

SEALED

FILED by	TM	D.C.
ELECTRONIC		
Feb 24, 2011		
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.O. OF FLA. - MIAMI		

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
11-80033-CR-MARRA/HOPKINS
Case No. _____

18 U.S.C. § 1349
18 U.S.C. § 1343
18 U.S.C. § 1001
18 U.S.C. § 1956(h)
18 U.S.C. § 1957
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

PATRICK BRINSON,
DAVID LAM, and
GODFREY MYLES,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Versailles was a real estate development of high-end, luxury single family homes in Wellington, Florida, in Palm Beach County.
2. Defendant **DAVID LAM** and G.V. formed Skylines LLC, a Florida limited liability company, on or about November 15, 2005. Defendant **DAVID LAM** was a resident of Parkland, Florida, in Broward County, and a licensed real estate broker. G.V.

was a resident of Margate, Florida, in Broward County, and a real estate salesperson. Defendant **DAVID LAM** and G.V., and others known and unknown to the Grand Jury, operated Skylines LLC out of office space in Coral Springs, Florida, in Broward County. Defendant **DAVID LAM** also incorporated DRE Enterprises, Inc. under the laws of the State of Florida on or about April 15, 2004, and was a signatory on a DRE Enterprises bank account at Wachovia Bank.

3. Defendant **PATRICK L. BRINSON** was a resident of Miami, Florida, in Miami-Dade County. Defendant **PATRICK BRINSON** was an officer of IBS Millennium Group, Inc., also known as IBS Construction Group, Inc., a corporation organized under the laws of the State of Florida on or about December 21, 2004. Defendant **PATRICK BRINSON** was a signatory on a Bank of America IBS account. Defendant **PATRICK BRINSON** was also a signatory on a Loren Group Inc. Bank of America account. The Loren Group was an entity controlled by defendant **PATRICK BRINSON** which was not registered with the Florida Secretary of State.
4. Defendant **GODFREY MYLES** was a resident of Miami, Florida and a former professional football player. Defendant **GODFREY MYLES** was the signatory on an account in his name at Gibraltar Private Bank and Trust Company.
5. C.A. was a resident of Lake Worth, Florida, in Palm Beach County, and a licensed attorney. C.A. worked as a title and real estate closing agent and operated a title agency which provided real estate closing services through offices in Boynton Beach, Florida, in Palm Beach County, and Coral Springs, Florida, in Broward County. The Coral Springs office of C.A.'s title company was operated out of the Skylines LLC office space. C.A.'s title company had numerous accounts at First

United Bank and Bank Atlantic, and C.A. was a signatory on all of her title company accounts. C.A. also incorporated Charter Services, Inc. under the laws of the State of Florida on or about January 31, 2005. C.A. was the sole officer and director of Charter Services, Inc. and a signatory on a Charter Services account she held at Bank Atlantic.

6. Settlement Statements, otherwise known as the Fannie Mae Forms HUD-1 (“HUD-1s”), are balance sheets which reflect the financial aspects of a real estate closing and list all monies coming into a real estate closing, including all mortgages, down payments, and “cash to close”, and all disbursements of those funds, including payments of prior mortgages, miscellaneous charges, and seller proceeds. A separate HUD-1 is prepared by the title agency for each mortgage which funds the real estate transaction. The HUD-1s are signed by the seller, buyer, and closing agent at the real estate closing. The buyer, seller, their representatives, the title/closing agent and the lender all receive copies of the HUD-1s which are signed at the real estate closing. In a legitimate real estate closing, the HUD-1s provided to the buyer, seller, their representatives, the title agent and the lender are identical to one another.
7. American Home Mortgage Investment Corporation and American Broker’s Conduit were engaged in the business of private mortgage lending.

COUNT 1 - MAIL AND WIRE FRAUD CONSPIRACY
18 U.S.C. § 1349

8. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.
9. From in or about November 2005, and continuing up to at least August 2006, the exact dates being unknown to the Grand Jury, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**PATRICK BRINSON,
DAVID LAM and
GODFREY MYLES,**

did knowingly and willfully combine, conspire, confederate, agree, and reach a tacit understanding with each other and with other persons both known and unknown to the Grand Jury, to commit the offenses of mail and wire fraud, in violation of Title 18, United States Code Sections 1341 and 1343.

