

ORIGINAL

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FILED

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Ann D. Quinn
 CLERK OF THE COURT

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AUG 15 2012

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

CLERK OF THE COURT

Attorney General's Office
 555 E. Washington, Suite 3900
 Las Vegas, NV 89101

14 THE STATE OF NEVADA,)
)
 15 Plaintiff,)
)
 16 vs.)
)
 17 GARY DIMATTIA,)
 18 d/b/a Financial Link Services,)
 LAWRENCE BATEMAN, JR.)
)
 19 Defendants.)
 20)

Case No.: C-12-283462-1
 Dept. No.: XV

C-12-283462-1
 IND
 Indictment
 1933019



INDICTMENT

22 CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, by and through
 23 her deputy, JEFFREY H. SEGAL, complains and charges that the above named Defendant has
 24 committed the following offenses:

25 **GARY DIMATTIA**, (hereinafter "**DIMATTIA**") d/b/a **Financial Link Services ("FLS")**, has
 26 committed four (4) counts of **MORTGAGE LENDING FRAUD**, all category "C" felonies in
 27 violation of NRS 205.372; four (4) counts of **THEFT - OBTAINING MONEY IN THE AMOUNT**
 28 **OF \$2,500 OR MORE BY A MATERIAL MISREPRESENTATION**, all category "B" felonies, in

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MCU

1 violation of NRS 205.0832(1)(c); one (1) count of **MULTIPLE TRANSACTIONS INVOLVING**
2 **FRAUD AND DECEIT IN THE COURSE OF ENTERPRISE OR OCCUPATION**, all category "B"
3 felonies in violation of NRS 205.377; and one (1) count of **PATTERN OF MORTGAGE**
4 **LENDING FRAUD**, a category "B" felony in violation of NRS 205.372.

5 **LAWRENCE BATEMAN, JR.** (hereinafter "**BATEMAN**") has committed three (3) counts
6 of **MORTGAGE LENDING FRAUD**, all category "C" felonies in violation of NRS 205.372; three
7 (3) counts of **THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A**
8 **MATERIAL MISREPRESENTATION**, all category "B" felonies, in violation of NRS
9 205.0832(1)(c); one (1) count of **MULTIPLE TRANSACTIONS INVOLVING FRAUD AND**
10 **DECEIT IN THE COURSE OF ENTERPRISE OR OCCUPATION**, all category "B" felonies in
11 violation of NRS 205.377; and one (1) count of **PATTERN OF MORTGAGE LENDING FRAUD**,
12 a category "B" felony in violation of NRS 205.372.

13 All of the acts alleged herein have been committed on or between November 2009 and
14 August 2010, by the above-named Defendant, within the County of Clark, State of Nevada, in
15 the following manner:

16 **COUNT I**

17 **MORTGAGE LENDING FRAUD**
18 **CATEGORY "C" FELONY - NRS 205.372**

19 From on or about April 2009 to June 2009, within the County of Clark, State of Nevada,
20 **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or employees,
21 knowingly and unlawfully made one or more false statements or misrepresentations concerning
22 a material fact or knowingly concealed or failed to disclose a material fact, as a participant in a
23 mortgage lending transaction, knowingly and unlawfully received money in connection with a
24 mortgage lending transaction that he knew resulted therefrom, including, without limitation, to
25 wit:

26 On or about April 16, 2009, **DIMATTIA** met with **STEPHANIE VARGAS** (hereinafter
27 "**VARGAS**") at **DIMATTIA'S** office located in Clark County, Nevada. After **VARGAS** informed
28 **DIMATTIA** that her mortgage payments were several months delinquent and her home was on

1 the verge of foreclosure, **DIMATTIA** misrepresented that he would save her home from
2 foreclosure by first negotiating a loan modification and arranging for a refinance of her mortgage
3 with a principal equal to the fair market value of her home. **DIMATTIA** gave false assurances of
4 the success rate of his efforts and falsely stated that he would provide VARGAS a 100% refund
5 should he be unsuccessful in negotiating the loan modification. **DIMATTIA** also falsely stated
6 that after obtaining a loan modification, through his proprietary "Balance Reduction Program," he
7 would arrange for a refinance of her mortgage at the current fair market value of her home,
8 thereby eliminating the negative equity and providing an affordable payment. **DIMATTIA** used
9 one or more of these false statements and misrepresentations to induce VARGAS to pay an
10 upfront fee of \$3495.00. VARGAS paid the fee in full and performed all obligations pursuant to
11 her agreement with **DIMATTIA**. **DIMATTIA** failed to perform the services he agreed to perform
12 and, upon her request, failed to refund the money he accepted from VARGAS.

13 Moreover, **DIMATTIA** concealed or failed to disclose to VARGAS one or more material
14 facts, including, without limitation, that he lacked proper licensing or expertise to perform the
15 services he agreed to perform, that he failed to provide the services he promised to provide in
16 most cases, that the "Balance Reduction Program" had little, if any, record of success and was
17 essentially unworkable, that the ability to honor the 100% refund guarantee was conditioned
18 upon **DIMATTIA'S** ability to continue to sell his services by making similar misrepresentations to
19 future clients.

20 Furthermore, **DIMATTIA** is liable as a principal to the offense as he either directly
21 committed the act constituting the offense, or aided or abetted in its commission, and whether
22 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
23 otherwise procured another to commit the offense.

