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EASTERN DISTRICT OF CALIFORNIA
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 212-0-003 JAM

11
12 UNITED STATES OF AMERICA) CASE NO.
13)
14 Plaintiff,)
15 v.)
16 YEVGENIY CHARIKOV,) VIOLATIONS: 18 U.S.C. § 1341 -
17 aka JAMES CHARIKOV,) Mail Fraud (2 counts); 18
18 VITALIY TUZMAN,) U.S.C. § 1957 - Monetary
19 NADIA TALYBOV,) Transactions in Criminally
20 aka NADIA ONOPKO, and) Derived Property (5 counts);
21 JULIET ROMANISHIN,) 18 U.S.C. §§ 981(a)(1)(C),
22) 982(a)(1) and 28 U.S.C. §
23) 2461(c) - Criminal Forfeiture
24 Defendants.)
25)
26)
27)
28)

I N D I C T M E N T

COUNTS ONE AND TWO: [18 U.S.C. § 1341 - Mail Fraud]

The Grand Jury charges:

YEVGENIY CHARIKOV,
aka JAMES CHARIKOV,
VITALIY TUZMAN,
NADIA TALYBOV,
aka NADIA ONOPKO, and
JULIET ROMANISHIN,

defendants herein, as follows:

1 A. INTRODUCTION

2 At all times relevant to this indictment:

3 1. Defendant YEVGENIY CHARIKOV resided in West Sacramento,
4 California. Defendant YEVGENIY CHARIKOV was a licensed real estate
5 salesperson in the State of California and was employed by a real
6 estate company known to the Grand Jury. Among other things, defendant
7 YEVGENIY CHARIKOV recruited individuals to purchase residential
8 properties and prepared real estate purchase contracts and other real
9 estate documents.

10 2. Defendant VITALIY TUZMAN resided in West Sacramento,
11 California. Defendant VITALIY TUZMAN was a straw buyer who purchased
12 and sold a residential property located at 3505 Lewiston Road, West
13 Sacramento, California (hereinafter "3505 Lewiston Road").

14 3. V. K. resided in West Sacramento, California. V. K. was a
15 straw buyer who purchased and sold a residential property located at
16 3850 Henshaw Road, West Sacramento, California (hereinafter "3850
17 Henshaw Road").

18 4. Defendant NADIA TALYBOV resided in the Sacramento area.
19 Defendant NADIA TALYBOV was a straw buyer who purchased the 3505
20 Lewiston Road and 3850 Henshaw Road properties.

21 5. Defendant JULIET ROMANISHIN was the wife of defendant
22 YEVGENIY CHARIKOV and resided in West Sacramento, California.
23 Defendant JULIET ROMANISHIN was employed as a loan processor for an
24 entity located in Sacramento, California. Defendant JULIET ROMANISHIN
25 was also employed as a loan officer for another entity, this one
26 located in Roseville, California. Both entities engaged in the
27 business of originating mortgage loans for residential properties.

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1 B. SCHEME TO DEFRAUD

2 6. Beginning on a date unknown to the Grand Jury, but not later
3 than September 25, 2006, and continuing to and including on or about
4 February 7, 2007, in the State and Eastern District of California and
5 elsewhere, defendants YEVGENIY CHARIKOV, VITALIY TUZMAN, NADIA
6 TALYBOV, and JULIET ROMANISHIN, together and with others known and
7 unknown to the Grand Jury, knowingly devised, intended to devise and
8 participated in a material scheme and artifice to defraud various
9 mortgage lenders, and to obtain money from said lenders by means of
10 material false and fraudulent pretenses, representations, promises,
11 and omissions.

12 7. The purpose of the scheme to defraud was to use straw buyers
13 to purchase properties in a declining real estate market, which
14 properties the defendants immediately re-sold to other straw buyers at
15 greatly inflated prices. The defendants obtained financing for
16 purchases through the use of loan applications containing material
17 false statements. In this way, lenders were fraudulently induced to
18 provide financing significantly in excess of the true value of the
19 properties such that when the straw buyer ultimately defaulted on the
20 loans the lenders suffered losses of at least \$830,000.