PURPOSE AND OBJECT OF THE CONSPIRACY

10. It was the purpose and object of the conspiracy for the defendants, and others known and unknown to the Grand Jury, to unlawfully enrich themselves by, among other things, preparing and submitting, and causing to be prepared and submitted, Uniform Residential Loan Applications (Fannie Mae Forms 1003), Settlement Statements (Fannie Mae Forms HUD-1), and supporting documents, which contained false and fraudulent information as to material facts, to obtain mortgage money from lenders for the purchase of residential property, and to mislead the mortgage lenders as to the ultimate distribution of the mortgage proceeds with

regard to residential properties located at the following addresses within the Versailles neighborhood of Wellington, Florida:

- a. 10638 Versailles Boulevard
- b. 10515 Vignon Court

MANNER AND MEANS

It was part of the manner and means of the conspiracy that:

11. Defendant **DAVID LAM** and G.V. located properties for sale in the Versailles neighborhood of Wellington, Florida, and approached the sellers or the sellers' representatives for the purpose of entering into contracts for Skylines LLC or its assigns to purchase these properties at prices at or close to the list price.
12. Defendants **DAVID LAM** and **GODFREY MYLES**, G.V., and others known and unknown to the Grand Jury, approached and recruited, and caused the approach and recruitment of, individuals, many of whom they knew to have limited financial means, to act as nominee "straw buyers" of these homes. Defendant **GODFREY MYLES**, and others known and unknown to the Grand Jury, told these "straw buyers" that they would not have to pay any money towards the purchase, but merely had to provide their identifying information, and that they would be paid a fee, which varied between \$10,000 and \$15,000, for the use of their name and credit.
13. Defendant **DAVID LAM** and G.V. submitted fraudulent real estate contracts to mortgage lenders which substituted the "straw buyer" as the buyer of the property, replacing Skylines LLC, and which listed a new sales price which greatly exceeded the price for which the seller had agreed to sell his or her property.

14. Defendants **DAVID LAM** and **GODFREY MYLES, G.V.**, and others both known and unknown to the Grand Jury, prepared and caused to be prepared fraudulent Uniform Residential Loan Applications (Fannie Mae Forms 1003) and supporting documentation which contained false and fraudulent information which were submitted to mortgage lenders for the purpose of influencing the lenders to approve mortgage loans at amounts at or near the inflated purchase price. The false and fraudulent information included the inflated purchase prices, fraudulent sales contracts, and false deposit information.
15. Defendant **DAVID LAM** recruited attorney C.A. to work with him and to serve as the title and closing agent for the Versailles real estate transactions. Defendants **PATRICK BRINSON, DAVID LAM, GODFREY MYLES, G.V.** and C.A., and others known and unknown to the Grand Jury, created, and caused to be created, fraudulent HUD-1s and fraudulent supporting documentation, and caused these fraudulent HUD-1s to be provided to the mortgage lenders to mislead the lenders as to the purchase prices, to make the lenders believe that the “straw buyers” had paid deposits and would pay additional cash at closing when in fact the “straw buyers” paid no money towards the transactions, and to mislead the lenders as to the ultimate distribution of the mortgage monies obtained from the lenders.
16. Defendants **PATRICK BRINSON, DAVID LAM, GODFREY MYLES**, unindicted co-conspirators G.V. and C.A., and others known and unknown to the Grand Jury, created, and caused to be created, a second set of HUD-1s which were signed by and provided to the sellers and the seller’s representatives which did not match the HUD-1s provided to the lenders – a practice known as preparing “double HUDs”.

The "double HUDs" were used to keep the lenders and the sellers from learning that the sales prices had been inflated.