24 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
25 felony in violation of NRS 205.372.
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COUNT II

THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL MISREPRESENTATION
CATEGORY “B” felony - NRS 205.0832(1)(c)

On or about April 2009, within the County of Clark, State of Nevada, **DIMATTIA** did knowingly, and without lawful authority obtain the personal or intangible property of another person by material misrepresentations with intent to deprive that person of the property, to wit:

On or about April 16, 2009, **DIMATTIA** obtained \$3495.00 from **STEPHANIE VARGAS** by one making one or more material misrepresentations, including, without limitation, that he would save her home from foreclosure, that he would obtain a loan modification for her, that after he obtained the loan modification he would arrange through his proprietary “Balance Reduction Program” a refinance of her home at its current market value eliminating her negative equity, that he had a high rate of success, and that he would provide a 100% refund of her money if he did not perform the services he agreed to perform.

In reliance upon these material misrepresentations, **VARGAS** paid to **DIMATTIA** the sum of 3495.00. **VARGAS** complied with all requirements pursuant the agreement with **DIMATTIA**.

DIMATTIA failed to perform the services he agreed to perform and failed to refund **VARGAS’S** money upon her request.

Furthermore, **DIMATTIA** is liable as a principal to the offense as he either directly committed the act constituting the offense, or aided or abetted in its commission, and whether present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured another to commit the offense.

All of which constitutes the crime of **THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a category “B” felony in violation of NRS 205.0832(1)(c).

COUNT III

**MORTGAGE LENDING FRAUD
CATEGORY "C" FELONY - NRS 205.372**

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3 From on or about April 2009 to June 2009, within the County of Clark, State of Nevada,
4 **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or employees,
5 knowingly and unlawfully made one or more false statements or misrepresentations concerning
6 a material fact or knowingly concealed or failed to disclose a material fact, as a participant in a
7 mortgage lending transaction, knowingly and unlawfully received money in connection with a
8 mortgage lending transaction that he knew resulted therefrom, and that he conspired with
9 another person to violate NRS 205.372 including, without limitation, to wit:

10 At all times relevant to the allegations herein, **DIMATTIA** was an officer and/or director,
11 and/or controlled the operations of FINANCIAL LINK SERVICES, an active Nevada domestic
12 corporation. Furthermore, **DIMATTIA** entered into an agreement with **LAWRENCE BATEMAN**,
13 **JR.** (hereinafter "**BATEMAN**") whereby, in return for a substantial fee or commission, **BATEMAN**
14 would sell the services offered by **DIMATTIA** and FLS. **DIMATTIA** provided **BATEMAN** with
15 marketing materials including a PowerPoint type presentation for **BATEMAN'S** to use in
16 soliciting prospective clients. **DIMATTIA** also maintained an internet site containing similar
17 information about the services **DIMATTIA** and FLS provided. **DIMATTIA** knew these marketing
18 materials contained false statements and material misrepresentations and concealed or failed to
19 disclose material facts as more fully described herein. **DIMATTIA** intended for **BATEMAN** to
20 use these false statements and material misrepresentations to obtain upfront fees from
21 prospective clients in connection with a mortgage lending transaction.

22 On or about November 2009, **BATEMAN** met with **CONNIE HOLTMAN-SPANGLER** and
23 **CHRISTOPHER SPANGLER** in Clark County, Nevada, pursuant to the aforementioned
24 agreement with **DIMATTIA**. At the meeting **BATEMAN**, utilizing the aforementioned marketing
25 materials provided by **DIMATTIA**, solicited the **SPANGLER'S** to purchase a service called the
26 "Balance Reduction Program" offered by **DIMATTIA** and FLS. Based upon information provided
27 by **DIMATTIA**, **BATEMAN** explained that in return for an upfront fee of \$3,495.00, **DIMATTIA**
28 would arrange for investor(s) to purchase the **SPANGLER'S** mortgage note at a discount to the

1 their home's current fair market value and then refinance the SPANGLER's mortgage at a
2 principal amount equal to the fair market value of their home. **BATEMAN** falsely stated that
3 **DIMATTIA** had investors ready and able to complete such a transaction, that it was likely the
4 holder of the SPANGLER'S mortgage would likely agree to sell the note at a steep discount, that
5 **DIMATTIA** had an impressive record of success in arranging these transactions, and that the
6 SPANGLER'S would receive a full refund if **DIMATTIA** was unsuccessful in arranging such a
7 transaction.

8 Moreover, **BATEMAN** concealed or failed to disclose to THE SPANGLER'S one or more
9 material facts, including, without limitation, that **DIMATTIA** lacked proper licensing or expertise to
10 perform the services he agreed to perform, that **DIMATTIA** failed to provide the services he
11 promised to provide in most cases, that the "Balance Reduction Program" had little, if any,
12 record of success and was essentially unworkable, that the ability to honor the 100% refund
13 guarantee was conditioned upon **DIMATTIA'S** ability to continue to continue to sell his services
14 by making similar misrepresentations to future clients.

15 On or about March 2010, the SPANGLER'S paid the upfront fee of \$3495.00 to
16 **DIMATTIA** and FLS (by cashier's check received by **BATEMAN**). Thereafter, **DIMATTIA** and
17 FLS failed to perform the services agreed upon and failed to honor the refund guarantee.

18 **DIMATTIA** is liable as a principal to the offense as he either directly committed the act
19 constituting the offense, or aided or abetted in its commission, and whether present or absent;
20 directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured
21 another to commit the offense.

22 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
23 felony in violation of NRS 205.372.
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COUNT IV

THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL MISREPRESENTATION
CATEGORY “B” felony - NRS 205.0832(1)(c)

On or about November 2009, within the County of Clark, State of Nevada, **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or employees, did knowingly, and without lawful authority obtain the personal or intangible property of another person by material misrepresentations with intent to deprive that person of the property, to wit:

On or about March 2010, **DIMATTIA** obtained \$3495.00 from **CONNIE HOLTMAN-SPANGLER** and **CHRISTOPHER SPANGLER** by knowingly and unlawfully inducing, directing and otherwise causing **LAWRENCE BATEMAN, JR.** to make one or more material misrepresentations, including, without limitation, that **DIMATTIA** would arrange through his proprietary “Balance Reduction Program” a refinance of their mortgage at its current market value eliminating their negative equity, that he had a high rate of success, and that he would provide a 100% refund of her money if he did not perform the services he agreed to perform.

