

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

BRADEN S. KOEGEL

CASE NO. 6:13-cr- *260-ORL-37 TBS*
18 U.S.C. § 1344
18 U.S.C. § 982(a)(2) - Forfeiture

INFORMATION

The Acting United States Attorney charges:

COUNT ONE

A. Introduction

At all times material to this Information:

1. The Bank of America Corporation ("Bank of America") is a multinational banking and financial services corporation headquartered in Charlotte, North Carolina, the deposits of which are insured by the Federal Deposit Insurance Corporation (FDIC).
2. R-G Crown Bank was a consumer banking company headquartered in Casselberry, Florida.
3. Defendant **BRADEN S. KOEGEL** was Vice President of Residential Lending at R-G Crown Bank.
4. Defendant **BRADEN S. KOEGEL** owned Lot 37, Phase 4 Heavenly Mountain, Boone, North Carolina ("Lot 37"). Lot 37 was an undeveloped parcel of land which **KOEGEL** had originally purchased on August 4, 2005 for \$185,000.

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ORLANDO, FLORIDA

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5. A Uniform Residential Loan Application, commonly referred to as a mortgage loan application or a Form 1003, is a universally used mortgage application developed by federal government agencies that is utilized by financial institutions in the mortgage loan approval process. The Form 1003 requires the borrower to submit his or her financial history, including employment information, monthly income, assets and liabilities, and the specific details of the residential real estate transaction. Lenders use the information on this form to determine whether to approve the prospective borrower for the loan.

6. A HUD-1 Settlement Statement is a United States Department of Housing and Urban Development form that is universally used in closings of the sales of residential properties in the United States. A HUD-1 is used to identify and allocate the various expenses associated with the sale of residential real estate between the buyer and the seller of the property.

B. The Scheme to Defraud

7. Beginning on an unknown date, but no later than on or about January 14, 2006, and continuing through on or about March 14, 2006, in Seminole County, Florida, in the Middle District of Florida, and elsewhere,

BRADEN S. KOEGEL

the defendant herein, devised and participated in a scheme and artifice to defraud Bank of America, a financial institution the deposits of which were insured by the FDIC, and attempted to obtain moneys and funds owned by and

under the custody and control of Bank of America by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

8. It was part of the scheme to defraud that **BRADEN S. KOEGEL** arranged a fraudulent sale of Lot 37 to another individual ("the Straw Purchaser") at an inflated price of \$450,000 in order to obtain \$399,000 in loan proceeds from Bank of America.

9. It was part of the scheme to defraud that **BRADEN S. KOEGEL** would and did offer to pay the Straw Purchaser \$5,000 to allow **KOEGEL** to fraudulently apply and be approved for a mortgage loan in the Straw Purchaser's name.

10. It was part of the scheme to defraud that **BRADEN S. KOEGEL** completed and submitted a fraudulent loan application on behalf of the Straw Purchaser for a \$399,000 mortgage. This loan application contained inflated income figures for the Straw Purchaser, and a representation that the Straw Purchaser had \$80,000 in an account at R-G Crown Bank. The loan application also falsely stated that the Straw Purchaser would provide \$54,627.30 in cash to close the transaction.

11. It was a further part of the scheme to defraud that **BRADEN S. KOEGEL** submitted false information on the HUD-1 for the sale of Lot 37. Specifically, the HUD-1, which was signed by **KOEGEL**, represented that the

Buyer paid \$54,240.45 at the closing, when that money was actually provided by **KOEGEL**.

D. EXECUTION OF THE SCHEME

12. On or about February 15, 2006, in Seminole County, Florida, in the Middle District of Florida and elsewhere, the defendant, **BRADEN S. KOEGEL**, submitted a fraudulent loan application to Bank of America, on behalf of the Buyer, which contained false information regarding the Buyer's income and assets, and which caused Bank of America to lend the Buyer \$399,000.

All in violation of Title 18, United States Code, Section 1344.

FORFEITURE

1. The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures, pursuant to the provisions of Title 18, United States Code, Section 982(a)(2).

2. From his engagement in any or all of the violations alleged in Count One of this Information, involving bank fraud, in violation of Title 18, United States Code, Section 1344, the defendant,

BRADEN S. KOEGEL

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), all of his right, title, and interest in any property constituting, or derived from, proceeds the defendant obtained, directly or indirectly, as a result

of such violations, including, but not limited to, a \$212,769.10 forfeiture money judgment representing the proceeds of the offense described in Count One of this Information.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A. LEE BENTLEY, III
Acting United States Attorney

By: 

Vincent S. Chiu
Assistant United States Attorney

By: 

Carlos A. Perez-Irizarry
Assistant United States Attorney
Chief, Orlando Division