

AO 91 (Rev. 5/85) Criminal Complaint

AUSA Bruce E. Reinhart

# United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

ERNEST ERBE, a/k/a "Richard Allen Dixon,"

**CRIMINAL COMPLAINT**

CASE NUMBER: 06-8166-AEV

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - FT. PIERCE  
2006 JUN - 1 PM 5:18

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 2004 in Palm Beach county, in the Southern District of Florida defendant(s) (Track Statutory Language of Offense) did make a false statement to influence a financial institution,

in violation of Title 18 United States Code, Section(s) 1014.

I further state that I am a(n) Special Agent with FBI and that this complaint is based on the following facts:

Please see attached Affidavit.

Continued on the attached sheet and made a part hereof:

Yes  No

Gary E. Hellmer, Jr.  
Signature of Complainant  
Gary E. Hellmer, Jr., Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,  
June 1, 2006  
Date

at West Palm Beach, Florida  
City and State

ANN E. VITUNAC  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

[Handwritten initials]

AFFIDAVIT

1. Your Affiant, Gary E. Hellmer Jr., has been a Special Agent of the Federal Bureau of Investigation (FBI) for over eight (8) years. Affiant is assigned to the Resident Agency Office of the FBI in West Palm Beach, Florida, and primarily investigates economic crimes.

2. I make this Affidavit in support of a criminal complaint that Ernest Earl Erbe, Jr., a/k/a Richard Allen Dixon, has committed a violation of Title 18, United States Code, Section 1014 (false statement to influence a financial institution). Specifically, your affiant submits there is probable cause to believe that Erbe knowingly and willfully represented the following false facts on a Uniform Residential Loan Application for the purpose of influencing Bay Financial Savings Bank and Wachovia Bank (federally insured institutions): his true name, his social security number, his date of birth, whether he owed any child support, and whether he was a party to any lawsuits. Erbe also submitted a false Borrower's Affidavit stating that he had never used any name other than Richard Allen Dixon.

3. The information in this affidavit is based in part upon personal knowledge and investigation, and in part upon information provided to your Affiant by other law enforcement personnel, including Palm Beach Sheriff's Agent David Pietrafese and Jupiter Police Detective Brent Hoosac. My knowledge is based upon, among other sources, interviews with witnesses and Ernest Earl Erbe, (a.k.a. Richard Allen Dixon), as well as a review of financial and other documentary evidence obtained to date through grand jury subpoenas and a search warrant at 5810 Center Street, Jupiter, Florida.

4. In or about May 2004, Erbe purchased a residence at 5810 Center Street, Jupiter, Fl. 33458, for \$1,190,000.00. This purchase was financed in part with a first mortgage of \$833,000.00, obtained through Bay Financial Savings Bank, FSB, an institution the accounts of which are insured by the Federal Deposit Insurance Corporation (FDIC). Erbe also obtained a second "Open-End Mortgage" for \$238,000.00 through Wachovia Bank, an institution the accounts of which are insured by the FDIC.

5. Erbe applied for these mortgages using a Uniform Residential Loan Application signed on April 14, 2004, in the name "Richard Allen Dixon", social security number 557-85-9589, date of birth November 4, 1960. This Application was submitted to The Mortgage Tree, Inc., Jupiter, Florida, which then forwarded it to Bay Financial Savings Bank.

6. On July 2, 1975, Erbe filed and signed under penalty of perjury a Form SS-5, Application For A Social Security Number, under the name Ernest Earl Erbe, Jr. The Form SS-5 lists Erbe's date of birth as November 30, 1960, his place of birth as Glen Burnie, Maryland, and his parents' names as Ernest Earl Erbe and Joan Ellora Randolph (Maiden Name). Based on this Application, Erbe was assigned Social Security Number 214-82-4702.

7. Your Affiant also has reviewed the Form SS-5 associated with Social Security Number 557-85-9589. This Form SS-5 was filed on June 21, 1985, in the name of Richard Allen Dixon. It lists the applicant's date of birth as November 4, 1960, his place of birth as Gordonsville, Virginia, and his parents' names as Earl Allen Dixon and Joan Randolp (Maiden Name). Submitted along with the Form SS-5 was a Certificate of

Baptism from St. Johns Church and Florida Driver's License D250-741-60-404. Your Affiant has reviewed a copy of Florida Driver's License D250-741-60-404 in the name of Richard Dixon issued on July 12, 2004. Your Affiant also has reviewed a photograph of Florida Driver's License E610-205-60-430 in the name of Ernest Erbe, issued on January 26, 1989. The photographs on these licenses are of the same person.