In reliance upon these material misrepresentations, **THE SPANGLER’S** paid to **DIMATTIA** and **FLS** the sum of \$3495.00. **THE SPANGLERS** complied with all requirements pursuant the agreement with **DIMATTIA**.

DIMATTIA failed to perform the services he agreed to perform and failed to refund **THE SPANGLERS** money upon her request.

At all times relevant to the allegations herein, **DIMATTIA** was an officer and/or director, and/or controlled the operations of **FINANCIAL LINK SERVICES**, an active Nevada domestic corporation. Furthermore, **DIMATTIA** entered into an agreement with **LAWRENCE BATEMAN, JR.** (hereinafter “**BATEMAN**”) whereby, in return for a substantial fee or commission, **BATEMAN** would sell the services offered by **DIMATTIA** and **FLS**. **DIMATTIA** provided **BATEMAN** with marketing materials including a PowerPoint type presentation for **BATEMAN’S** to use in

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1 soliciting prospective clients. **DIMATTIA** also maintained an internet site containing similar
2 information about the services **DIMATTIA** and FLS provided. **DIMATTIA** knew these marketing
3 materials contained false statements and material misrepresentations and concealed or failed to
4 disclose material facts as more fully described herein. **DIMATTIA** intended for **BATEMAN** to use
5 these false statements and material misrepresentations to obtain upfront fees from prospective
6 clients in connection with a mortgage lending transaction.

7 **DIMATTIA** is liable as a principal to the offense as he either directly committed the act
8 constituting the offense, or aided or abetted in its commission, and whether present or absent;
9 directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured
10 another to commit the offense.
11

12 All of which constitutes the crime of **THEFT – OBTAINING MONEY IN THE AMOUNT OF**
13 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a category "B" felony in violation
14 of NRS 205.0832(1)(c).
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16 **COUNT V**

17 **MORTGAGE LENDING FRAUD**
18 **CATEGORY "C" FELONY - NRS 205.372**

19 From on or about January 2010 to August 2010, within the County of Clark, State of
20 Nevada, **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or
21 employees, knowingly and unlawfully made one or more false statements or misrepresentations
22 concerning a material fact or knowingly concealed or failed to disclose a material fact, as a
23 participant in a mortgage lending transaction, knowingly and unlawfully received money in
24 connection with a mortgage lending transaction that he knew resulted therefrom, and that he
25 conspired with another person to violate NRS 205.372 including, without limitation, to wit:

26 At all times relevant to the allegations herein, **DIMATTIA** was an officer and/or director,
27 and/or controlled the operations of **FINANCIAL LINK SERVICES**, an active Nevada domestic
28 corporation. Furthermore, **DIMATTIA** entered into an agreement with **LAWRENCE BATEMAN,**
JR. (hereinafter "**BATEMAN**") whereby, in return for a substantial fee or commission, **BATEMAN**

1 would sell the services offered by **DIMATTIA** and FLS. **DIMATTIA** provided BATEMAN with
2 marketing materials including a PowerPoint type presentation for BATEMAN'S to use in soliciting
3 prospective clients. **DIMATTIA** also maintained an internet site containing similar information
4 about the services **DIMATTIA** and FLS provided. **DIMATTIA** knew these marketing materials
5 contained false statements and material misrepresentations and concealed or failed to disclose
6 material facts as more fully described herein. **DIMATTIA** intended for BATEMAN to use these
7 false statements and material misrepresentations to obtain upfront fees from prospective clients
8 in connection with a mortgage lending transaction.

9 On or about January 14, 2010, BATEMAN met with LAURA MARSCHECK and KENT
10 MARSCHECK (hereinafter "THE MARSCHECKS") in Clark County, Nevada, pursuant to the
11 aforementioned agreement with **DIMATTIA**. At the meeting BATEMAN, utilizing the
12 aforementioned marketing materials provided by **DIMATTIA**, solicited THE MARSCHECK'S to
13 purchase a service called the "Balance Reduction Program" offered by **DIMATTIA** and FLS.
14 Based upon information provided by **DIMATTIA**, BATEMAN explained that in return for an
15 upfront fee of \$3,495.00, **DIMATTIA** would arrange for investor(s) to purchase THE
16 MARSCHECK'S mortgage note at a discount to the their home's current fair market value and
17 then refinance mortgage at a principal amount equal to the fair market value of their home.
18 BATEMAN falsely stated that **DIMATTIA** had investors ready and able to complete such a
19 transaction, that it was likely the holder of THE MARSCHECKS mortgage would likely agree to
20 sell the note at a steep discount, that **DIMATTIA** had an impressive record of success in
21 arranging these transactions, and that THE MARSCHECKS would receive a full refund if
22 **DIMATTIA** was unsuccessful in arranging such a transaction.

23 Moreover, BATEMAN concealed or failed to disclose to THE MARSCHECKS one or more
24 material facts, including, without limitation, that **DIMATTIA** lacked proper licensing or expertise to
25 perform the services he agreed to perform, that **DIMATTIA** failed to provide the services he
26 promised to provide in most cases, that the "Balance Reduction Program" had little, if any,
27 record of success and was essentially unworkable, that the ability to honor the 100% refund
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1 guarantee was conditioned upon **DIMATTIA'S** ability to continue to continue to sell his services
2 by making similar misrepresentations to future clients.

