

**FILED**

NOV 15 2012

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_  
DEPUTY CLERK

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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 ) CASE NO. 2:12-cr-0388 KJM  
11 ) UNITED STATES OF AMERICA, ) VIOLATIONS: 18 U.S.C. §  
12 ) Plaintiff, ) 1344 - Bank Fraud; 18  
13 ) v. ) U.S.C. § 1014 - False  
14 ) DANIEL GHERASIM, ) Statements on Loan and  
15 ) Defendant. ) Credit Applications;  
16 ) ) 18 U.S.C. § 1957 - Money  
17 ) ) Laundering (5 Counts);  
18 ) ) 31 U.S.C. § 5324(a)(3) -  
19 ) ) Structuring Financial  
20 ) ) Transactions; 31 U.S.C. §  
21 ) ) 5324(a)(1) - Structuring  
22 ) ) Financial Transactions; 18  
23 ) ) U.S.C. §§ 982(a)(2)(A) and  
24 ) ) § 982(a)(1), and 31 U.S.C.  
25 ) ) § 5317(c)(1) - Criminal  
26 ) ) Forfeiture

20 I N D I C T M E N T

21 COUNT ONE: [18 U.S.C. § 1344 - Bank Fraud]

22 The Grand Jury charges:

23 DANIEL GHERASIM,

24 defendant herein, as follows:

25 I. INTRODUCTION

26 At all times relevant to this Indictment:

27 1. Defendant DANIEL GHERASIM resided in the greater Sacramento  
28 area, in the Eastern District of California.

1           2.     Charles Schwab Bank was a financial institution whose  
2 deposits were insured by the Federal Deposit Insurance Corporation  
3 (hereinafter FDIC), and which offered Home Equity Lines of Credit  
4 (hereinafter HELOC's) to its customers.

5           3.     Wells Fargo Bank, N.A. was a financial institution whose  
6 deposits were insured by the FDIC, and which offered banking services  
7 to its customers.

8    II.   SCHEME TO DEFRAUD

9           4.     Beginning at a time not known to the grand jury, but no  
10 later than on or about November 17, 2008, and continuing through on  
11 or about March 2, 2009, in the State and Eastern District of  
12 California and elsewhere, defendant DANIEL GHERASIM did knowingly  
13 execute and attempt to execute a material scheme and artifice to  
14 defraud and to obtain funds by means of materially false and  
15 fraudulent pretenses, representations, and promises, from a federally  
16 insured financial institution, to wit: Charles Schwab Bank.  
17 Specifically, defendant DANIEL GHERASIM submitted and caused the  
18 submission of a loan application and supporting documentation  
19 containing materially false and fraudulent pretenses,  
20 representations, and promises, thereby causing Charles Schwab Bank, a  
21 federally insured financial institution, to issue a \$215,800 HELOC.

22           5.     The object of the scheme to defraud was to obtain a HELOC  
23 from Charles Schwab Bank for which he would not have otherwise  
24 qualified secured by property located at 9814 Blue Lake Drive,  
25 Folsom, California.

26    III.   WAYS AND MEANS

27           6.     The scheme to defraud was carried out, in substance, in the  
28 following manner:

1 a. On or about November 17, 2008, the defendant Daniel  
2 GHERASIM applied to Charles Schwab Bank for a HELOC secured by  
3 property located at 9814 Blue Lake Drive, Folsom, California.

4 b. The Uniform Residential Loan Application (hereinafter  
5 loan application) the defendant DANIEL GHERASIM submitted to Charles  
6 Schwab Bank contained material false representations and omissions.  
7 For example, the loan application represented that the defendant  
8 DANIEL GHERASIM only had an outstanding mortgage balance of \$74,000  
9 secured by the Blue Lake Drive property. In fact, defendant DANIEL  
10 GHERASIM had two loans totaling approximately \$550,000 secured by the  
11 Blue Lake Drive property.

12 c. On or about December 23, 2008, defendant DANIEL  
13 GHERASIM and others associated with this scheme faxed to a Charles  
14 Schwab Bank employee false and fraudulent documents that purported to  
15 be a First American Title Lenders Advantage final HUD-1 dated  
16 November 6, 2008, and a Note secured by the 9814 Blue Lake Drive  
17 property dated November 3, 2008.