21 8. The scheme to defraud was carried out, in substance, in the
22 following manner:

23 3505 Lewiston Road, West Sacramento, CA

24 a. In or about June 2006, the 3505 Lewiston Road property
25 was listed for sale on the Multiple Listing Service (hereinafter MLS)
26 for \$639,000. In or about July 2006, the MLS price for the 3505
27 Lewiston Road property was reduced to \$599,000. On or about October
28 19, 2006, defendant VITALIY TUZMAN purchased the 3505 Lewiston Road

1 for \$570,000 based on false and fraudulent loan applications and
2 supporting documentation. Defendant YEVGENIY CHARIKOV recruited
3 defendant TUZMAN to purchase the property, acted as the realtor
4 representing defendant TUZMAN, and received approximately \$4,780 in
5 commissions for the purchase of the 3505 Lewiston Road property.

6 b. On or about December 1, 2006, defendant VITALIY TUZMAN
7 signed a residential listing agreement with defendant YEVGENIY
8 CHARIKOV for defendant CHARIKOV to list the 3505 Lewiston Road
9 property for sale. Defendant CHARIKOV recruited defendant NADIA
10 TALYBOV to purchase the Lewiston Road property from TUZMAN. On or
11 about December 2, 2006, defendant NADIA TALYBOV made an offer on the
12 3505 Lewiston Road property through a residential purchase agreement
13 for \$774,000. The offer was \$204,000 more than what the property sold
14 for less than two months before. On or about January 2, 2007, based
15 on false and fraudulent loan applications and supporting documents,
16 defendant NADIA TALYBOV secured two loans from Greenpoint Mortgage
17 totaling \$774,000 for the purchase of the Lewiston Road property.

18 c. Shortly after the close of escrow on the sale of the
19 3505 Lewiston Road property, defendant VITALIY TUZMAN issued a check
20 in the amount of \$60,000 to Y. Z., a business partner of defendant
21 YEVGENIY CHARIKOV and V. K. TUZMAN used the proceeds from the sale of
22 the 3505 Lewiston Road property to provide this money to Y.Z.
23 Defendant VITALIY TUZMAN retained approximately \$115,697 of the
24 fraudulent proceeds.

25 d. Defendant NADIA TALYBOV subsequently defaulted on the
26 loans on the Lewiston Road property. The property was later sold in
27 foreclosure.

28 3850 Henshaw Road, West Sacramento, California

1 a. In or about August 2006, the 3850 Henshaw Road property
2 was listed for sale on the MLS for \$550,000. In or about October
3 2006, the MLS price for the 3850 Henshaw Road property was reduced to
4 \$519,000. On or about November 27, 2006, V. K. purchased 3850 Henshaw
5 Road for \$505,000 based on false and fraudulent loan applications.
6 Defendant YEVGENIY CHARIKOV recruited V.K, acted as the realtor
7 representing V. K., and received approximately \$10,666.25 in
8 commissions for the purchase of 3850 Henshaw Road.

9 b. On or about December 2, 2006, V. K. signed a residential
10 listing agreement with defendant YEVGENIY CHARIKOV for defendant
11 YEVGENIY CHARIKOV to list the 3850 Henshaw Road property for sale.
12 Defendant CHARIKOV recruited defendant NADIA TALYBOV to purchase the
13 Henshaw Road property. On or about December 5, 2006, defendant NADIA
14 TALYBOV made an offer on the 3850 Henshaw Road property through a
15 residential purchase agreement for \$765,000. The offer was \$260,000
16 more than what the property sold for less than two weeks before. On
17 or about January 8, 2007, based on false and fraudulent loan
18 applications and supporting documents, defendant NADIA TALYBOV secured
19 two loans from Aegis Wholesale totaling \$765,000 for the purchase of
20 the Henshaw Road property.

21 c. On or about January 11, 2007, following the close of
22 escrow on the sale of the 3850 Henshaw Road property, V. K. wrote six
23 checks ranging in amounts between \$6,667 to \$20,000, for a total of
24 \$86,336, to defendant YEVGENIY CHARIKOV. V. K. used the proceeds from
25 the sale of the 3850 Henshaw Road property to provide this money to
26 CHARIKOV. V. K. retained approximately \$135,224 of the fraudulent
27 proceeds.

28 d. Defendant NADIA TALYBOV subsequently defaulted on the

1 loans on the Henshaw Road property. The property was later sold in
2 foreclosure.

3 9. Defendant JULIET ROMANISHIN was the loan processor for
4 defendant TUZMAN'S purchase of the 3505 Lewiston Road property.
5 Defendant JULIET ROMANISHIN was also the loan officer for defendant
6 TALYBOV'S purchase of the 3850 Henshaw Road property. Although
7 defendant ROMANISHIN knew that TALYBOV had recently purchased the 3505
8 Lewiston Road property from TUZMAN, she did not disclose that
9 information on defendant TALYBOV'S loan application for the 3850
10 Henshaw Road property. This omission was material to the lender's
11 decision whether or not to approve and fund the subject loans.

