



Christopher S. Godfrey, Dennis Fischer, Vernell Burris Jr, and Brian M. Kelly Indicted by a Boston Federal Grand Jury for Conspiracy, Wire Fraud, Mail Fraud and Misuse of a Government Seal

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:48 AM August 9, 2011

The Department of Justice (DOJ) on August 9, 2011 released the following: "Four Florida Men Charged in Boston with Defrauding Homeowners in Home Loan Modification Scam

WASHINGTON – Four Florida men were arrested today on charges that they defrauded homeowners in Massachusetts and elsewhere in connection with a home loan modification scam, announced Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division, U.S. Attorney Carmen M. Ortiz for the District of Massachusetts and Christy Romero, Acting Special Inspector General for the Troubled Asset Relief Program (SIGTARP).

A 20-count indictment was unsealed today in federal court in Boston, charging Christopher S. Godfrey, 42, of Delray Beach, Fla.; Dennis Fischer, 40, of Highland Beach, Fla.; Vernell Burris Jr, 51, of Boynton Beach, Fla.; and Brian M. Kelly, 34, of Boca Raton, Fla., with conspiracy, wire fraud, mail fraud and misuse of a government seal. The defendants were arrested today by SIGTARP agents and will make their initial appearances in U.S. District Court in West Palm Beach, Fla., tomorrow at 10 a.m. EDT.

According to the indictment, Godfrey was the president and Fischer was the vice president and treasurer of a Florida company called Home Owners Protection Economics Inc. (HOPE). Burris was the manager and primary trainer of HOPE telemarketers, while Kelly was one of the principal telemarketers as well as a trainer for other HOPE telemarketers.

The indictment alleges that from January

Pennsylvania Man Pleads Guilty to Terrorist Solicitation and Firearms Offense

(USDOJ: Justice News)

Submitted at 2:34 PM August 9, 2011

Emerson Winfield Begolly, 22, of New Bethlehem, Pa., pleaded guilty today in Pittsburgh to soliciting others to engage in acts of terrorism within the United States and to using a firearm during and in relation to an assault on FBI agents.

2009 through May 2011, the defendants made, and instructed their employees to make, a series of misrepresentations to induce financially distressed homeowners looking for a federally-funded home loan modification to pay HOPE a \$400-\$900 up-front fee in exchange for HOPE's home loan modifications, modification services and "software licenses." According to the indictment, these misrepresentations included claims that homeowners were virtually guaranteed, with HOPE's assistance, to receive a loan modification under the Home Affordable Modification Program (HAMP), which is part of TARP and is a federally-funded mortgage assistance program. Additional misrepresentations to homeowners included that HOPE was affiliated with the homeowner's mortgage lender, that the homeowner had been approved for a home loan modification, that homeowners could stop making mortgage payments while they waited for HOPE to arrange their loan modification and that HOPE would refund the customer's fee if the modification was not successful. HOPE also claimed that it operated as a non-profit organization.

In exchange for these up-front fees, HOPE allegedly sent its customers, including homeowners in Massachusetts, a do-it-yourself application package that was nearly identical to the application the U.S. government provides free of charge. HOPE instructed customers to fill out the application and submit it to their mortgage lender. According to the indictment, the HOPE customers who did use the provided forms to apply on their own for loan modifications had no advantage in the application process, and, in fact, most of their applications were denied.

Through these misrepresentations, HOPE

Four Florida Men Charged in Boston with Defrauding Homeowners in Home Loan Modification Scam

(USDOJ: Justice News)

Submitted at 10:43 AM August 9, 2011

Four Florida men were arrested today on charges that they defrauded homeowners in Massachusetts and elsewhere in connection with a home loan modification scam.

was able to persuade thousands of homeowners collectively to pay more than \$3 million in fees to HOPE.

Godfrey and Fischer were charged with one count of conspiracy, nine counts of wire fraud, nine counts of mail fraud and one count of misuse of a government seal. Burris and Kelly were charged with one count of conspiracy, nine counts of wire fraud and nine counts of mail fraud. Each count of conspiracy and misuse of a government seal carries a maximum penalty of five years in prison and a \$250,000 fine. Each count of mail and wire fraud carries a maximum penalty of 20 years in prison and a \$250,000 fine. All of the defendants face possible orders of restitution.