17. Defendants **PATRICK BRINSON, DAVID LAM, GODFREY MYLES, G.V. and C.A.**, and others known and unknown to the Grand Jury, arranged for the fraud proceeds, i.e., the difference between the actual, legitimate sales prices of the properties and the fraudulently obtained mortgage loans, to be disbursed to members of the conspiracy by creating, and causing to be created, fraudulent HUD-1s and supporting documentation, which made it appear as if the fraud proceeds were being paid to business entities controlled by the defendants and their co-conspirators to settle debts which the sellers did not, in fact, owe.
18. Defendants **PATRICK BRINSON, DAVID LAM, GODFREY MYLES**, and others known and unknown to the Grand Jury, used and caused to be used the United States mail, private and commercial interstate mail carriers, and interstate wire transmissions to transmit documents and funds to and from lenders, sellers and others involved in the transactions.
19. Based on the materially false and fraudulent representations in the loan applications, HUD-1s, and other related documents which had been submitted and caused to be submitted by the defendants **PATRICK BRINSON, DAVID LAM, GODFREY MYLES, G.V. and C.A.**, and others known and unknown to the Grand Jury, lenders approved at least \$2.55 million in mortgage loans to the "straw buyers". The loan proceeds were wired in interstate commerce to C.A.'s title company bank accounts. Over \$488,000 of the loan proceeds were paid to business entities controlled by the defendants and their co-conspirators purportedly

to settle debts which the sellers did not, in fact, owe. The fraudulent loan proceeds were instead laundered through multiple accounts in order to conceal the source and distribution of the money and were ultimately used for the benefit of the defendants and others known and unknown to the Grand Jury.

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

COUNTS 2 - 3 – WIRE FRAUD

18 U.S.C. § 1343

18 U.S.C. § 2

20. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.
21. From in or about November 2005, through in or about at least August 2006, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**PATRICK BRINSON,
DAVID LAM, and
GODFREY MYLES,**

did knowingly, willfully and with an intent to defraud, devise and intend to devise, and participate in a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, knowing that such pretenses, representations and promises were false and fraudulent when made.

PURPOSE OF THE SCHEME AND ARTIFICE

22. It was the purpose of the scheme and artifice for the defendants and their co-conspirators to unlawfully enrich themselves by, among other things, preparing and

submitting, and causing to be prepared and submitted, Uniform Residential Loan Applications (Fannie Mae Forms 1003), Settlement Statements (Fannie Mae Forms HUD-1), and supporting documents, which contained false and fraudulent information as to material facts, to obtain mortgage money from lenders for the purchase of residential property, and to mislead the mortgage lenders as to the ultimate distribution of the mortgage proceeds with regard to residential properties located within the Versailles neighborhood of Wellington, Florida.

SCHEME AND ARTIFICE TO DEFRAUD.

23. The allegations contained in paragraphs 11 - 19 of the Manner and Means section of Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

USE OF THE WIRES

24. On or about the dates listed as to each count, at Palm Beach County, in the Southern District of Florida, and elsewhere, and for the purpose of executing the aforesaid scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, and attempting to do so, the defendants,

**PATRICK BRINSON,
DAVID LAM and
GODFREY MYLES,**

did knowingly transmit and cause to be transmitted in interstate commerce by means of wire communications certain writings, signs, signals, and sounds, as more

particularly described in each count, and did aid and abet therein:

COUNT	APPROXIMATE DATE	WIRE COMMUNICATION
2	March 1, 2006	\$990,338.50 interstate Wire Transfer from American Home Mortgage Inv. Corp.'s bank account at Bank Of New York, in New York, to a C.A. title company bank account at First United Bank in Florida re: straw buyer Y.H.'s first mortgage on 10515 Vignon Court, Wellington, Florida.
3	March 1, 2006	\$198,904.17 interstate Wire Transfer from American Home Mortgage Inv. Corp.'s bank account at Bank Of New York, in New York, to a C.A. title company bank account at First United Bank in Florida re: straw buyer Y.H.'s second mortgage on 10515 Vignon Court, Wellington, Florida.