12 C. MAILINGS

13 10. On or about the dates listed below, in the State and Eastern
14 District of California, for the purpose of executing the
15 aforementioned scheme and artifice to defraud, and attempting to do
16 so, the defendants did knowingly cause to be delivered by the United
17 States Postal Service or commercial carrier the following matter:

<u>COUNT</u>	<u>DEFENDANTS</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>SENDER</u>	<u>RECEIVER</u>
18 1	19 CHARIKOV 20 TUZMAN	21 1/24/07	22 Deed of Trust for 3505 Lewiston Road, West Sacramento, California	Yolo County Recorder's Office	Greenpoint Mortgage Funding, Incorporated
23 2	24 CHARIKOV 25 TALYBOV 26 ROMANISHIN	27 2/07/07	Deed of Trust for 3850 Henshaw Road, West Sacramento, California	Yolo County Recorder's Office	Aegis Wholesale Corporation

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1 All in violation of Title 18, United States Code, Section 1341.

2 COUNTS THREE THROUGH FIVE: [18 U.S.C. § 1957 - Monetary
3 Transactions in Criminally Derived
4 Property]

4 The Grand Jury further charges:

5 YEVGENIY CHARIKOV,

6 defendant herein, as follows:

7 1. The Grand Jury realleges and incorporates by reference the
8 allegations set forth in paragraphs 1 through 9 of Counts One and Two
9 of this indictment.

10 2. On or about the dates set forth below, in the State and
11 Eastern District of California and elsewhere, defendant YEVGENIY
12 CHARIKOV did knowingly engage and attempt to engage in monetary
13 transactions affecting interstate and foreign commerce in criminally
14 derived property of a value greater than \$10,000, as set forth below,
15 such property having been derived from specified unlawful activity,
16 that is, mail fraud in violation of Title 18, United States Code,
17 Section 1341:

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<u>COUNT</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>MONETARY TRANSACTION</u>
3	01/12/07	\$20,000	Check number 1160 in the amount of \$20,000 drawn on V. K.'s checking account held at Bank of America, N.A., account number XXXXX-41145, made payable to YEVGENIY CHARIKOV, was cashed by CHARIKOV
4	01/12/07	\$20,000	Check number 1162 in the amount of \$20,000 drawn on V. K.'s checking account held at Bank of America, N.A., account number XXXXX-41145, made payable to YEVGENIY CHARIKOV, was cashed by CHARIKOV
5	01/18/07	\$10,670	Check number 1161 in the amount of \$10,670 drawn on V. K.'s checking account held at Bank of America, N.A., account number XXXXX-41145, made payable to YEVGENIY CHARIKOV, was cashed by CHARIKOV

All in violation of Title 18, United States Code, Section 1957.

COUNTS SIX AND SEVEN: [18 U.S.C. § 1957 - Monetary Transactions in Criminally Derived Property]

The Grand Jury further charges:

VITALIY TUZMAN,

defendant herein, as follows:

1. The Grand Jury realleges and incorporates by reference the allegations set forth in paragraphs 1 through 9 of Count One and Two of this indictment.

2. On or about the dates set forth below, in the State and Eastern District of California and elsewhere, defendant VITALIY TUZMAN did knowingly engage and attempt to engage in monetary transactions

1 affecting interstate and foreign commerce in criminally derived
 2 property of a value greater than \$10,000, as set forth below, such
 3 property having been derived from specified unlawful activity, that
 4 is, mail fraud in violation of Title 18, United States Code, Section
 5 1341:

<u>COUNT</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>MONETARY TRANSACTION</u>
6	02/26/07	\$25,000	Official check number 7211201211 in the amount of \$25,000 drawn on VITALIY TUZMAN's checking account held at Wells Fargo Bank, N.A., account number 362223XXXX, made payable to Y. I.
7	04/05/07	\$60,000	Official check number 7211201230 in the amount of \$60,000 drawn on VITALIY TUZMAN's checking account held at Wells Fargo Bank, N.A., account number 362223XXXX, made payable to Y. Z.