18 d. The HUD-1 purported to show that on November 6, 2008,  
19 DANIEL GHERASIM refinanced the 9814 Blue Lake Drive property through  
20 Bank of America, N.A.; paid off his two existing lenders on the Blue  
21 Lake Drive property - \$469,294.82 to Chase Manhattan and \$88,007.49 to  
22 EMC Mortgage - and obtained a new loan in the amount of \$74,000. The  
23 Note purported to show that on or about November 3, 2008, Bank of  
24 America, N.A. loaned GHERASIM \$74,000 secured by the Blue Lake Drive  
25 property. All of these representations were false and material to  
26 Charles Schwab Bank's decision to approve or decline the defendant  
27 DANIEL GHERASIM's loan.

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1 e. Based upon the fraudulent loan application, HUD-1,  
2 Note and other documents, on or about January 22, 2009, Charles  
3 Schwab Bank approved a HELOC in the amount of \$215,800.

4 f. Charles Schwab Bank thereafter placed the \$215,800  
5 into a Charles Schwab account and issued defendant DANIEL GHERASIM  
6 Charles Schwab Bank checks so that he could access the money.

7 g. Defendant DANIEL GHERASIM made only nine payments on  
8 the HELOC, totaling approximately \$5,200. On or about January 13,  
9 2010, the 9814 Blue Lake Drive property was foreclosed upon. On or  
10 about May 14, 2010, Charles Schwab Bank charged off the delinquent  
11 HELOC and sustained a loss of approximately \$215,409.57. All in  
12 violation of Title 18, United States Code, Sections 2 and 1344.

13 COUNT TWO: [18 U.S.C. § 1014 - False Statements on Loan and  
14 Credit Applications]

15 The Grand Jury further charges: T H A T

16 DANIEL GHERASIM,

17 defendant herein, between on or about November 17, 2008 and December  
18 23, 2008, in the State and Eastern District of California, knowingly  
19 made and caused to be made false statements and reports for the  
20 purpose of influencing the actions of Charles Schwab Bank, the  
21 accounts of which were then insured by the FDIC, in connection with  
22 his application for a residential mortgage loan by, among other  
23 things, falsely representing that he only had a \$74,000 mortgage on  
24 the 9814 Blue Lake Drive property and omitting the other mortgages  
25 encumbering the property, all in violation of Title 18, United States  
26 Code, Sections 2 and 1014.

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1 COUNTS THREE THROUGH SEVEN: [18 U.S.C. § 1957 - Money Laundering]

2 The Grand Jury further charges: T H A T

3 DANIEL GHERASIM,

4 defendant herein, on or about the dates set forth below, in the State  
 5 and Eastern District of California and elsewhere, did knowingly  
 6 engage in and attempt to engage in monetary transactions affecting  
 7 interstate and foreign commerce, in criminally derived property  
 8 having a value greater than \$10,000 set forth below, to wit:  
 9 withdrawals and transfers from and to the financial institutions  
 10 named below, which withdrawals and transfers were, in fact, derived  
 11 from specified unlawful activity, to wit: a scheme to defraud in  
 12 violation of Title 18, United States Code, § 1344 and false  
 13 statements on a loan application in violation of Title 18, United  
 14 States Code, § 1014:

<u>Ct.</u>	<u>Date</u>	<u>Checks</u>	<u>Source of Funds</u>	<u>Deposit of Funds</u>
3	2/16/09	\$12,650 check written by DANIEL GHERASIM to DANIEL GHERASIM	Charles Schwab Bank	Wells Fargo Bank
4	2/18/09	\$14,960 check written by DANIEL GHERASIM to DANIEL GHERASIM	Charles Schwab Bank	Wells Fargo Bank
5	2/20/09	\$42,000 check written by DANIEL GHERASIM to DANIEL GHERASIM	Charles Schwab Bank	Wells Fargo Bank
6	2/23/09	\$13,500 check written by DANIEL GHERASIM to DANIEL GHERASIM	Charles Schwab Bank	Wells Fargo Bank
7	2/23/09	\$14,200 check written by DANIEL GHERASIM to DANIEL GHERASIM	Charles Schwab Bank	Wells Fargo Bank