3 On or about March 2010, **THE MARSCHECKS** paid the upfront fee of \$3895.00 to
4 **DIMATTIA** and **FLS** (by cashier's check received by **BATEMAN**). Thereafter, **DIMATTIA** and
5 **FLS** failed to perform the services agreed upon and failed to honor the refund guarantee.

6 **DIMATTIA** is liable as a principal to the offense as he either directly committed the act
7 constituting the offense, or aided or abetted in its commission, and whether present or absent;
8 directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured
9 another to commit the offense.

10 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
11 felony in violation of NRS 205.372.

12 **COUNT VI**

13 **THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL**
14 **MISREPRESENTATION**
15 **CATEGORY "B" felony - NRS 205.0832(1)(c)**

16 On or about January 2010 to August 2010, within the County of Clark, State of Nevada,
17 **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or employees, did
18 knowingly, and without lawful authority obtain the personal or intangible property of another
19 person by material misrepresentations with intent to deprive that person of the property, to wit:

20 On or about January 14, 2010, **DIMATTIA** obtained \$3495.00 from **THE MARSCHECKS**
21 by knowingly and unlawfully inducing, directing and otherwise causing **LAWRENCE BATEMAN,**
22 **JR.** to make one or more material misrepresentations, including, without limitation, that
23 **DIMATTIA** would arrange through his proprietary "Balance Reduction Program" a refinance of
24 their mortgage at its current market value eliminating their negative equity, that he had a high
25 rate of success, and that he would provide a 100% refund of her money if he did not perform the
26 services he agreed to perform.
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1 In reliance upon these material misrepresentations, THE MARSCHECK'S paid to
2 DIMATTIA and FLS the sum of \$3895.00. THE MARSCHECK'S complied with all requirements
3 pursuant the agreement with DIMATTIA.

4 DIMATTIA failed to perform the services he agreed to perform and failed to refund THE
5 MARSCHECK'S money upon her request.

6 At all times relevant to the allegations herein, DIMATTIA was an officer and/or director,
7 and/or controlled the operations of FINANCIAL LINK SERVICES, an active Nevada domestic
8 corporation. Furthermore, DIMATTIA entered into an agreement with LAWRENCE BATEMAN,
9 JR. (hereinafter "BATEMAN") whereby, in return for a substantial fee or commission, BATEMAN
10 would sell the services offered by DIMATTIA and FLS. DIMATTIA provided BATEMAN with
11 marketing materials including a PowerPoint type presentation for BATEMAN'S to use in soliciting
12 prospective clients. DIMATTIA also maintained an internet site containing similar information
13 about the services DIMATTIA and FLS provided. DIMATTIA knew these marketing materials
14 contained false statements and material misrepresentations and concealed or failed to disclose
15 material facts as more fully described herein. DIMATTIA intended for BATEMAN to use these
16 false statements and material misrepresentations to obtain upfront fees from prospective clients
17 in connection with a mortgage lending transaction.

18 DIMATTIA is liable as a principal to the offense as he either directly committed the act
19 constituting the offense, or aided or abetted in its commission, and whether present or absent;
20 directly or indirectly, counseled, encouraged, hired; commanded, induced or otherwise procured
21 another to commit the offense.

22 All of which constitutes the crime of **THEFT – OBTAINING MONEY IN THE AMOUNT OF**
23 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a category "B" felony in violation
24 of NRS 205.0832(1)(c).
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COUNT VII

MORTGAGE LENDING FRAUD
CATEGORY "C" FELONY - NRS 205.372

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2
3 From on or about January 2010 to August 2010, within the County of Clark, State of
4 Nevada, **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or
5 employees, knowingly and unlawfully made one or more false statements or misrepresentations
6 concerning a material fact or knowingly concealed or failed to disclose a material fact, as a
7 participant in a mortgage lending transaction, knowingly and unlawfully received money in
8 connection with a mortgage lending transaction that he knew resulted therefrom, and that he
9 conspired with another person to violate NRS 205.372 including, without limitation, to wit:

10 At all times relevant to the allegations herein, **DIMATTIA** was an officer and/or director,
11 and/or controlled the operations of FINANCIAL LINK SERVICES, an active Nevada domestic
12 corporation. Furthermore, **DIMATTIA** entered into an agreement with LAWRENCE BATEMAN,
13 JR. (hereinafter "BATEMAN") whereby, in return for a substantial fee or commission, BATEMAN
14 would sell the services offered by **DIMATTIA** and FLS. **DIMATTIA** provided BATEMAN with
15 marketing materials including a PowerPoint type presentation for BATEMAN'S to use in soliciting
16 prospective clients. **DIMATTIA** also maintained an internet site containing similar information
17 about the services **DIMATTIA** and FLS provided. **DIMATTIA** knew these marketing materials
18 contained false statements and material misrepresentations and concealed or failed to disclose
19 material facts as more fully described herein. **DIMATTIA** intended for BATEMAN to use these
20 false statements and material misrepresentations to obtain upfront fees from prospective clients
21 in connection with a mortgage lending transaction.

22 On or about January 29, 2010, BATEMAN met with KAREN HAAS and BILL HAAS
23 (hereinafter "THE HAAS") in Clark County, Nevada, pursuant to the aforementioned agreement
24 with **DIMATTIA**. At the meeting BATEMAN, utilizing the aforementioned marketing materials
25 provided by **DIMATTIA**, solicited THE HAAS'S to purchase a service called the "Balance
26 Reduction Program" offered by **DIMATTIA** and FLS. Based upon information provided by
27 **DIMATTIA**, BATEMAN explained that in return for an upfront fee of \$3,895.00, **DIMATTIA** would
28 arrange for investor(s) to purchase THE HAAS'S mortgage note at a discount to the their home's

1 current fair market value and then refinance mortgage at a principal amount equal to the fair
2 market value of their home. BATEMAN falsely stated that DIMATTIA had investors ready and
3 able to complete such a transaction, that it was likely the holder of THE HAAS'S mortgage would
4 likely agree to sell the note at a steep discount, that DIMATTIA had an impressive record of
5 success in arranging these transactions, and that THE HAAS'S would receive a full refund if
6 DIMATTIA was unsuccessful in arranging such a transaction.

