



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	Criminal No. 09-CR-249
)	
	)	Count 1: 18 U.S.C. §1341
	)	[Mail Fraud]
v.	)	Count 2: 18 U.S.C. §1344
	)	[Bank Fraud]
	)	Count 3: 18 U.S.C. §1343
	)	[Wire Fraud]
HAYUNG PETER JIN,	)	Count 4: 18 U.S.C. §1028A
	)	[Aggravated Identity Theft]
Defendant	)	Counts 5 Through 8: 18 U.S.C.
	)	§513(a) [Uttering And
	)	Possessing A Forged Security]
)	

INDICTMENT

June 2009 Term at Alexandria

COUNT ONE

(Mail Fraud: Countrywide)

THE GRAND JURY CHARGES THAT AT ALL TIMES MATERIAL:

I. INTRODUCTION

1. Countrywide Home Loans, Inc., (referred to herein as "Countrywide") was a corporation doing business as a mortgage lender in the Eastern District of Virginia and elsewhere, using the name, America's Wholesale Lender.

2. SunTrust Bank, N.A., was a financial institution within the meaning of 18 U.S.C. §20, the deposits of which were insured by the Federal Deposit Insurance Corporation. SunTrust Bank did business in the Eastern District of Virginia and elsewhere as a mortgage lender.

3. Wachovia Bank, N.A., was a financial institution within the meaning of 18 U.S.C. §20, the deposits of which were insured

by the Federal Deposit Insurance Corporation. Wachovia Bank did business in the Eastern District of Virginia and elsewhere as a mortgage lender.

4. Chevy Chase Bank, FSB, was a financial institution within the meaning of 18 U.S.C. §20, the deposits of which were insured by the Federal Deposit Insurance Corporation. Chevy Chase Bank did business in the Eastern District of Virginia and elsewhere as a mortgage lender.

5. The defendant herein, HAYUNG PETER JIN (referred to herein as PETER JIN) was a loan broker doing business in the Eastern District of Virginia as Business Capital & Investment, Inc. PETER JIN was also a licensed Notary in the State of Virginia.

6. An individual referred to herein as KS was also a loan broker, who shared office space with defendant PETER JIN in Annandale, Virginia.

II. THE SCHEME AND ARTIFICE TO DEFRAUD COUNTRYWIDE, SUNTRUST BANK, WACHOVIA BANK, AND CHEVY CHASE FEDERAL SAVINGS BANK

7. From on or about August 2005 through on or about February 2006, in the Eastern District of Virginia and elsewhere, and aided and abetted by co-schemer KS, the defendant PETER JIN devised and intended to devise a scheme and artifice to defraud Countrywide, SunTrust Bank, Wachovia Bank, and Chevy Chase Federal Saving Bank and to obtain from these lending institutions money and property, in the total amount of approximately \$620,000, by means of materially false and fraudulent pretenses and representations.

III. THE MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD

8. It was part of the scheme and artifice to defraud that defendant PETER JIN would and did represent to the owner of a residence on Holtby Square in Loudoun County, Virginia, that he (defendant JIN) had arranged for a purchaser (referred to herein as KKH) to buy the Holtby Square property for approximately \$522,000, and to rent it back to the owner, when in fact no such arrangement had been made with KKH. After obtaining an agreement from the owner to sell the property to KKH for \$522,000, it was further part of the scheme and artifice to defraud that the defendant PETER JIN would and did forge KKH's signature on a sales contract signed by the owner.

A. The Fraud on Countrywide

9. Having obtained from co-schemer KS a copy of KKH's driver's license and social security number, it was a further part of the scheme and artifice to defraud that the defendant PETER JIN, using both the name and social security number of KKH without authorization, submitted a loan application to Countrywide, with false income figures, employment history, and supporting documentation, in order to obtain funds to purchase the Holtby Square property in the name of KKH.

10. In order to complete the sale and to secure a portion of the Countrywide proceeds for himself, it was a further part of the scheme and artifice to defraud that the defendant PETER JIN convinced an Alexandria, Virginia, Title Agent that he (defendant JIN), on his own, would obtain and notarize the signatures on the

closing documents and would then deliver the documents to the Title Company, thereby eliminating the need for KKH to appear at the Title Company in person. In furtherance of the scheme to defraud, on numerous closing documents, defendant JIN would and did forge the signature of KKH and, when needed, falsely notarize the signature, thereby making KKH's signature appear genuine to the Title Agent and others.