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

COUNT 4 - FALSE STATEMENTS

18 U.S.C. § 1001

18 U.S.C. §2

- 25. Paragraphs 1 though 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.
- 26. On or about March 2, 2006, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**PATRICK BRINSON,
DAVID LAM, and
GODFREY MYLES,**

in a matter within the jurisdiction of the United States Department of Housing and Urban Development (HUD), an agency and department of the executive branch of

the United States Government, knowingly and willfully caused to be made materially false statements and representations in that the defendants caused the preparation and submission of a HUD-1, on property located at 10515 Vignon Court, Wellington, Florida, which falsely reflected a "Contract Sales Price" of \$1,250,000 at Lines 101 and 401; a "Construction Loan Payoff" of \$222,500 at Line 505; "Cash from Borrower" of \$28,728.64 at Line 303; deposit or earnest money paid by or on behalf of the borrower of \$50,000 at Line 201; when in truth in fact, as the defendants well knew, the "Contract Sales Price" of \$1,250,000 at Lines 101 and 401; the "Construction Loan Payoff" of \$222,500 at Line 505; the "Cash from Borrower" of \$28,728.64 at Line 303; and the deposit or earnest money paid by or on behalf of the borrower of \$50,000 at Line 201, were materially false.

All in violation of Title 18, United States Code, Sections 1001 and 2.

COUNT 5 – MONEY LAUNDERING CONSPIRACY
18 U.S.C. § 1956(h)

27. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.
28. From in or about November 2005, through in or about at least August 2006, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**PATRICK BRINSON and
GODFREY MYLES,**

did knowingly and willfully combine, conspire, confederate, agree, and reach a tacit understanding with each other and with other persons both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

- (a) to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce involving the proceeds of specified unlawful activity, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code Section 1956(a)(1)(B)(i); and
- (b) to knowingly engage and attempt to engage in monetary transactions affecting interstate and foreign commerce by, through or to a financial institution, each such transaction involving criminally derived property of a value greater than \$10,000, such property in fact being derived from specified unlawful activities, in violation of Title 18, United States Code Section 1957.

29. It is further alleged that the specified unlawful activities were mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS 6 - 11 – MONEY LAUNDERING

18 U.S.C. § 1957

18 U.S.C. §2

30. Paragraphs 1 through 7 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

31. On or about the dates specified as to each count below, at Palm Beach, Broward, and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**PATRICK BRINSON, and
GODFREY MYLES,**

did knowingly engage and attempt to engage in monetary transactions affecting interstate and foreign commerce by, through or to a financial institution, each such transaction involving criminally derived property of a value greater than \$10,000, and did aid and abet therein.

32. It is further alleged that such property was in fact derived from specified unlawful activities, that is wire fraud, in violation of Title 18, United States Code, Section 1343.

Count	Approximate Date	Monetary Transaction
6	March 6, 2006	Wire Transfer of \$222,500 from a C.A. title company First United account to a Charter Services Bank Atlantic account representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court.
7	March 6, 2006	Wire Transfer of \$222,500 from a Charter Services Bank Atlantic account to a C.A. title company Bank Atlantic account representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court.
8	March 6, 2006	Purchase of a \$28,728.64 Bank Atlantic Official Check, with funds representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court, fraudulently listing straw buyer Y.H. as Remitter to make it appear that funds came from straw buyer Y.H. as "cash to close" for purchase of 10515 Vignon Court.

Count	Approximate Date	Monetary Transaction
9	March 15, 2006	Deposit of a \$40,000 Bank Atlantic Official Check, made out to "The Loren Group", into the Loren Group Bank of America account representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court.
10	March 17, 2006	Wire Transfer of \$80,000 from a C.A. title company Bank Atlantic account to the Loren Group Inc. Bank of America account representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court.
11	March 23, 2006	Wire Transfer of \$73,738.66 from the Loren Group Inc. Bank of America account to defendant GODFREY MYLES's Gibraltar Private Bank account representing wire fraud proceeds from straw buyer Y.H.'s mortgage loans for 10515 Vignon Court.

