requested pursuant to this application (the "Loan") will be secured by a mortgage or deed of trust on the property described in this application;

(c) all statements made in this application are made for the purpose of obtaining a residential mortgage loan;

(d) the property will be occupied as indicated in this application; and

(e) the Lender and its agents, brokers, insurers, services, successors and assigns may continuously rely on the information contained in the application, and I am obligated to amend and/or supplement the information provided in this application if any of the material facts that I have represented herein should change prior to closing of the Loan.

To complete and submit the Fannie Mae Form 1003 to secure a mortgage loan, the prospective borrower(s) and any interviewer were required to sign and date the Acknowledgment and Agreement section of the form.

3. A United States Department of Housing and Urban Development Settlement Statement (or a "HUD-1 Settlement Statement") was a form universally used in closings of the sales of residential properties in the United States. A HUD-1 Settlement Statement was used to identify and allocate the various receipts, disbursements, expenses, and payments associated with the sale of residential real estate between the buyer and the seller of the property. Each HUD-1 Settlement Statement included the following or similar warning at the bottom of the form:

It is a crime to knowingly make false statements to the United States on this or any similar form.

4. The HUD-1 Settlement Statement also included the following or similar statement and certification by the prospective borrower and seller:

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

5. The Settlement Agent responsible for handling the closing of the sale of residential property was also required to sign the HUD-1 Settlement Statement acknowledging:

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

6. Elite Mortgage Funding, Inc. ("Elite Mortgage"), and N.U. Investments & Financial Services, Inc. ("NU Financial"), were Florida corporations created in or about February 2005 and August 2007, respectively.

7. First Financial Consulting, LLC ("First Financial Consulting"), and MU Financial Services, LLC ("MU Financial"), were Florida limited liability companies created in or about March 2007 and August 2007, respectively.

8. Jesus Sira, also known as Jay Sira, was the incorporator and the initial president and secretary of Elite Mortgage and was the owner-operator of First Financial Consulting.

9. Nestor Urdaneta-Gonzalez, also known as Nestor Udaneta, is the brother of Maria Urdaneta-Gonzalez and was the listed incorporator and president of NU Financial.

10. Maria Urdaneta-Gonzalez, also known as Maria Urdeneta, was the listed registered agent and manager of MU Financial.

11. Vanessa Urdaneta, also known as Vanessa Valentin, worked at Statton Title Agency, Inc. ("Statton Title Agency"), as an administrative clerk and account executive.

B. The Conspiracy

12. Beginning in or about March 2007, and continuing through in or about August 2007, within the Middle District of Florida, and elsewhere,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, did knowingly and willfully combine, conspire, confederate and agree with each other and with others to commit the following offenses:

- (a) mail fraud, in violation of Title 18, United States Code, Section 1341; and
- (b) wire fraud, in violation of Title 18, United States Code, Section 1343.

C. Manner and Means

13. The manner and means by which the defendants and others sought to accomplish the objects of the conspiracy included, among others, the following:

- (a) It was part of the conspiracy that one or more of the conspirators would and did create various entities, including First Financial Consulting, NU Financial, and MU Financial;

(b) It was further part of the conspiracy that one or more of the conspirators would and did cause bank accounts to be opened in the names of First Financial Consulting, NU Financial, and MU Financial;

(c) It was further part of the conspiracy that one or more of the conspirators would and did agree to purchase certain properties in exchange for a fee or commission;

(d) It was further part of the conspiracy that one or more of the conspirators would and did enter into contracts to purchase certain properties for an amount in excess of the original asking price;

(e) It was further part of the conspiracy that one or more of the conspirators would and did complete or cause to be completed a Fannie Mae Form 1003 for each transaction that included false and fraudulent information concerning the applicant borrower's purpose of the loan, source of down payment, employment information, and/or monthly income;

(f) It was further part of the conspiracy that one or more of the conspirators would and did sign or cause to be signed a Fannie Mae Form 1003 for each transaction, knowing that the application contained false and fraudulent information;

