

IN THE UNITED STATES DISTRICT COURT FILED
FOR THE DISTRICT OF MASSACHUSETTS CLERK'S OFFICE

2009 OCT -5 P 3: 21

UNITED STATES OF AMERICA)

v.)

MICHAEL HICKS,
Defendant.)

CRIMINAL NO.)

09 CR 10299 DPW)

Ct. 1: 18 U.S.C. §1343
(Wire Fraud)

Ct.2: 18 U.S.C. §1957
(Unlawful Monetary Transaction)

Forfeiture Allegations
18 U.S.C. §§ 981(a)(1)(C), 982(a)(1)
28 U.S.C. §2461(c)

INFORMATION

The United States Attorney charges that:

At all times relevant to this Information:

1. Defendant Michael HICKS resided and worked in the metro Boston, Massachusetts area. He is a former mortgage broker.
2. JP Morgan Chase Bank, N.A. ("Chase") was a national banking association organized under federal law which maintained an office, among other places, at 1111 Polaris Parkway, Columbus, Ohio. Chase was a financial institution as defined in 18 U.S.C. §20.
3. Fireman and Associates, was a law firm located at 145 Rosemary Street, in Needham, Massachusetts, which, among other things, conducted real estate closings and which had an Interest on Lawyers Trust Accounts (IOLTA) bank account into which funds for closings

were wired by mortgage lenders.

4. Michael Lee was a resident of Braintree, Massachusetts, and was involved in the purchase and sale of real estate, including a three-family residence located at 162 Quincy Street, in Dorchester, Massachusetts.

5. Lee and Pennsylvania resident S.A. are associates of HICKS.

6. The individuals identified herein as D.B. and G.C. are persons known to the United States Attorney.

THE SCHEME TO DEFRAUD

7. Beginning in the summer of 2007 and continuing through in or about November 2007, HICKS did aid and abet Lee and S.A. in a scheme to defraud and to obtain money and property from various mortgage lenders in connection with the purchase and sale of real estate in Dorchester, Massachusetts.

8. In or about August 2007, Lee purchased a multi-family residence located at 162 Quincy Street, in Dorchester, Massachusetts, for \$400,000. He immediately converted the dwelling to three condominiums, which allowed Lee to sell the units individually.

9. At Lee's request and direction, HICKS, through associate S.A., recruited "straw buyer" D.B. to purchase all three units. D.B. provided D.B.'s identifying information to S.A. who forwarded it to HICKS. HICKS then used D.B.'s identifying information, such as his name, address, date of birth and Social Security number, to apply for mortgages for the purchase of the three units at 162 Quincy Street. In the loan applications, HICKS falsely represented that D.B. intended to make each unit D.B.'s primary residence, that D.B. was self-employed as a contractor,

and that D.B. had an annual income ranging, in the various applications, from \$156,241 to more than \$379,152, all in an effort to secure mortgages for \$370,000 for each of the three units.

10. At Lee's request and direction, HICKS created a fictitious business for D.B., set up a bank account for this fictitious business and falsely verified D.B.'s employment status for the mortgage applications.

11. HICKS also arranged for another individual, G.C., who is known to the U.S. Attorney, to fabricate false income tax documents to be submitted with D.B.'s mortgage applications which bogus returns falsely represented that D.B. had substantial income from D.B.'s operation of a construction business.

12. HICKS arranged for the financing for D.B.'s purchase of Unit #1. HICKS referred D.B.'s loan application for the purchase of this unit to Lenox Financial which in turn arranged a \$370,000 mortgage loan through JP Morgan Chase Bank.

13. HICKS appeared at the closings for the purchase/sale of all three units and signed all documents required to be executed by the buyer, pursuant to a Power of Attorney purportedly granted to him by D.B.

14. Lee paid HICKS \$100,000, more or less, for recruiting D.B.

COUNT ONE

(Wire Fraud – 18 U.S.C. § 1343)

15. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 14 of this Information and further charges that:

16. On or about November 29, 2007, in the District of Massachusetts and elsewhere,

MICHAEL HICKS ,

the defendant herein, did aid and abet Michael LEE and others to the United States Attorney known and unknown, who, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property affecting a financial institution, by means of material false and fraudulent pretenses, representations, and promises in connection with the mortgage financing of Unit #1, 162 Quincy Street, Dorchester, Massachusetts, did cause writings, signs, signals, pictures and sounds to be transmitted by means of wire communication in interstate commerce for the purpose of executing such scheme and artifice, that is, a \$377,876.82 wire transfer of funds from a JP Morgan Chase Bank loan fund operating account in Columbus, Ohio to a Sovereign Bank New England IOLTA account of Fireman and Associates.

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

COUNT TWO

(Unlawful Monetary Transaction-18 U.S.C. §1957)

17. The United States Attorney re-alleges and incorporates by reference paragraphs 1 through 14 of this Information and further charges that:

18. On or about November 16, 2007, in Dorchester, in the District of Massachusetts, and elsewhere,

MICHAEL HICKS

the defendant herein, did knowingly engage and attempt to engage in a monetary transaction, by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the deposit of Eastern Bank check no. 00939826 in the amount of \$100,000 into his checking account at Mount Washington Bank, in Dorchester, Massachusetts, such property having been derived from a specified unlawful activity, that is, wire fraud.

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

FORFEITURE ALLEGATIONS

(18 U.S.C. §§ 981(a)(1)(C), 982(a)(1) & 28 U.S.C. § 2461(c))

The United States Attorney further charges:

1. Upon conviction of any offense in violation of 18 U.S.C. §1343 alleged herein, the defendant,

MICHAEL HICKS

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses.

2. Upon conviction of any offense in violation of 18 U.S.C. § 1957 alleged herein, the defendant,

MICHAEL HICKS

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property.

3. If any of the property described in paragraphs 1 and 2 hereof as being forfeitable, 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 to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or

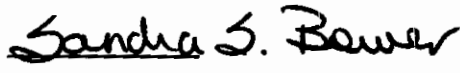
e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of all other property of the defendant up to the value of the property described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), Title 28, United States Code, Section 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

MICHAEL K. LOUCKS
Acting United States Attorney

By: 
SANDRA S. BOWER
Assistant U.S. Attorney

Date: October 7, 2009

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Boston Category No. III Investigating Agency: SECRET SERVICE/IRS

City Boston

Related Case Information:

County Suffolk

Superseding Ind./ Inf. 09 CR 10299 DPW
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

FILED
IN CLERKS OFFICE
D 3-21

Defendant Information:

Defendant Name Michael Hicks Juvenile Yes No

Alias Name _____

Address 816 Willard Street, Apt. 307, Quincy, MA 02169

Birth date (Year only): 1968 SSN (last 4 #): 7249 Sex _____ Race: black Nationality: US

Defense Counsel if known: Anthony Ellison Address: 600 Columbia Road, Suite 103
Boston, MA 02125

Bar Number: _____

U.S. Attorney Information:

AUSA Sandra S. Bower Bar Number if applicable 0778700 (Florida)

Interpreter: Yes No List language and/or dialect: _____

Victims: Yes No If Yes, are there multiple crime victims under 18 U.S.C. §3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date: _____

Already in Federal Custody as _____ in _____

Already in State Custody _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 10-7-09 Signature of AUSA: Sandra S. Bower