B. The Fraud on Wachovia Bank and SunTrust Bank

11. In order to obtain additional funds for himself and co-schemer KS, it was a further part of the scheme and artifice to defraud that in December 2005 and January 2006 the defendant PETER JIN would and did obtain from Wachovia Bank and SunTrust Bank home equity financing on the Holtby Square property in the name of KKH, using the name and social security number of KKH, without authorization, and falsely notarizing the signature of KKH, when needed to complete the transaction. In furtherance of the scheme to defraud Wachovia Bank and SunTrust Bank, defendant JIN would and did use the forged signature of KKH on disbursement documents and checks, enabling defendant JIN and co-schemer KS to obtain access to the funds.

C. The Fraud on Chevy Chase Federal Savings Bank

12. In order to obtain funds for himself and co-schemer KS, it was a further part of the scheme and artifice to defraud that in January and early February 2006 the defendant PETER JIN would and did obtain from Chevy Chase Federal Savings Bank additional

home equity financing on the Holtby Square property in the name of KKH, using the name and social security number of KKH, without authorization. In furtherance of the scheme to defraud Chevy Chase Federal Savings Bank, defendant JIN was assisted by co-schemer KS who, using a phony Virginia DMV identity document, posed as KKH at the loan closing. In furtherance of the scheme to defraud Chevy Chase Federal Savings Bank, defendant JIN used the forged signature of KKH on disbursement documents and checks, enabling defendant JIN and co-schemer KS to obtain access to the funds.

IV. THE USE OF A COMMERCIAL INTERSTATE CARRIER

13. On or about October 31, 2005, in the Eastern District of Virginia, the defendant

PETER JIN

for the purpose of executing the aforesaid scheme and artifice to defraud, and attempting to do so, did knowingly cause to be delivered by FEDEX, a commercial interstate carrier, according to the directions thereon, a package addressed to America's Wholesale Lender in Fairfax, Virginia, which package contained false and fraudulent loan closing documents pertaining to Countrywide's financing of the purchase of the Holtby Square property.

(In violation of Title 18, United States Code, §§ 1341 & 2).

COUNT TWO

(Bank Fraud: SunTrust Bank)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of Count One are hereby realleged and incorporated herein.

2. On or about January 4, 2006, in the Eastern District of Virginia, the defendant

PETER JIN

knowingly executed and attempted to execute the aforesaid scheme and artifice to defraud SunTrust Bank and to obtain money and funds, under the custody and control of SunTrust Bank, by means of false and fraudulent pretenses in that the defendant PETER JIN, caused SunTrust Bank to extend a \$75,000 loan to KKH, ostensibly secured by a residence on Holtby Square in Loudoun County, Virginia.

(In violation of Title 18, United States Code, §§ 1344 & 2).

COUNT THREE

(Wire Fraud: Chevy Chase Federal Savings Bank)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of Count One are hereby realleged and incorporated herein.

2. On or about February 6, 2006, in the Eastern District of Virginia, the defendant

PETER JIN

having devised and intending to devise the aforesaid scheme and artifice to defraud Chevy Chase Federal Savings Bank, knowingly caused to be transmitted by means of wire communications in interstate commerce certain signs, signals, and sounds for the purpose of executing such scheme and artifice to defraud, in that the defendant knowingly caused a wire transfer of \$90,902 from Chevy Chase Federal Savings Bank in Maryland to an account in the name of KKH at SunTrust Bank in Virginia, which funds were then used by defendant PETER JIN and co-schemer KS.

(In violation of Title 18, United States Code, §§ 1343 and 2).

COUNT FOUR
(Aggravated Identity Theft)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of Count One are hereby realleged and incorporated herein.

2. On or about October 31, 2005, in the Eastern District of Virginia, the defendant

PETER JIN

during and in relation to a felony, namely, mail fraud, 18 U.S.C. §1341, perpetrated against Countrywide, knowingly transferred, possessed, and used, without lawful authority a means of identification of another person, in that the defendant caused a Title Agent to send to Countrywide a copy of an IRS Form 4506-T, which contained the name and social security number of KKH, with a forged signature of KKH, all for the purpose of completing the documentation of a fraudulently obtained loan in the name of KKH from Countrywide, when in fact the defendant PETER JIN knew that KKH had never agreed to such a loan from Countrywide nor had KKH agreed that his name and social security number could be used to document such a loan.

(In violation of Title 18, United States Code, §§1028A(a)(1)& 2).