(g) It was further part of the conspiracy that, for each transaction, one or more of the conspirators would and did submit or cause to be submitted

to a bank or other lender a completed Fannie Mae Form 1003, knowing that the application contained false and fraudulent information;

(h) It was further part of the conspiracy that, for most transactions, one or more of the conspirators would and did cause the seller of the property to execute a disbursement letter directing that a material portion of the proceeds from the sale of the property be disbursed to First Financial Consulting;

(i) It was further part of the conspiracy that one or more of the conspirators would and did submit or cause to be submitted the above-described disbursement letters to Statton Title Agency;

(j) It was further part of the conspiracy that one or more of the conspirators would and did sign or cause to be signed a HUD-1 Settlement Statement, knowing that the statement included false and fraudulent information and/or that it failed to include important disbursement information;

(k) It was further part of the conspiracy that one or more of the conspirators would and did create or cause to be created a Statton Title Agency ledger report, or other similar report, for each transaction that included the disbursement information from the disbursement letter associated with a property's acquisition to ensure that funds were disbursed to a bank account held in the name of First Financial Consulting upon the closing of the sale;

(l) It was further part of the conspiracy that the conspirators would and did distribute and/or share funds acquired during the conspiracy, using bank

accounts held in the names of Elite Mortgage, First Financial Consulting, NU Financial, and MU Financial;

(m) It was further a part of the conspiracy that the conspirators would and did send and receive, and cause to be sent and received, mail matter via the Postal Service or private or commercial interstate mail carrier(s) during and in furtherance of the conspiracy;

(n) It was further a part of the conspiracy that the conspirators would and did transmit and cause to be transmitted funds by means of wire communications in interstate commerce during and in furtherance of the conspiracy; and

(o) It was further a part of the conspiracy that the conspirators would and did engage in multiple meetings, perform acts, and make statements, to promote and achieve the objects of the conspiracy and to hide and conceal the purposes of the conspiracy and the acts committed in furtherance thereof.

All in violation of Title 18, United States Code, Sections 1349.

COUNT TWO
(Mail Fraud - 18 U.S.C. § 1341)

A. Introduction

14. The Grand Jury re-alleges the paragraphs in section A of Count One of this Indictment as though fully set forth herein.

B. The Scheme

15. Beginning in or about March 2007, and continuing through in or about August 2007, within the Middle District of Florida, and elsewhere,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. Manner and Means of Scheme

16. The substance of the scheme and artifice and its manner and means are described in the paragraphs contained in section C of Count One of this Indictment, and the Grand Jury re-alleges those allegations as though fully set forth herein.

D. Execution of the Scheme

17. On or about the date set forth below, within the Middle District of Florida and elsewhere, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did knowingly place and cause to be placed in a post office and authorized depository for mail matters and things to be sent and delivered by the Postal Service, and did knowingly deposit and caused to be deposited matters and things to be sent and delivered by a private and commercial interstate mail carrier as follows:

COUNT	DATE	MATTER	FROM	TO
Two	8-1-2007	Check	Statton Title Agency	Salomon Sutton

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

COUNTS THREE, FOUR, AND FIVE
(Mail Fraud - 18 U.S.C. § 1341)

A. Introduction

18. The Grand Jury re-alleges the paragraphs in section A of Count One of this Indictment as though fully set forth herein.

B. The Scheme

19. Beginning in or about March 2007, and continuing through in or about August 2007, within the Middle District of Florida, and elsewhere,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. Manner and Means of Scheme

20. The substance of the scheme and artifice and its manner and means are described in the paragraphs contained in section C of Count One of this Indictment, and the Grand Jury re-alleges those allegations as though fully set forth herein.

D. Execution of the Scheme

21. On or about the dates set forth below in each count, within the Middle District of Florida and elsewhere, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did knowingly place and cause to be placed in a post office and authorized depository for mail matters and things to be sent and delivered by the Postal Service, and did knowingly deposit and caused to be deposited matters and things to be sent and delivered by a private and commercial interstate mail carrier as follows:

COUNT	DATE	MATTER	FROM	TO
Three	7-17-2007	Check	Statton Title Agency	Superior Real Estate
Four	8-13-2007	Check	Statton Title Agency	Superior Real Estate
Five	8-28-2007	Check	Statton Title Agency	Superior Real Estate

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

COUNT SIX
(Wire Fraud - 18 U.S.C. § 1343)

A. Introduction

22. The Grand Jury re-alleges the paragraphs in section A of Count One of this Indictment as though fully set forth herein.

