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U.S. COURTS

OCT 12 2011

Rcvd. _____ Filed _____ Time _____
ELIZABETH A. SMITH
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	CR No. 10-017-S-EJL
Plaintiff,)	
)	SECOND
vs.)	SUPERSEDING INDICTMENT
)	
TRAVIS RICHARD HYMAS and)	18 U.S.C. § 1343
SEASON HYMAS,)	
)	
Defendants.)	
)	

The Grand Jury charges:

COUNTS ONE - FIVE

Wire Fraud
18 U.S.C. § 1343

A. Introduction

At all times material to this Indictment:

1. That TRAVIS RICHARD HYMAS and SEASON HYMAS resided in the Boise, Idaho, area.

2. That between 2005 and 2008, TRAVIS RICHARD HYMAS was a fifty-percent owner and manager of Smart Home Technology. Another person owned the other fifty-percent interest in said entity. SEASON HYMAS worked part time at Smart Home Technology.

3. That TRAVIS RICHARD HYMAS and SEASON HYMAS purchased and sold residential real estate for investment purposes.

4. That on July 17, 2008, TRAVIS RICHARD HYMAS and SEASON HYMAS filed a bankruptcy petition in the District of Idaho (Case No.08-1432-TLM). As a result of said bankruptcy petition, on March 19, 2009, the defendants were discharged from repaying the fraudulent loans that are alleged herein.

5. That Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender, America Home Mortgage, Aegis Wholesale Corporation, Green Point Mortgage Funding, Inc., Taylor, Bean & Whitaker Mortgage Corporation, and Mortgageit, Inc., are mortgage lenders.

B. Scheme and Artifice to Defraud

6. That from on or about April 2005, continuing to on or about March 2007, in the District of Idaho, the defendants, TRAVIS RICHARD HYMAS and SEASON HYMAS, devised and intended to devise a scheme and artifice to defraud as to material matters, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises from mortgage lenders as alleged in Paragraph Five (5).

7. It was part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS submitted false and fraudulent loan applications to mortgage lenders to meet underwriting guidelines and appear to be qualified for said loans.

8. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS falsely and fraudulently inflated their monthly income on the loan applications that were submitted to support the funding of said fraudulent residential loans.

9. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS provided false and fraudulent amounts of rental income to support the funding of said fraudulent residential loans.

10. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS executed a false and fraudulent lease agreement that was submitted to obtain funding for a fraudulent residential loan.

11. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS falsely and fraudulently represented on a loan application that a residence would be used by them as a "primary residence" when, in truth and in fact, they had no intent to occupy said residence and it was solely for investment purposes.

12. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS provided false and fraudulent information to mortgage lenders regarding their employment, including the length of their employment and their position.

13. It was further part of the scheme that TRAVIS RICHARD HYMAS instructed an employee to falsely and fraudulently verify to mortgage lenders that SEASON HYMAS was employed as "Northwest Operations Manager" for Smart Home Technology and falsely represent her income; this same position and income of "Regional Operations Manager" was used by TRAVIS RICHARD HYMAS to defraud mortgage lenders for other persons.

14. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS provided false and fraudulent verifications of deposit to support the loan.

C. Execution of the Scheme

20. On or about the dates set forth below in the District of Idaho, the defendants, TRAVIS RICHARD HYMAS and SEASON HYMAS, for the purpose of executing and attempting to execute the scheme and artifice, did knowingly execute the scheme to defraud as to material matters, and to obtain moneys and property owned by or under the custody or control of said mortgage lenders, by means of material false and fraudulent pretenses, representations and promises, on the loans described below, in the following means and manner the funding of each loan to be the execution of the scheme, as alleged in Counts One through Five:

Count	Date	Lender	Amount of Loan	Borrower
One	12/8/2006	Aegis Wholesale Corporation	\$383,200	SEASON HYMAS
Two	12/8/2006	Aegis Wholesale Corporation	\$ 79,000	SEASON HYMAS
Three	2/28/2007	Taylor, Bean & Whitaker Mortgage	\$348,000	SEASON HYMAS
Four	2/28/2007	Green Point Mortgage Funding, Inc.	\$ 65,200	SEASON HYMAS
Five	3/27/2007	Mortgageit, Inc.	\$154,800	TRAVIS HYMAS

All in violation of Title 18, United States Code, Section 1343.

DATED this 12th day of October, 2011.