1 All in violation of Title 18, United States Code, Sections 2 and  
 2 1957.

3 COUNT EIGHT: [31 U.S.C. § 5324(a)(3) - Structuring Financial  
 4 Transactions]

5 The Grand Jury further charges: T H A T

6 DANIEL GHERASIM,

7 defendant herein, on or about the dates set forth below, in the State  
 8 and Eastern District of California and elsewhere, while violating  
 9 another law of the United States, that is, Title 18, United States  
 10 Code, Sections 1014, 1344, and 1957, did knowingly and for the  
 11 purpose of evading the reporting and identification requirements of  
 12 Title 31, United States Code Section 5313(a) and the regulations  
 13 promulgated thereunder, structure and assist in structuring money  
 14 transactions with a domestic financial institution, by making, and  
 15 causing to be made, the following cash withdrawals of currency:

<u>DATE</u>	<u>AMOUNT from Wells Fargo Bank Account Number 334-271XXXX</u>
February 13, 2009	\$9,500
February 20, 2009	\$9,000
February 23, 2009	\$5,000
February 24, 2009	\$5,000
February 25, 2009	\$9,500
February 26, 2009	\$8,000
February 27, 2009	\$9,000

22 All in violation of Title 31, United States Code, Section 5324(a)(3);  
 23 Title 31, Code of Federal Regulations, Sections 1010.310 through  
 24 1010.314; and Title 18, United States Code, Section 2.

25 COUNT NINE: [31 U.S.C. § 5324(a)(1) - Structuring Financial  
 26 Transactions]

27 The Grand Jury further charges: T H A T

28 DANIEL GHERASIM,

1 defendant herein, on or about the dates set forth below, in the State  
 2 and Eastern District of California and elsewhere, while violating  
 3 another law of the United States, that is, Title 18, United States  
 4 Code, Sections 1014, 1344, and 1957, did knowingly and for the  
 5 purpose of evading the reporting and identification requirements of  
 6 Title 31, United States Code, Section 5313(a) and the regulations  
 7 promulgated thereunder, cause and attempt to cause a domestic  
 8 financial institution to fail to file reports required under section  
 9 5313(a) of Title 31, and regulations prescribed under such section,  
 10 by making, and causing to be made, the following cash withdrawals of  
 11 currency:

<u>DATE</u>	<u>AMOUNT from Wells Fargo Bank Account Number 334-271XXXX</u>
February 18, 2009	\$9,000
February 18, 2009	\$5,000
February 19, 2009	\$490
February 19, 2009	\$9,200
February 19, 2009	\$5,000

17  
 18 All in violation of Title 31, United States Code, Sections 5324(a)(1)  
 19 and 5324(d); Title 31, Code of Federal Regulations, Sections 1010.310  
 20 through 1010.314; and Title 18, United States Code, Section 2.

21 FORFEITURE ALLEGATION: [18 U.S.C. §§ 982(a)(1) and 982(a)(2)(A),  
 22 and 31 U.S.C. § 5317(c)(1) - Criminal  
 Forfeiture]

23 1. Upon conviction of one or more of the offenses alleged in  
 24 Counts One and Two of this Indictment, defendant DANIEL GHERASIM  
 25 shall forfeit to the United States pursuant to 18 U.S.C. §  
 26 982(a)(2)(A), any property constituting or derived from proceeds  
 27 obtained directly or indirectly as a result of the said violations,  
 28 including but not limited to: a sum of money equal to the amount of

1 proceeds obtained as a result of the offenses, for which defendant is  
2 convicted.

3 2. Upon conviction of one or more of the offenses alleged in  
4 Counts Three through Seven of this Indictment, defendant DANIEL  
5 GHERASIM shall forfeit to the United States, pursuant to 18 U.S.C. §  
6 982(a)(1), all property, real and personal, involved in such  
7 violations and any property traceable to such property, including but  
8 not limited to the following: a sum of money equal to the total  
9 amount of money involved in the offenses, for which defendant is  
10 convicted.