B. The Scheme

23. Beginning in or about March 2007, and continuing through in or about August 2007, within the Middle District of Florida, and elsewhere,

JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,

defendants herein, aided and abetted by each other, and with others, did devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. The Manner and Means

24. The substance of the scheme and artifice and its manner and means are described in the paragraphs contained in section C of Count One of this Indictment, and the Grand Jury re-alleges those allegations as though fully set forth herein.

D. The Execution of the Scheme

25. On or about the date set forth below, for the purpose of executing and attempting to execute the scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did knowingly transmit and cause to be transmitted by means of wire communications in interstate commerce writings, signs, signals, pictures and sounds as follows:

COUNT	DATE	TRANSMISSION	FROM	TO
Six	7-31-2007	Wire	Citibank, New York	Wachovia Bank, Florida

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS SEVEN, EIGHT, AND NINE
(Wire Fraud - 18 U.S.C. § 1343)

A. Introduction

26. The Grand Jury re-alleges the paragraphs in section A of Count One of this Indictment as though fully set forth herein.

B. The Scheme

27. Beginning in or about March 2007, and continuing through in or about August 2007, within the Middle District of Florida, and elsewhere,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. The Manner and Means

28. The substance of the scheme and artifice and its manner and means are described in the paragraphs contained in section C of Count One of this Indictment, and the Grand Jury re-alleges those allegations as though fully set forth herein.

D. The Execution of the Scheme

29. On or about the dates set forth below in each count, for the purpose of executing and attempting to execute the scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

defendants herein, aided and abetted by each other, and with others, did knowingly transmit and cause to be transmitted by means of wire communications in interstate commerce writings, signs, signals, pictures and sounds as follows:

COUNT	DATE	TRANSMISSION	FROM	TO
Seven	7-16-2007	Wire	U.S. Bank Minnesota, Minnesota	Wachovia Bank, Florida
Eight	8-9-2007	Wire	Deutsche Bank Trust Co., New York	Wachovia Bank, Florida
Nine	8-27-2007	Wire	American Mortgage Network, Inc., California	Wachovia Bank, Florida

In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURES

1. The allegations contained in Counts One through Nine of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. From their engagement in any or all of the violations alleged in Counts One through Eleven of this Indictment, in violation of Title 18, United States Code, Sections 371, 1341, and 1343,

**JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
a/k/a Nestor Urdaneta,
MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,**

shall forfeit to the United States upon conviction, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) any and all of the defendants' right, title and interest in any property, real and personal, which constitutes or is derived from proceeds traceable to such offense, including, but not limited to, a forfeiture money judgment in the amount of \$1,848,750, which represents the amount of proceeds the defendants obtained as a result of such violations.

3. If any of the property described above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A TRUE BILL,


Foreperson

ROBERT E. O'NEILL
United States Attorney

By: 
JAY G. TREZEVANT
Assistant United States Attorney

By: 
ROBERT A. MOSAKOWSKI
Assistant United States Attorney
Chief, Economic Crimes

UNITED STATES DISTRICT COURT

Middle District of Florida

Tampa Division

THE UNITED STATES OF AMERICA

vs.

JESUS SIRA,
a/k/a Jay Sira,
NESTOR URDANETA-GONZALEZ,
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MARIA URDANETA-GONZALEZ,
a/k/a Maria Urdaneta, and
VANESSA URDANETA,
a/k/a Vanessa Valentin,

INDICTMENT

Violations:

18 U.S.C. § 1349

18 U.S.C. §§ 1341 and 2

18 U.S.C. §§ 1343 and 2

18 U.S.C. § 981(a)(1)(C)

28 U.S.C. § 2461(c)

A true bill,


Foreperson

Filed in open court this 27th day

of June, 2012.

Clerk

Bail \$ _____