An indictment is merely an allegation and defendants are presumed innocent unless and until proven guilty in a court of law.

The case was investigated by SIGTARP and is being prosecuted by Assistant U.S. Attorney Adam Bookbinder in the Computer Crimes Unit at the U.S. Attorney's Office, and Mona Sedky of the Computer Crime and Intellectual Property Section in the Justice Department's Criminal Division."

To find additional federal criminal news, please read [Federal Criminal Defense Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN List Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.

Alabama Man Sentenced to 30 Months in Prison for Role in Tax Fraud Conspiracy

(USDOJ: Justice News)

Submitted at 3:03 PM August 9, 2011

Eric Bernard Caldwell, a resident of Montgomery County, Ala., was sentenced today to 30 months in prison.



Robert Alexander Plead Guilty to Conspiracy to Commit Wire Fraud in Phoenix's Federal Court

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:14 AM August 9, 2011

The U.S. Attorney's Office District of Arizona on August 8, 2011 released the following:

"Former Real Estate Agent Pleads Guilty For Leadership Role In Mortgage Fraud Scheme

PHOENIX – Robert Alexander, 36, of Phoenix, Arizona pleaded guilty for his role as a real estate agent representing buyers who purchased multiple homes with loan applications containing false information and concealing from the lenders "kick backs" to the buyers. Alexander pleaded guilty to Conspiracy to Commit Wire Fraud. One other co-conspirator has pleaded guilty for his involvement in the conspiracy.

Dennis K. Burke, U.S. Attorney for the District of Arizona, highlighted the significance of this guilty plea. "Mortgage fraud has destroyed property values, lending institutions, and entire neighborhoods in our community. It has resulted in the loss of tax revenues and jobs. To those who engage in mortgage fraud — particularly real estate industry professionals in which the public places

Daisy Martinez Received a Reduction in her Sentence by a Federal Judge After Her Testimony and Cooperation Helped Convict Others of Health Care Fraud

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 12:00 PM August 9, 2011

9 & 10 News in Northern Michigan on August 9, 2011 released the following: "Miami woman in Detroit Medicare fraud gets break

DETROIT (AP) — A Florida woman who committed multimillion-dollar Medicare fraud in the Detroit area has been given a generous reduction in her prison sentence.

Federal Judge Gerald Rosen last week shaved 2 ½ years off the eight-year sentence ordered for Daisy Martinez in 2010. Prosecutors say she deserved a break after her testimony and cooperation helped convict others who committed health care fraud.

Martinez arrived from Miami to set up

trust — we are keenly focused on this illegal activity."

IRS Criminal Investigation Assistant Special Agent in Charge, Gabriel Grchan added, "With the foreclosures of 44 homes and an approximate \$ 2.5 million dollar loss to lenders, this investigation once again demonstrates how mortgage fraud has contributed to the collapse of our real estate market in Arizona. IRS CI will continue to aggressively pursue those individuals who commit these types of crimes."

The case against Alexander was based on an investigation by the Internal Revenue Service, Criminal Investigation Division. Between September 2005 and August 2006, Alexander found sellers of distressed properties and offered more than their asking price. He obtained inflated appraisals to support the loan amounts. He would recruit a buyer that he knew would not be qualified to purchase multiple homes. He facilitated the submission of loan applications containing false information. At closing, he instructed the escrow officer to disburse monies back to the borrower. He obtained both a commission and, in many cases, a bonus from the fraudulent transactions.

three Detroit-area clinics that were a sham. The clinics billed Medicare for treatments that weren't performed or weren't necessary in 2006 and 2007. Her daughter and son-in-law also pleaded guilty in the scheme."

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The conspiracy involved as many as forty-four homes that went into foreclosure resulting in estimated losses of \$2,500,000 to lenders.

Sentencing is set before Judge James A. Teilborg on October 31, 2011. The investigation in this case was conducted by the Internal Revenue Service, Criminal Investigations Division. The prosecution is being handled by Kevin M. Rapp Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-11-1511-PHX-JAT

RELEASE NUMBER: 2011-171(Alexander)"

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