7 Moreover, BATEMAN concealed or failed to disclose to THE HAAS'S one or more
8 material facts, including, without limitation, that DIMATTIA lacked proper licensing or expertise to
9 perform the services he agreed to perform, that DIMATTIA failed to provide the services he
10 promised to provide in most cases, that the "Balance Reduction Program" had little, if any,
11 record of success and was essentially unworkable, that the ability to honor the 100% refund
12 guarantee was conditioned upon HAAS'S ability to continue to continue to sell his services by
13 making similar misrepresentations to future clients.

14 On or about January 29, 2010, THE HAAS'S paid the upfront fee of \$3895.00 to
15 DIMATTIA and FLS (by cashier's check received by BATEMAN). Thereafter, DIMATTIA and
16 FLS failed to perform the services agreed upon and failed to honor the refund guarantee.

17 DIMATTIA is liable as a principal to the offense as he either directly committed the act
18 constituting the offense, or aided or abetted in its commission, and whether present or absent;
19 directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured
20 another to commit the offense.

21 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
22 felony in violation of NRS 205.372.

23 **COUNT VIII**

24 **THEFT - OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL**
25 **MISREPRESENTATION**

26 **CATEGORY "B" felony - NRS 205.0832(1)(c)**

27 On or about January 29, 2010, within the County of Clark, State of Nevada, DIMATTIA,
28 either by virtue of his own actions or by the actions of his agents or employees, did knowingly,

1 and without lawful authority obtain the personal or intangible property of another person by
2 material misrepresentations with intent to deprive that person of the property, to wit:

3 On or about January 29, 2010, **DIMATTIA** obtained \$3895.00 from THE HAAS by
4 knowingly and unlawfully inducing, directing and otherwise causing LAWRENCE BATEMAN, JR.
5 to make one or more material misrepresentations, including, without limitation, that **DIMATTIA**
6 would arrange through his proprietary "Balance Reduction Program" a refinance of their
7 mortgage at its current market value eliminating their negative equity, that he had a high rate of
8 success, and that he would provide a 100% refund of her money if he did not perform the
9 services he agreed to perform.
10

11 In reliance upon these material misrepresentations, THE HAAS'S paid to **DIMATTIA** and
12 FLS the sum of \$3895.00. THE HAAS'S complied with all requirements pursuant the agreement
13 with **DIMATTIA**.

14 **DIMATTIA** failed to perform the services he agreed to perform and failed to refund THE
15 HAAS'S money upon her request.
16

17 At all times relevant to the allegations herein, **DIMATTIA** was an officer and/or director,
18 and/or controlled the operations of FINANCIAL LINK SERVICES, an active Nevada domestic
19 corporation. Furthermore, **DIMATTIA** entered into an agreement with LAWRENCE BATEMAN,
20 JR. (hereinafter "BATEMAN") whereby, in return for a substantial fee or commission, BATEMAN
21 would sell the services offered by **DIMATTIA** and FLS. **DIMATTIA** provided BATEMAN with
22 marketing materials including a PowerPoint type presentation for BATEMAN'S to use in soliciting
23 prospective clients. **DIMATTIA** also maintained an internet site containing similar information
24 about the services **DIMATTIA** and FLS provided. **DIMATTIA** knew these marketing materials
25 contained false statements and material misrepresentations and concealed or failed to disclose
26 material facts as more fully described herein. **DIMATTIA** intended for BATEMAN to use these
27
28

1 false statements and material misrepresentations to obtain upfront fees from prospective clients
2 in connection with a mortgage lending transaction.

3 **DIMATTIA** is liable as a principal to the offense as he either directly committed the act
4 constituting the offense, or aided or abetted in its commission, and whether present or absent;
5 directly or indirectly, counseled, encouraged, hired, commanded, induced or otherwise procured
6 another to commit the offense.

7 All of which constitutes the crime of **THEFT – OBTAINING MONEY IN THE AMOUNT OF**
8 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a category “B” felony in violation
9 of NRS 205.0832(1)(c).
10

11 **COUNT IX**

12 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT**
13 **CATEGORY “B” FELONY - NRS 205.377**

14 From on or about April 2009 to August 2010, within the County of Clark, State of Nevada,
15 **DIMATTIA**, either by virtue of his own actions or by the actions of his agents or employees,
16 knowingly and with the intent to defraud, engage in an act, practice or course of business or
17 employed a device, scheme or artifice which operates or would operate as a fraud or deceit
18 upon a person by means of a false representation or omission of a material fact.

19 **DIMATTIA'S** actions constitute the crime of multiple transactions involving fraud or deceit
20 in course of enterprise or occupation, a felony in violation of NRS 205.377.
21

22 **COUNT X**

23 **PATTERN OF MORTGAGE LENDING FRAUD**
24 **CATEGORY “B” FELONY - NRS 205.372(2)**

25 From on or about April 2009 to August 2010, within the County of Clark, State of Nevada,
26 **DIMATTIA**, either by virtue of his own actions or by the actions of his conspirators, agents or
27 employees, knowingly and unlawfully committed mortgage lending fraud in two or more
28 mortgage lending transactions having the same or similar purposes, results, accomplices,

1 victims or methods of commission, or having other interrelated distinguishing characteristics; to
2 wit:

3 As set forth in Counts I, III, V, and VII, **DIMATTIA** has committed mortgage lending fraud
4 in two or more mortgage lending transactions as set forth more fully in those counts. The
5 purposes, results and methods of commission in all four instances was the same or similar.