COUNT FIVE

(Defrauding A Virginia Business Woman Through The Use Of
Forged Securities)

THE GRAND JURY FURTHER CHARGES THAT:

I. INTRODUCTION

1. Paragraph 5 of Count One is hereby realleged and incorporated herein.

2. C & O Enterprise, Inc., was a corporation and a business which operated in and whose activities affected interstate commerce.

3. Beginning on or about December 2006 and continuing up through at least January 10, 2007, defendant PETER JIN told a Prince William County Business Woman (referred to herein as TK), who wished to lend approximately \$360,000 of her funds to one or more local businessmen,

(i) that he had arranged for four separate borrowers (including the owner of C & O Enterprise, Inc.) to borrow said funds for 90 days, and

(ii) that she (TK) should transfer the funds to him (defendant PETER JIN) in the form of four checks payable to him (defendant PETER JIN), which funds, he promised to transfer to the four borrowers,

when in fact defendant PETER JIN had no such arrangement with any of the four borrowers, had no intention to transfer the funds to the four borrowers, and fully intended to use the \$360,000 for himself, which he did.

II. MAKING AND USING A FORGED SECURITY

4. On or about January 10, 2007, in the Eastern District of Virginia and elsewhere, defendant

PETER JIN

did knowingly make, utter, and possess a forged security of an organization, namely, C & O Enterprise, Inc., with intent to deceive TK, in that the defendant made, possessed, and furnished to TK, a false, fraudulent, and forged promissory note, in the amount of \$150,000, ostensibly signed by an owner of C & O Enterprise, Inc., all for the purpose of inducing TK to transfer \$150,000 to defendant PETER JIN.

(In violation of Title 18, United States Code, Section 513(a)).

COUNT SIX

(Defrauding A Virginia Business Woman Through The Use Of Forged Securities)

1. Paragraphs 1 and 3 of Count Five are hereby realleged and incorporated herein, as describing defendant PETER JIN'S scheme to defraud TK.

2. Thirsty's Liquor, Inc., was a corporation and a business which operated in and whose activities affected interstate commerce.

II. MAKING AND USING A FORGED SECURITY

3. On or about January 10, 2007, in the Eastern District of Virginia and elsewhere, defendant

PETER JIN

did knowingly make, utter, and possess a forged security of an organization, namely, Thirsty's Liquor, Inc., with intent to deceive TK, in that the defendant made, possessed, and furnished to TK, a false, fraudulent, and forged promissory note, in the amount of \$75,000, ostensibly signed by an owner of Thirsty's Liquor, Inc., all for the purpose of inducing TK to transfer \$75,000 to defendant PETER JIN.

(In violation of Title 18, United States Code, Section 513(a)).

COUNT SEVEN

(Defrauding A Virginia Business Woman Through The Use Of Forged Securities)

1. Paragraphs 1 and 3 of Count Five are hereby realleged and incorporated herein, as describing defendant PETER JIN'S scheme to defraud TK.

2. Men in Black, Inc., was a corporation and a business which operated in and whose activities affected interstate commerce.

II. MAKING AND USING A FORGED SECURITY

3. On or about January 10, 2007, in the Eastern District of Virginia and elsewhere, defendant

PETER JIN

did knowingly make, utter, and possess a forged security of an organization, namely, Men in Black, Inc., with intent to deceive TK, in that the defendant made, possessed, and furnished to TK, a false, fraudulent, and forged promissory note, in the amount of \$75,000, ostensibly signed by an owner of Men in Black, Inc., all for the purpose of inducing TK to transfer \$75,000 to defendant PETER JIN.

(In violation of Title 18, United States Code, Section 513(a)).

COUNT EIGHT

(Defrauding A Virginia Business Woman Through The Use Of
Forged Securities)

1. Paragraphs 1 and 3 of Count Five are hereby realleged and incorporated herein, as describing defendant PETER JIN'S scheme to defraud TK.

2. Chong Family II, Inc., was a corporation and a business which operated in and whose activities affected interstate commerce.

II. MAKING AND USING A FORGED SECURITY

3. On or about January 10, 2007, in the Eastern District of Virginia and elsewhere, defendant

PETER JIN

did knowingly make, utter, and possess a forged security of an organization, namely, Chong Family II, Inc., with intent to deceive TK, in that the defendant made, possessed, and furnished to TK, a false, fraudulent, and forged promissory note, in the amount of \$60,000, ostensibly signed by an owner of Chong Family II, Inc., all for the purpose of inducing TK to transfer \$60,000 to defendant PETER JIN.

(In violation of Title 18, United States Code, Section 513(a)).

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

A TRUE BILL:

F O R E M A N

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By



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