16 FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C), 28 U.S.C. §
 17 2461(c), and 18 U.S.C. § 982(a)(1) -
 18 Criminal Forfeiture]

19 1. Upon conviction of one or more of the offenses alleged in
 20 Counts One and Two of this indictment, defendants YEVGENIY CHARIKOV,
 21 VITALIY TUZMAN, NADIA TALYBOV, and JULIET ROMANISHIN shall forfeit to
 22 the United States of America, pursuant to Title 18, United States
 23 Code, Section 982(a)(2), all property, real or personal, involved in
 24 such violations for which each defendant is convicted, and any
 25 property traceable to such property, including but not limited to a
 26 sum of money equal to the total amount of money involved in each
 offense for which each defendant is convicted.

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1 2. Upon conviction of the offense alleged in Counts Three
2 through Seven of this indictment, defendants YEVGENIY CHARIKOV and
3 VITALIY TUZMAN shall forfeit to the United States of America, pursuant
4 to Title 18, United States Code, Section 982(a)(1), all property, real
5 or personal, involved in such violations, and any property traceable
6 to such property, including but not limited to a sum of money equal to
7 the total amount of money involved in each offense for which defendant
8 is convicted.

9 3. If any property subject to forfeiture, as a result of the
10 offenses alleged in Counts One through Seven of this Indictment:

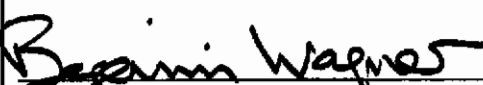
- 11 (a) cannot be located upon the exercise of due diligence;
12 (b) has been transferred or sold to, or deposited with, a
13 third party;
14 (c) has been placed beyond the jurisdiction of the court;
15 (d) has substantially diminished in value; or
16 (e) has been commingled with other property which cannot
be divided without difficulty;

17 it is the intent of the United States, pursuant to Title 18, United
18 States Code, Section 982(b)(1), incorporating Title 21, United States
19 Code, Section 853(p), to seek forfeiture of any other property of said
20 defendant up to the value of the property subject to forfeiture.

21
22 A TRUE BILL.

23 **/s/ Signature on file w/AUSA**

24 _____
FOREPERSON

25
26 
27 BENJAMIN B. WAGNER
United States Attorney

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

**YEVGENIY CHARIKOV, aka James Charikov,
VITALIY TUZMAN, NADIA TALYBOV,
aka Nadia Onopko, and JULIET ROMANISHIN**

INDICTMENT

VIOLATION(S): 18 U.S.C. § 1341 - Mail Fraud (2 Counts); 18 U.S.C. § 1957 - Bankruptcy Fraud (5Counts) ; 18 U.S.C. § 981(a) (1) (C); 28 U.S.C. § 2461 (c) & 18 U.S.C. § 982 (a) (2) Criminal Forfeiture

A true bill,

/s/

Foreman.

Filed in open court this Fifth day

of January, A.D. 2012

Alexandra A. Waldrop

Clerk.

Bail, \$

~~NO BAIL WARRANT PENDING HEARING~~ *to Charikov & Romanishin*

GPO 863 525

*Summons as to Tuzman + Talybov
Cairn K. Delaney*

2 12 - 2 - 003 JAM

PENALTY SLIP

**YEVGENIY CHARIKOV, aka James Charikov,
VITALIY TUZMAN,
NADIA TALYBOV, aka Nadia Onopko, and
JULIET ROMANISHIN**

COUNTS 1 - 2:
YEVGENIY CHARIKOV,
VITALIY TUZMAN,
NADIA TALYBOV, and
JULIET ROMANISHIN

Violation: 18 U.S.C. § 1341 - Mail Fraud

Penalty: Not more than 20 Years Imprisonment,
\$250,000 Fine
3 Years TSR

COUNTS 3 - 5:
YEVGENIY CHARIKOV

Violation: 18 U.S.C. § 1957 - Money Laundering

Penalty: Not more than 10 Years Imprisonment,
\$250,000 Fine, or not more than twice the amount of the criminally derived property involved in
the transaction, or both;
3 Years TSR

COUNTS 6 - 7:
VITALIY TUZMAN

Violation: 18 U.S.C. § 1957 - Money Laundering

Penalty: Not more than 10 Years Imprisonment,
\$250,000 Fine, or not more than twice the amount of the criminally derived property involved in
the transaction, or both;
3 Years TSR

Forfeiture

Allegation:

Violation: 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(a)(1) - Criminal
Forfeiture

Penalty: As Described in the Indictment

COURT

ASSESSMENT: \$100 each count