

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-60181-CR-COHN/SELTZER

UNITED STATES OF AMERICA

vs.

STEPHEN LALONDE,

Defendant.

_____ /

PLEA AGREEMENT

The United States of America and STEPHEN LALONDE (hereinafter referred to as the defendant”) enter into the following agreement:

1. The defendant agrees to waive indictment and to plead guilty to an Information to be filed by the United States Attorney’s Office.

2. The defendant agrees to plead guilty to the following counts in the Information to be filed, one count of Mail Fraud in violation of 18 U.S.C. Section 1341. The defendant understands the maximum statutory sentence under Title 18, United States Code, Section 1341 is a period of up to 20 years in prison, maximum term of up to three years supervised release and a fine of up to \$250,000.

3. The defendant agrees to plead guilty to one count of making a False Statement to the U.S. Department of Housing and Urban Development (HUD), in violation of Title 18, United States Code Section 1001. The defendant understands the maximum statutory sentence under Title 18, United States Code, Section 1001 is a period of up to 5 years in prison, maximum term of up to one

year supervised release and a fine of up to \$250,000.

a) The defendant STEPHEN LALONDE further agrees as a condition of the above entered pleas to surrender any and all State of Florida licenses in his name or in the names of corporations or other entities owned or controlled by him as a licensed mortgage broker, mortgage lender, mortgage broker business, correspondent lender, title agent, and real estate agent. The defendant STEPHEN LALONDE further agrees and understands as a part of this plea agreement to a permanent disbarment in the State of Florida to being licensed as a mortgage broker, mortgage lender, mortgage broker business, correspondent lender, title agent, and or real estate agent.

b) The defendant STEPHEN LALONDE further understands and the U.S. Attorney's Office for the Southern District of Florida agrees to not charge Amy LaLonde (his wife) in relation to the activities of Spectrum Title, Inc., during 2007-2008, based on the agreement that Amy LaLonde agrees to surrender any and all State of Florida licenses in her name or in the names of corporations or other entities owned or controlled by her as a licensed mortgage broker, mortgage lender, mortgage broker business, correspondent lender, title agent, and real estate agent by the date of defendant STEPHEN LALONDE's guilty plea . The defendant STEPHEN LALONDE further understands as a part of this plea agreement that his wife Amy LaLonde agrees to a permanent disbarment in the State of Florida to being licensed as a mortgage broker, mortgage lender, mortgage broker business, correspondent lender, title agent, and or real estate agent.

4. The defendant is aware that the sentence will be imposed by the court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing

Guidelines”). The defendant acknowledges and understands that the court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the court relying in part on the results of a Pre-Sentence Investigation by the court’s probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines’ advisory sentence. Knowing these facts, the defendant understands and acknowledges that the court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraphs 2 and 3 that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The United States and the defendant agree that, although not binding on the probation office or the court, they will jointly recommend that the court impose a sentence within the advisory sentencing guideline range produced by application of the Sentencing Guidelines. Although not binding on the probation office or the court, the United States and the defendant further agree that, except as otherwise expressly contemplated in this Plea Agreement, they will jointly recommend that the court neither depart upward nor depart downward under the Sentencing Guidelines when determining the advisory sentencing guideline range in this case.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 1 of this agreement, a Special Assessment in the amount of \$100.00 per count or a total of \$200.00 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

7. The Office of the United States Attorney for the Southern District of Florida (hereinafter "Office") reserves the right to inform the court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

8. The defendant is aware that the sentence has not yet been determined by the court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the court. The defendant understands further that any recommendation that the government makes to the court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the court and the court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by

both the defendant and the government.

9. The United States agrees that it will recommend at sentencing that the court reduce by two levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, the government will make a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. The United States further agrees to recommend that the defendant be sentenced at the low end of the guideline range, as that range is determined by the court. The United States, however, will not be required to make this motion and this recommendation if the defendant:

- (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct;
- (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; or
- (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official.

10. A. The defendant agrees to cooperate with the Internal Revenue Service ("IRS") in its civil examination, determination, assessment, and collection of income taxes related to him for 2006 through 2008 income tax returns and any related corporate/entity tax returns, and further agrees not to conceal, transfer, or dissipate funds or property that could be used to satisfy such taxes, penalties, and interest. The defendant agrees to provide the IRS any documentation in the defendant's possession and/or control requested by the IRS in connection with its civil examination, determination, assessment, and collection of such income taxes prior to sentencing tax years 2006 through 2008.

B. The defendant agrees to prepare and file accurate amended individual and corporate/entity income tax returns for the tax years 2006 through 2008. The defendant also agrees to pay all taxes, interest, and penalties due and owing to the IRS, including all taxes, interest, and penalties on him individual and any related corporate/entity liabilities for the tax years 2006 through 2008. Nothing in this agreement shall limit the IRS in its civil determination, assessment, and collection of any taxes, interest, and/or penalties that the defendant may owe.

11. The defendant agrees that any statements made by him to the IRS and/or in this agreement shall be admissible against the defendant without any limitation in any civil proceeding **only** and the defendant stipulates to the authenticity and admissibility, in any civil proceeding, of any documentation provided by the defendant to the IRS.

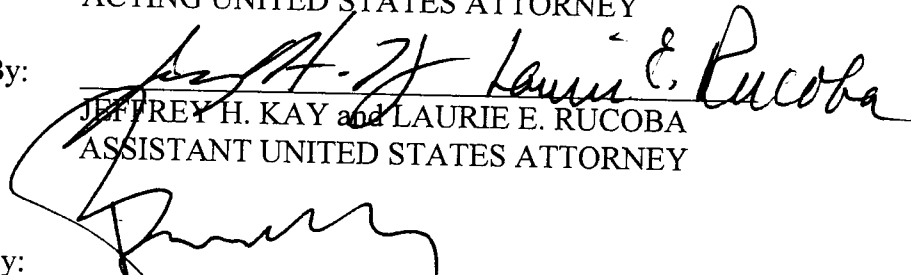
12. The defendant is aware that Title 18, United States Code, Section 3742, affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order,

or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or a variance from the guideline range that the court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he/she has discussed the appeal waiver set forth in this agreement with his/her attorney. The defendant further agrees, together with the United States, to request that the district court enter a specific finding that the defendant's waiver of his right to appeal the sentence to be imposed in this case was knowing and voluntary.

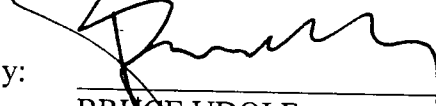
13. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY

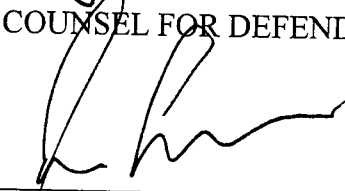
Date: 7/10/09

By: 
JEFFREY H. KAY and LAURIE E. RUCOBA
ASSISTANT UNITED STATES ATTORNEY

Date: 7/10/09

By: 
BRUCE UDOLF
COUNSEL FOR DEFENDANT

Date: 7/10/09

By: 
STEPHEN LALONDE
DEFENDANT