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


FOREPERSON



 WIFREDO A. FERRER
 UNITED STATES ATTORNEY



 STEPHANIE D. EVANS
 ASSISTANT UNITED STATES ATTORNEY



 CAROLYN BELL
 ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

PATRICK BRINSON, et al,
Defendants.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes _____ No _____
 Number of New Defendants _____
 Total number of counts _____

_____ Miami _____ Key West
 _____ FTL X WPB _____ FTP

I do hereby certify that:

1. I have carefully considered the allegations of the information, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) NO
 List language and/or dialect _____

4. This case will take 10 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days _____	Petty _____
II 6 to 10 days <u> X </u>	Minor _____
III 11 to 20 days _____	Misdem. _____
IV 21 to 60 days _____	Felony <u> X </u>
V 61 days and over _____	

6. Has this case been previously filed in this District Court? (Yes or No) NO

If yes:
 Judge: _____ Case No. _____
 (Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) NO

If yes:
 Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of N/A

Defendant(s) in state custody as of N/A

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) NO

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No

Stephanie D. Evans

STEPHANIE D. EVANS
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 255180

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Patrick Brinson

Case No: _____

Count #: 1

Conspiracy to commit mail and wire fraud.

18 U.S.C. § 1349

*** Max.Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Counts #: 2 - 3

Wire fraud.

18 U.S.C. § 1343 and 2

*** Max.Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Count #: 4

False statements.

18 U.S.C. § 1001 and 2

*** Max.Penalty:** 5 years imprisonment; 3 years supervised release; \$250,000 fine.

Count #: 5

Conspiracy to commit money laundering.

18 U.S.C. § 1956(h)

*** Max.Penalty:** 20 years imprisonment; 3 years supervised release; \$500,000 fine or twice the value of property involved in the transaction, whichever is greater.

Counts #: 6-11

Money laundering.

18 U.S.C. § 1957 and 2

*** Max.Penalty:** 10 years imprisonment; 3 years supervised release; \$250,000 fine or twice the amount of the criminally derived property, whichever is greater.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: David Lam

Case No: _____

Count #: 1

Conspiracy to commit mail and wire fraud.

18 U.S.C. § 1349

*** Max. Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Counts #: 2 - 3

Wire fraud.

18 U.S.C. § 1343 and 2

*** Max. Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Count #: 4

False statements.

18 U.S.C. § 1001 and 2

*** Max. Penalty:** 5 years imprisonment; 3 years supervised release; \$250,000 fine.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Godfrey Myles

Case No: _____

Count #: 1

Conspiracy to commit mail and wire fraud.

18 U.S.C. § 1349

*** Max.Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Counts #: 2 - 3

Wire fraud.

18 U.S.C. § 1343 and 2

*** Max.Penalty:** 30 years imprisonment; 5 years supervised release; \$1,000,000 fine.

Count #: 4

False statements.

18 U.S.C. § 1001 and 2

*** Max.Penalty:** 5 years imprisonment; 3 years supervised release; \$250,000 fine.

Count #: 5

Conspiracy to commit money laundering.

18 U.S.C. § 1956(h)

*** Max.Penalty:** 20 years imprisonment; 3 years supervised release; \$500,000 fine or twice the value of property involved in the transaction, whichever is greater.

Counts #: 6-11

Money laundering.

18 U.S.C. § 1957 and 2

*** Max.Penalty:** 10 years imprisonment; 3 years supervised release; \$250,000 fine or twice the amount of the criminally derived property, whichever is greater.

No. 11-80033-CR-Mama/Hoptons

UNITED STATES DISTRICT COURT

SOUTHERN District of FLORIDA

THE UNITED STATES OF AMERICA

vs.

PATRICK BRINSON, et al.,

Defendants

INDICTMENT

- 18 U.S.C. § 1349
- 18 U.S.C. § 1956(h)
- 18 U.S.C. § 1343 and 2
- 18 U.S.C. § 1001 and 2
- 18 U.S.C. § 1957 and 2

A true bill.

EGJ 10-503(WPB)

Representative

Filed in open court this

24th

day,

of February A.D. 2011

Joy Jusco
Clerk

Bail, \$ _____