8. Investigation by the Social Security Administration also has determined that there is no record of a person named Richard Allen Dixon being born in Gordonsville, Virginia, on November 4, 1960.

9. Question VIII(g) of the Residential Loan Application asked, "Are you obligated to pay alimony, child support, or separate maintenance?" Erbe answered, "No." According to the Florida Office of Child Support in Collier County, Erbe was ordered by the state court in Anne Arundel County, Maryland, to pay child support in approximately 1990 for a child born in or about 1988. Beginning in or about 1999 this order was enforced by the Circuit Court in Collier County, Florida.

10. Question VIII(d) of the Residential Loan Application asks, "Are you a party to a lawsuit?" Erbe answered, "No." Investigation has determined that in or about September 2003, Erbe was named as the defendant in a civil action in Klamath County, Oregon. According to Plaintiff's counsel, Erbe was personally served with notice of the action on or about September 17, 2003. In November of 2004, approximately six months after Erbe filed his Loan Application, the plaintiffs in this lawsuit were awarded a general judgment and money award against Erbe of approximately \$50,000.00.

11. As part of the closing for the purchase of 5810 Center Street, Jupiter, Florida, Erbe submitted a sworn "Borrower's Affidavit". Paragraph 6 of the Borrower's

Affidavit states, "That Affiant are [sic] a citizen of the United States, of legal age, under no legal disabilities and has never been known by any name other than shown above". Erbe, using the name of Richard Dixon, signed this affidavit, on May 14, 2004.

12. On March 28, 2005, Erbe submitted a Petition for Change of Name (Adult) in the Fifteenth Judicial Circuit Court In And For Palm Beach County, Florida. The Petition asked to have his name changed from Ernest Earl Erbe to Richard Allen Dixon. It stated that he was born on November 30, 1960, in Baltimore, Maryland, that his father's legal name was Ernest Earl Erbe and his mother's maiden name was Joan Ellora Randolph. He also submitted a finger print card and provided a social security account number as 214-82-4702. On April 26, 2005, Circuit Judge Martin H. Colin granted the name change.

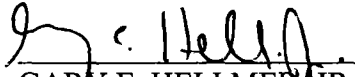
13. On January 12, 2006, your Affiant and other law enforcement officers executed a search warrant at 5810 Center Street. Among the documents found in the search were a birth certificate for Ernest Earl Erbe Jr., issued by the Baltimore City Health Department. It shows Erbe's date of birth to be November 30, 1960. It shows his father's name as Ernest Earl Erbe and his mother's name as Joan Ellora Randolph. Also found was a passport in the name of Ernest Earl Erbe issued on November 7, 1995. The passport shows his date of birth to be November 30, 1960.

14. During the execution of the warrant, your Affiant and other agents interviewed Erbe. Erbe said he had his name legally changed in the early eighties to Richard A. Dixon, however, he does not remember where he had this done. Erbe legally obtained another social security account number on the advice of a lawyer and has done nothing wrong with social security account numbers. Also, when he obtained this social

security account number approximately twenty years ago, "it was legal to do so at that time". He has not used his birth name since he changed it legally in the early eighties. Erbe lost all of the paperwork in reference to his name change, so he legally changed his name again in Palm Beach County, Florida, about a year or two ago, based on an attorney's advice.

15. Based on the foregoing, Your Affiant submits there is probable cause that Ernest Earl Erbe a/ka/ Richard Allen Dixon has committed a violation of Title 18, United States Code, Section 1014.

FURTHER YOUR AFFIANT SAYETH NAUGHT

  
GARY E. HELLMER, JR.  
FBI SPECIAL AGENT

Sworn to and subscribed before me  
this 1<sup>st</sup> day of June 2006.

  
ANN E. VITUNAC  
UNITED STATES MAGISTRATE JUDGE

ERNEST ERBE, a/k/a "Richard Allen Dixon,"

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DEFENDANT

Pre Trial detention is recommended as to defendant.

A handwritten signature in black ink, appearing to read "Bruce Reinhart", is written over a horizontal line.

BRUCE E. REINHART  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-8166-AEV

IN RE:

CRIMINAL COMPLAINT

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CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999?  Yes  No  
If yes, was it pending in the Central Region?  
 Yes  No
2. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 2003?  Yes  No
3. Did this case originate from a matter pending in the Narcotics Section (Miami) of the United States Attorney's Office prior to May 18, 2003?  Yes  No
4. Did this case originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003?  Yes  No

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:



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