6 Furthermore, **DIMATTIA** is liable as a principal to the offense as he either directly
7 committed the act constituting the offense, or aided or abetted in its commission, and whether
8 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
9 otherwise procured another to commit the offense.

10 All of which constitutes the crime of Pattern of Mortgage Lending Fraud - a category "B"
11 felony in violation of NRS 205.372.

12
13 COUNT XI

14 MORTGAGE LENDING FRAUD
15 CATEGORY "C" FELONY – NRS 205.372

16 Defendant, **BATEMAN**, on or about November 2009 to August 2010, within the County of
17 Clark, State of Nevada, either by virtue of his own actions or by the actions of his agents or
18 employees, knowingly and unlawfully claimed, demanded, charged, collected or received
19 compensation for the performance of a mortgage lending transaction and failed to complete the
20 paid for mortgage lending transaction or to return the payments, which constitutes mortgage
21 lending fraud, to wit:

22 On or about November 2009, **CHRISTOPHER SPANGLER** and **CONNIE HOLTMAN-**
23 **SPANGLER**, were referred to **LAWRENCE BATEMAN**, a broker for FLS. The SPANGLERS
24 stated the following. The SPANGLERS were looking to refinance their home but learned about
25 the Balance Reduction Program from **BATEMAN**.

26 **BATEMAN** went to the Spangler's home and discussed the Balance Reduction Program
27 offered by FLS using a power point presentation. **BATEMAN** made a material misrepresentation
28 when he stated that FLS would be negotiating on their behalf—and if no balance reduction was

1 obtained, they would be given a 100 percent refund. On or about March 2010, **BATEMAN**
2 collected a check for \$3,895 along with a signed FLS contract from the SPANGLERS.

3 For the next five months, the SPANGLERS made phone calls to FLS to inquire about
4 their home's status, but their questions were not answered. On or about August 27, 2010, the
5 SPANGLERS sent **DIMATTIA**, both an email and a certified letter, requesting a refund. The
6 SPANGLERS never obtained a balance reduction through FLS and were never issued any
7 refund as agreed to in the contract.

8 The check received by **BATEMAN** was deposited into a Nevada State Bank account that
9 was solely controlled by **DIMATTIA**. **BATEMAN** in turn received a commission from **DIMATTIA**
10 in the amount of \$1000.00 per each transaction. **BATEMAN** knowingly and unlawfully collected
11 and received compensation for the performance and negotiation of a balance reduction service
12 that was never performed.

13 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
14 committed the act constituting the offense, or aided or abetted in its commission, and whether
15 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
16 otherwise procured another to commit the offense.

17 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
18 felony in violation of NRS 205.372.

19
20
21 **COUNT XII**

22 **THEFT - OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL**
23 **MISREPRESENTATION**
24 **CATEGORY "B" felony - NRS 205.0832(1)(c)**

25 On or about March 2010, within the County of Clark, State of Nevada, the Defendant,
26 **LAWRENCE BATEMAN**, did knowingly, and without lawful authority, obtained real, personal or
27 intangible property or the services of another person by material misrepresentations, which are
28 incorporated by reference from Count Ten as though fully set forth herein, with the intent to

1 deprive that person of the property or services, and/or did convert, make an unauthorized
2 transfer of an interest in or without authorization control any property of another person, or use
3 the services or property of another person entrusted to him or placed in his possession for a
4 limited, authorized period of determined or proscribed duration or for a limited use, a felony in
5 violation of NRS 205.0832, to wit:

6 In reliance upon the material misrepresentations made by **BATEMAN**, either directly or
7 indirectly, and which are more fully set forth in Count Ten and incorporated by reference as
8 though fully set forth herein, the SPANGLERS entrusted the total sum of \$3,895 to **BATEMAN**
9 for the sole purpose of receiving a mortgage lending transaction through the Balance Reduction
10 Program. Alternatively, if the service could not be completed, the SPANGLERS would be entitled
11 to a 100 percent refund, as stated in the contract. Under this false pretense, the SPANGLERS
12 made a cashier's check payable to FLS in the amount of \$3,895. **BATEMAN**, knowingly and
13 with the intent to deprive the SPANGLERS of their money, converted the money without
14 providing the agreed services.
15

16 The check was deposited in a Nevada State Bank account solely controlled by Defendant
17 **DIMATTIA**. The SPANGLER'S \$3,895 was used for personal expenses. The SPANGLERS paid
18 **BATEMAN** believing they would receive loan modification services through the Balance
19 Reduction Program or a complete refund. The services were not provided and the SPANGLERS
20 were never paid back any of their money. **BATEMAN** mislead consumers because he does not
21 nor does his agent have the ability to purchase notes and reduce the principal balance and he
22 did not refund their money when no solution was reached.
23

24
25 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
26 committed the act constituting the offense, or aided or abetted in its commission, and whether
27 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
28 otherwise procured another to commit the offense.

1 **BATEMAN** actions constitute the crime of **THEFT – OBTAINING IN THE AMOUNT OF**
2 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a felony in violation of NRS
3 205.0832.