11 3. Upon conviction of one or more of the offenses alleged in  
12 Counts Eight and Nine of this Indictment, defendant DANIEL GHERASIM  
13 shall forfeit to the United States, pursuant to 31 U.S.C. §  
14 5317(c)(1), all property, real and personal, involved in such  
15 violations and any property traceable to such property, including but  
16 not limited to the following: a sum of money equal to the total  
17 amount of money involved in the offenses, for which defendant is  
18 convicted.

19 4. If any property subject to forfeiture, as a result of the  
20 offenses alleged in Counts One through Nine of this Indictment, for  
21 which defendant is convicted:

- 22 a. cannot be located upon the exercise of due diligence;
- 23 b. has been transferred or sold to, or deposited with, a  
24 third party;
- 25 c. has been placed beyond the jurisdiction of the court;
- 26 d. has been substantially diminished in value; or
- 27 e. or has been commingled with other property which  
28 cannot be divided without difficulty;



1 it is the intent of the United States, pursuant to 18 U.S.C. §  
2 982(b)(1) and 31 U.S.C. § 5317(c)(1)(B), incorporating 21 U.S.C. §  
3 853(p), to seek forfeiture of any other property of said defendant up  
4 to the value of the property subject to forfeiture.

5 A TRUE BILL.

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7 15/  
8 FOREPERSON

9 Benjamin Wagner  
10 BENJAMIN B. WAGNER  
11 United States Attorney  
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**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

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THE UNITED STATES OF AMERICA

vs.

DANIEL GHERASIM

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**INDICTMENT**

**VIOLATION(S):** 18 U.S.C. § 1344 - Bank Fraud; 18 U.S.C. § 1014 - False Statements on Loan and Credit Applications; 18 U.S.C. § 1957 - Money Laundering (5 Counts); 31 U.S.C. § 5324(a)(3) - Structuring Financial Transactions; 31 U.S.C. § 5324(a)(1)-Structuring Financial Transactions; 18 U.S.C. §§ 982(a)(1) and 982(a)(2)(A), and 31 U.S.C. § 5317(c)(1) - Criminal Forfeiture

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*A true bill,*

*IS/*

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*Foreman.*

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Filed in open court this 15<sup>th</sup> day

of November, A.D. 2012

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*P. Buzze*  
*Clerk.*

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Bail, \$ On Bond - Order to Remain in Effect.

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*D. A. Dyer*

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**PENALTY SLIP**

**DEFENDANT:** DANIEL GHERASIM

**COUNT 1 VIOLATION:** 18 U.S.C. § 1344 - Bank Fraud

**PENALTY:** Not more than 30 years,  
Not more than \$1,000,000, or both  
Term of 5 years supervised release

**COUNT 2 VIOLATION:** 18 U.S.C. § 1014 – False Statements  
On Loan and Credit Applications

**PENALTY:** Not more than 30 years,  
Not more than \$1,000,000, or both  
Term of 5 years supervised release

**COUNTS 3-7 VIOLATION:** 18 U.S.C. § 1957 – Money Laundering

**PENALTY:** Not more than 10 years,  
Not more than \$250,000, or both  
Term of 3 years supervised release

**COUNT 8 VIOLATION:** 31 U.S.C. § 5324(a)(3) – Structuring Financial  
Transactions

**PENALTY:** Not more than 10 years,  
Not more than \$500,000, or both  
Term of 3 years supervised release

**COUNT 9 VIOLATION:** 31 U.S.C. § 5324(a)(1) – Structuring Financial  
Transactions

**PENALTY:** Not more than 10 years,  
Not more than \$500,000, or both  
Term of 3 years supervised release

**FORFEITURE:** 18 U.S.C. §§ 982(a)(1) and 982(a)(2)(A),  
and 31 U.S.C. § 5317(c)(1) – Criminal  
Forfeiture

As stated in the Indictment

**ASSESSMENT:** \$100 each count