A TRUE BILL

Foreperson (Signed on Reverse)

WENDY J. OLSON
United States Attorney


George W. Breitsameter
Assistant United States Attorney

15. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS falsely and fraudulently failed to disclose outstanding liabilities.

16. It was further part of the scheme that false and fraudulent loan applications were submitted to mortgage lenders wherein TRAVIS RICHARD HYMAS and SEASON HYMAS appeared to have sufficient credit worthiness to support said loans when, in truth and in fact, they did not have the financial ability to repay the monies owed on said loans.

17. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS submitted said fraudulent information to certain loan brokers who they knew would not question the validity of said fraudulent representations.

18. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS caused said mortgage lenders to fund approximately nine (9) fraudulent residential loans for a total approximate value of \$1,700,000. As a result of said fraudulent residential loan scheme, said mortgage lenders incurred losses in excess of approximately \$500,000.

19. It was further part of the scheme that TRAVIS RICHARD HYMAS and SEASON HYMAS submitted fraudulent loans to mortgage lenders, including the following, as set forth below (and not alleged below in Counts One - Five):

	Date of Loan	Lender	Amount of Loan	Borrower
a.	4/27/2005	Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender	\$224,800	SEASON HYMAS
b.	4/27/2005	Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender	\$ 28,100	SEASON HYMAS
c.	6/2/2006	American Home Mortgage	\$360,000	SEASON HYMAS
d.	6/2/2006	American Home Mortgage	\$ 90,000	SEASON HYMAS

CRIMINAL COVERSHEET

DEFENDANT'S NAME: Travis Richard Hymas	JUVENILE: No
DEFENSE ATTORNEY: Marcus R. Mumford Address: 15 W. South Temple, Suite 1000 Salt Lake City, Utah 84101 Telephone No.: (801) 542-9400	PUBLIC <u>or</u> SEALED: Public
INVESTIGATIVE AGENT: Rebekah E. Morse Telephone No.: (208) 344-7843 AGENCY: Federal Bureau of Investigation	SERVICE TYPE: Notice (Summons or Warrant or Notice (if Superseding))
	ISSUE: Yes
	INTERPRETER: N/A If YES, language: N/A
CASE INFORMATION (Miscellaneous, CVB, other related defendants/case numbers): 10-017-S-EJL	RELATED COMPLAINT: No Case Number: N/A

CRIMINAL CHARGING INFORMATION

CHARGING DOCUMENT: <u>Second Superseding Indictment</u>
Felony: Yes County of Offense: Ada
Class A Misdemeanor: No Estimated Trial Time: 5 days
Class B or C Misdemeanor: No (Petty Offense)

STATUTE (Title and Section(s))	COUNT/ FORFEITURE ALLEGATION	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1343	1-5	Wire Fraud	Each count: Incarceration for 20 years and/or \$250,000 fine, \$100 special assessment; 5 years supervised release

Date: October 12, 2011Assistant U.S. Attorney: George W. BreitsameterTelephone No.: (208) 334-1211

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CRIMINAL COVERSHEET

DEFENDANT'S NAME: Season Hymas DEFENSE ATTORNEY: S. Richard Rubin Address: 702 West Idaho St., Suite 1000 Boise, Idaho 83702 Telephone No.: (208) 331-5500 INVESTIGATIVE AGENT: Rebekah E. Morse Telephone No.: (208) 344-7843 AGENCY: Federal Bureau of Investigation	JUVENILE: No PUBLIC or SEALED: Public SERVICE TYPE: Notice (Summons or Warrant or Notice (if Superseding)) ISSUE: Yes INTERPRETER: N/A If YES, language: N/A
CASE INFORMATION (Miscellaneous, CVB, other related defendants/case numbers): 10-017-S-EJL	RELATED COMPLAINT: No Case Number: N/A

CRIMINAL CHARGING INFORMATION

CHARGING DOCUMENT: Second Superseding Indictment

Felony: <u>Yes</u>	County of Offense: <u>Ada</u>
Class A Misdemeanor: <u>No</u>	Estimated Trial Time: <u>5 days</u>
Class B or C Misdemeanor: <u>No</u> (Petty Offense)	

STATUTE (Title and Section(s))	COUNT/ FORFEITURE ALLEGATION	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
18 U.S.C. § 1343	1-5	Wire Fraud	Each count: Incarceration for 20 years and/or \$250,000 fine, \$100 special assessment; 5 years supervised release

Date: October 12, 2011 Assistant U.S. Attorney: George W. Breitsameter

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