4 **COUNT XIII**

5 **MORTGAGE LENDING FRAUD**
6 **CATEGORY “C” FELONY – NRS 205.372**

7 Defendant, **BATEMAN**, on or about November 2009 to August 2010, within the County of
8 Clark, State of Nevada, either by virtue of his own actions or by the actions of his agents or
9 employees, knowingly and unlawfully claimed, demanded, charged, collected or received
10 compensation for the performance of a mortgage lending transaction and failed to complete the
11 paid for mortgage lending transaction or to return the payments, which constitutes mortgage
12 lending fraud, to wit:

13 On or about November 2009, **LAURA MARSCHECK** and **KENT MARSCHECK** were
14 referred to **LAWRENCE BATEMAN**, a broker for FLS. The **MARSCHECK’S** stated the following.
15 The **MARSCHECK’S** were looking to refinance their home but learned about the Balance
16 Reduction Program from **BATEMAN**.

17 **BATEMAN** went to the **MARSCHECK’S**’s home and discussed the Balance Reduction
18 Program offered by FLS using a power point presentation. **BATEMAN** made a material
19 misrepresentation when he stated that FLS would be negotiating on their behalf—and if no
20 balance reduction was obtained, they would be given a 100 percent refund. On or about March
21 2010, **BATEMAN** collected a check for \$3,895 along with a signed FLS contract from the
22 **SPANGLERS**.

23 For the next eight months, the **MARSCHECK’S** made phone calls to FLS to inquire about
24 their home’s status, but their questions were not answered. On or about August, 2010, the
25 **MARSCHECK’S** sent **DIMATTIA**, both an email and a certified letter, requesting a refund. The
26 **MARSCHECK’S** never obtained a balance reduction through FLS and were never issued any
27 refund as agreed to in the contract.
28

Attorney General’s Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 The check received by **BATEMAN** was deposited into a Nevada State Bank account that
2 was solely controlled by **DIMATTIA**. **BATEMAN** in turn received a commission from **DIMATTIA**
3 in the amount of \$1000.00 per each transaction. **BATEMAN** knowingly and unlawfully collected
4 and received compensation for the performance and negotiation of a balance reduction service
5 that was never performed.

6 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
7 committed the act constituting the offense, or aided or abetted in its commission, and whether
8 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
9 otherwise procured another to commit the offense.

10 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
11 felony in violation of NRS 205.372.

12
13 COUNT XIV

14 **THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL**
15 **MISREPRESENTATION**
16 **CATEGORY "B" felony - NRS 205.0832(1)(c)**

17 On or about January 2010, within the County of Clark, State of Nevada, the Defendant,
18 **LAWRENCE BATEMAN**, did knowingly, and without lawful authority, obtained real, personal or
19 intangible property or the services of another person by material misrepresentations, which are
20 incorporated by reference from Count Thirteen as though fully set forth herein, with the intent to
21 deprive that person of the property or services, and/or did convert, make an unauthorized
22 transfer of an interest in or without authorization control any property of another person, or use
23 the services or property of another person entrusted to him or placed in his possession for a
24 limited, authorized period of determined or proscribed duration or for a limited use, a felony in
25 violation of NRS 205.0832, to wit:

26 In reliance upon the material misrepresentations made by **BATEMAN**, either directly or
27 indirectly, and which are more fully set forth in Count Thirteen and incorporated by reference as
28 though fully set forth herein, the **MARSCHECK'S** entrusted the total sum of \$3,895 to

1 **BATEMAN** for the sole purpose of receiving a mortgage lending transaction through the Balance
2 Reduction Program. Alternatively, if the service could not be completed, the MARSHECKS
3 would be entitled to a 100 percent refund, as stated in the contract. Under this false pretense,
4 the SPANGLERS made a cashier's check payable to FLS in the amount of \$3,895. **BATEMAN**,
5 knowingly and with the intent to deprive the MARSHECKS of their money, converted the
6 money without providing the agreed services.

7
8 The check was deposited in a Nevada State Bank account solely controlled by Defendant
9 **DIMATTIA**. The MARSHECKS \$3,895.00 was used for personal expenses. The
10 MARSHECKS paid **BATEMAN** believing they would receive loan modification services through
11 the Balance Reduction Program or a complete refund. The services were not provided and the
12 MARSHECKS were never paid back any of their money. **BATEMAN** mislead consumers
13 because he does not nor does his agent have the ability to purchase notes and reduce the
14 principal balance and he did not refund their money when no solution was reached.

15 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
16 committed the act constituting the offense, or aided or abetted in its commission, and whether
17 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
18 otherwise procured another to commit the offense.

19 **BATEMAN** actions constitute the crime of **THEFT – OBTAINING IN THE AMOUNT OF**
20 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**,, a felony in violation of NRS
21 205.0832.

22
23 **COUNT XV**

24 **MORTGAGE LENDING FRAUD**
25 **CATEGORY "C" FELONY – NRS 205.372**

26 Defendant, **BATEMAN**, on or about November 2009 to August 2010, within the County of
27 Clark, State of Nevada, either by virtue of his own actions or by the actions of his agents or
28 employees, knowingly and unlawfully claimed, demanded, charged, collected or received
compensation for the performance of a mortgage lending transaction and failed to complete the

1 paid for mortgage lending transaction or to return the payments, which constitutes mortgage
2 lending fraud, to wit:

3 On or about November 2009, KAREN AND BILL HAAS were referred to **LAWRENCE**
4 **BATEMAN**, a broker for FLS. The HASS' stated the following. The HASS' were looking to
5 refinance their home but learned about the Balance Reduction Program from **BATEMAN**.

6 **BATEMAN** went to the HASS' home and discussed the Balance Reduction Program
7 offered by FLS using a power point presentation. **BATEMAN** made a material misrepresentation
8 when he stated that FLS would be negotiating on their behalf—and if no balance reduction was
9 obtained, they would be given a 100 percent refund. On or about January 2010, **BATEMAN**
10 collected a check for \$3,895 along with a signed FLS contract from the HASS'.

