JS 45 (5/97) - (Revised USAO MA 11/15/05)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: ______ **Category No.** II **Investigating Agency** US SECRET SERVICE

City Boston and Needham **Related Case Information:**

County Suffolk and Norfolk

Superseding Ind./ Inf. ______ Case No. ______
Same Defendant x New Defendant ______
Magistrate Judge Case Number 09-mj-5-LTS
Search Warrant Case Number 09-mj-10-LTS, 09-34-LTS
R 20/R 40 from District of ______

Defendant Information:

Defendant Name Michael Lee Juvenile ☐ Yes ☒ No

Alias Name Mick

Address 125 Kensington Street, Braintree MA

Birth date (Year only): 1981 SSN (last 4 #): 9812 Sex M Race: white Nationality: Irish

Defense Counsel if known: **Elliot Weinstein** **Address:** **83 Atlantic Ave.**
Boston, MA 02110

Bar Number: ______

U.S. Attorney Information:

AUSA **Sandra S. Bower** **Bar Number if applicable** **0787700 (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: **Jan. 15, 2009**

☐ **Already in Federal Cnstody as** ______ **in** ______.
☐ **Already in State Custody** ______ ☐ **Serving Sentence** ☐ **Awaiting Trial**
☒ **On Pretrial Release:** **Ordered by** **Judge Sorokin** **on** **Jan. 15, 2009**

Charging Document: ☐ **Complaint** ☐ **Information** ☒ **Indictment**

Total # of Counts: ☐ **Petty** ______ ☐ **Misdemeanor** ______ ☒ **Felony** 5

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: 2-12-2009 **Signature of AUSA:** Sandra S. Bower

District Court Case Number (To be filled in by deputy clerk): ______________________

Name of Defendant ______________________

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 USC 1343 & 2	wire fraud	1-5
Set 2	18 USC 981 28 USC 2461	forfeiture allegation	
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 09-CR-10050 GAO
v.	)	
	)	**VIOLATIONS:**
	)	**Cts. 1-5**:18 U.S.C. §1343 (Wire Fraud)
	)	18 U.S.C. §981 & 28 U.S.C. §2461 (Forfeiture)
	)	
MICHAEL LEE,	)	
Defendant.	)	

INDICTMENT

The Grand Jury charges that:

At all times relevant to this Indictment:

1. Defendant Michael Lee was an individual who had a residence in Braintree, Massachusetts.

2. Union Capital Mortgage Business Trust ("Union Capital") was a business trust organized under Massachusetts law which maintained an office at 45 Braintree Hill Park, Suite 400, Braintree, Massachusetts.

3. Sovereign Bank ("Sovereign") was a federal savings bank organized under federal law which maintained an office, among other places, at 1130 Berkshire Boulevard, Wyomissing, Pennsylvania.

4. Bank of America was a national banking association organized under federal law which maintained an office, among other places, at 900 W. Trade Street, Gateway Village,

Charlotte, N.C.

5. 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.

6. 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.

7. The individual identified herein as D.B. is a person known to the Grand Jury.

THE SCHEME TO DEFRAUD

8. Beginning in or about August 2007 and continuing through in or about November 2007, LEE engaged in a scheme to defraud and to obtain money and property of various mortgage lenders in connection with his purchase, refinance, and purported resale of a three-family residence located at 162 Quincy Street, in Dorchester, Massachusetts.

9. In or about August 2007, LEE made false representations to Union Capital concerning his intention to make 162 Quincy Street his primary residence, falsely stated that he received rental income from the property, submitted and caused the submission of false and fraudulent Tenancy at Will documents to corroborate his false representations, and did all of these things in order to obtain a $381,500 mortgage loan from Union Capital.

10. Soon after his purchase and refinance of 162 Quincy Street in August 2007, LEE converted it from a multi-family dwelling to three condominiums which enabled LEE to sell the

units individually instead of selling the building in its entirety.

11. In November 2007, LEE purportedly sold each unit to D.B., a Pennsylvania resident, for $370,000 each, for a total of $1.11 million. D.B. was, however, a "straw buyer," whom LEE had caused to be recruited for the purpose of creating sham sales. In return for a promised fee, D.B. provided his name and identifying information to be used for the transactions. Thereafter, false and fraudulent representations were made to three different mortgage lenders on D.B.'s behalf in order to secure loans for the purchase of each of the three units. The false representations included representations regarding D.B.'s employment, income, and assets, and a representation to each lender that D.B. intended to make the unit each lender was financing D.B.'s primary residence.

12. LEE reaped substantial profits from the sham sales to D.B., that is, about $615,000, more or less.

COUNTS ONE THROUGH FIVE

(Wire Fraud – 18 U.S.C. § 1343)

13. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 12 of this Indictment and further charges that:

14. On or about the following dates, in the District of Massachusetts and elsewhere,

MICHAEL LEE ,

the defendant herein, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property from the following mortgage lenders by means of material false and fraudulent pretenses, representations, and promises in connection with the purchase, refinance, and sale of 162 Quincy Street, Dorchester, Massachusetts, and the individual condominium units at that address, 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, as follows:

Count	Date	Property	Lender	Wire
1	08/29/07	162 Quincy St.	Union Capital	$383,834.00 wire transfer of funds on behalf of Union Capital from Colonial Bank in Florida to a Sovereign Bank New England IOLTA account of Fireman and Associates
2	11/5/07	162 Quincy St. Unit #2	Sovereign Bank	$377,783.50 wire transfer of funds from an account of Sovereign Bank in Rosemont, PA to a Sovereign Bank New England IOLTA account of Fireman and Associates
3	11/16/07	162 Quincy St. Unit #3	Bank of America	$293,877.90 wire transfer of funds from an account of Bank of America in New York, NY to a Sovereign Bank New England IOLTA account of Fireman and Associates
4	11/16/07	162 Quincy St. Unit #3	Bank of America	$55,206.20 wire transfer of funds from an account of Bank of America in New York, NY to a Sovereign Bank New England IOLTA account of Fireman and Associates
5	11/29/07	162 Quincy St. Unit #1	JP Morgan Chase Bank	$377,876.82 wire transfer of funds from a JP Morgan Chase Bank loan funding operating account in Columbus, OH 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.

FRAUD FORFEITURE ALLEGATIONS

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

15. The allegations of Counts One through Five of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

16. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1343, the defendant,

MICHAEL LEE

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. The property to be forfeited includes, but is not limited to, the following:

A 2006 Land Rover Range Rover, VIN SALMF13476A208831

17. If any of the property described in paragraph 16 hereof as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), 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 Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 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, Section 981 and Title 28, United States Code, Section 2461(c).

A TRUE BILL

Joseph T. Bognanno Jr.

FOREPERSON OF THE GRAND JURY

Sandra S. Bower

Sandra S. Bower

ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS February ______, 2009

Returned into the District Court by the Grand Jurors and filed.

DEPUTY CLERK 2/12/09

3:30