11 For the next several months, the HASS' made phone calls to FLS to inquire about their
12 home's status, but their questions were not answered. On or about August, 2010, the HASS'
13 contacted **DIMATTIA** requesting a refund. The HASS' never obtained a balance reduction
14 through FLS and were never issued any refund as agreed to in the contract.

15 The check received by **BATEMAN** was deposited into a Nevada State Bank account that
16 was solely controlled by **DIMATTIA**. **BATEMAN** in turn received monetary compensation for
17 each transaction from **DIMATTIA**. **BATEMAN** knowingly and unlawfully collected and received
18 compensation for the performance and negotiation of a balance reduction service that was never
19 performed.

20 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
21 committed the act constituting the offense, or aided or abetted in its commission, and whether
22 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
23 otherwise procured another to commit the offense.

24 All of which constitutes the crime of **MORTGAGE LENDING FRAUD** - a category "C"
25 felony in violation of NRS 205.372.

COUNT XVI

THEFT – OBTAINING MONEY IN THE AMOUNT OF \$2,500 OR MORE BY A MATERIAL
MISREPRESENTATION
CATEGORY “B” felony - NRS 205.0832(1)(c)

1
2
3
4 On or about January 2010, within the County of Clark, State of Nevada, the Defendant,
5 **LAWRENCE BATEMAN**, did knowingly, and without lawful authority, obtained real, personal or
6 intangible property or the services of another person by material misrepresentations, which are
7 incorporated by reference from Count Fifteen as though fully set forth herein, with the intent to
8 deprive that person of the property or services, and/or did convert, make an unauthorized
9 transfer of an interest in or without authorization control any property of another person, or use
10 the services or property of another person entrusted to him or placed in his possession for a
11 limited, authorized period of determined or proscribed duration or for a limited use, a felony in
12 violation of NRS 205.0832, to wit:

13
14 In reliance upon the material misrepresentations made by **BATEMAN**, either directly or
15 indirectly, and which are more fully set forth in Count Fifteen and incorporated by reference as
16 though fully set forth herein, the HASS'S entrusted the total sum of \$3,895 to **BATEMAN** for the
17 sole purpose of receiving a mortgage lending transaction through the Balance Reduction
18 Program. Alternatively, if the service could not be completed, the HASS'S would be entitled to a
19 100 percent refund, as stated in the contract. Under this false pretense, the HASS' made a
20 cashier's check payable to FLS in the amount of \$3,895. **BATEMAN**, knowingly and with the
21 intent to deprive the HASS' of their money, converted the money without providing the agreed
22 services.
23

24 The check was deposited in a Nevada State Bank account solely controlled by Defendant
25 **DIMATTIA**. The HASS'S \$3,895 was used for personal expenses. The HASS'S paid **BATEMAN**
26 believing they would receive loan modification services through the Balance Reduction Program
27 or a complete refund. The services were not provided and the HASS were never paid back any
28

1 of their money. **BATEMAN** mislead consumers because he does not nor does his agent have
2 the ability to purchase notes and reduce the principal balance and he did not refund their money
3 when no solution was reached.

4 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
5 committed the act constituting the offense, or aided or abetted in its commission, and whether
6 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
7 otherwise procured another to commit the offense.

8 **BATEMAN** actions constitute the crime of **THEFT – OBTAINING IN THE AMOUNT OF**
9 **\$2500.00 OR MORE BY MATERIAL MISREPRESENTATION**, a felony in violation of NRS
10 205.0832.
11

12 **COUNT XVII**

13 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT**
14 **CATEGORY “B” FELONY - NRS 205.377**

15 From on or about April 2009 to August 2010, within the County of Clark, State of Nevada,
16 **BATEMAN**, either by virtue of his own actions or by the actions of his agents or employees,
17 knowingly and with the intent to defraud, engage in an act, practice or course of business or
18 employed a device, scheme or artifice which operates or would operate as a fraud or deceit
19 upon a person by means of a false representation or omission of a material fact.

20 **BATEMAN’S** actions constitute the crime of multiple transactions involving fraud or deceit
21 in course of enterprise or occupation, a felony in violation of NRS 205.377.

22 **COUNT XVIII**

23 **PATTERN OF MORTGAGE LENDING FRAUD**
24 **CATEGORY “B” FELONY - NRS 205.372(2)**

25 From on or about April 2009 to August 2010, within the County of Clark, State of Nevada,
26 **BATEMAN**, either by virtue of his own actions or by the actions of his conspirators, agents or
27 employees, knowingly and unlawfully committed mortgage lending fraud in two or more
28 mortgage lending transactions having the same or similar purposes, results, accomplices,

1 victims or methods of commission, or having other interrelated distinguishing characteristics; to
2 wit:

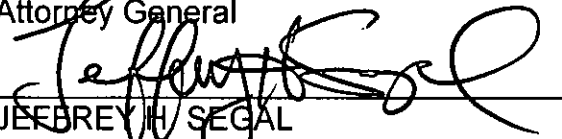
3 As set forth in Counts XI, XIII, and XV **BATEMAN** has committed mortgage lending fraud
4 in two or more mortgage lending transactions as set forth more fully in those counts. The
5 purposes, results and methods of commission in all four instances was the same or similar.

6 Furthermore, **BATEMAN** is liable as a principal to the offense as he either directly
7 committed the act constituting the offense, or aided or abetted in its commission, and whether
8 present or absent; directly or indirectly, counseled, encouraged, hired, commanded, induced or
9 otherwise procured another to commit the offense.

10 All of which constitutes the crime of Pattern of Mortgage Lending Fraud - a category "B"
11 felony in violation of NRS 205.372.

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Attorneys for the State of Nevada

25 ENDORSEMENT: A True Bill

26
27 By: 
28 Foreperson, Clark County Grand Jury