

FILED By TB D.C.  
ELECTRONIC  
**May 01, 2014**  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 12-20123-CR-RSR (s)**  
**18 U.S.C. § 1344**  
**18 U.S.C. § 2**  
**18 U.S.C. § 981(a)(1)(C)**  
**18 U.S.C. § 982(a)(2)(A)**

**UNITED STATES OF AMERICA**

vs.

**HENRY FECKER, III,**

**Defendant.**

\_\_\_\_\_ /

**SUPERSEDING INFORMATION**

The United States Attorney charges that:

**GENERAL ALLEGATIONS**

1. Washington Mutual Bank (“WaMu”) was a financial institution with offices located throughout the United States, including in the State of Florida, whose accounts were insured by the Federal Deposit Insurance Corporation (“FDIC”).

2. Defendant **HENRY FECKER, III** resided at 501 Riviera Isle, Ft. Lauderdale, Florida, 33301 (the “Ft. Lauderdale House”). **FECKER** was the listed owner of a waterfront vacation house at 24 Marine Avenue, Camden, Maine, 04843 (the “Maine Vacation House”).

3. Camden Consulting, Inc. was a Florida corporation that was administratively dissolved by the State of Florida as of 2005, and thereafter had no business activity, employees, or income.

**BANK FRAUD  
(18 U.S.C. § 1344)**

From on or about October 18, 2006, through on or about July 19, 2011, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**HENRY FECKER, III,**

did knowingly, and with intent to defraud, execute, and attempt to execute, and cause the execution of, a scheme and artifice to defraud a financial institution, WaMu, which scheme and artifice employed a material falsehood, and did knowingly, and with intent to defraud, execute, and attempt to execute, and cause the execution of, a scheme and artifice to obtain moneys and funds owned by, and under the custody and control of a financial institution, WaMu, by means of false and fraudulent pretenses, representations, and promises, relating to a material fact, in violation of Title 18, United States Code, Sections 1344(1) and (2); and 2.

**PURPOSE OF THE SCHEME AND ARTIFICE**

4. It was a purpose of the scheme and artifice for **HENRY FECKER, III** and his accomplice, SKS, to unjustly enrich themselves by fraudulently obtaining a cash-out refinance loan for the Maine Vacation House from WaMu, using false and fraudulent representations as to employment and income, receiving the proceeds of the loan in the form of a certified bank check held outside the banking system, concealing the value of the proceeds from any judgment creditor of defendant or his accomplice in the form of more certified checks, and using the proceeds for themselves to lead a lavish lifestyle.

**MANNER AND MEANS OF THE SCHEME AND ARTIFICE**

The manner and means by which the defendant and his accomplice sought to accomplish the purpose of the scheme and artifice included, among others, the following:

5. On or about October 18, 2006, **HENRY FECKER, III** executed a Uniform Residential Loan Application for a \$1,500,000 cash-out refinance loan from WaMu for the Maine Vacation House, containing false and fraudulent representations as to home address, employment, employment address and monthly income. **FECKER** represented to WaMu that he was employed full-time with Camden Consulting, Inc., with a monthly salary of \$102,083. **FECKER** also represented that he was the President of Camden Consulting, Inc. and had been employed at the company for 11 years. **FECKER** listed his business address as the Ft. Lauderdale House. In truth and in fact, as of October 18, 2006, **FECKER** had not been employed in any capacity since 1996, Camden Consulting Inc. was not a real company, and **FECKER** had no income from any source.

6. Based on the representations in the Uniform Residential Loan Application, **HENRY FECKER, III** received the \$1,500,000 loan from WaMu, including cash-out proceeds of approximately \$481,801.15. At **FECKER**'s direction, on or about October 20, 2006, the loan proceeds were paid to **FECKER** by the closing attorney in the form of a certified bank check made payable to Camden National Bank, not to **FECKER** or his accomplice.

7. **HENRY FECKER, III** and his accomplice did not cash the \$481,801.15 check constituting the loan proceeds for approximately two years. Instead, on or about October 29, 2008, **FECKER** took the bank check to Camden National Bank and had the check broken down into ten more bank checks, in increments of approximately \$48,174.62 each.

8. From time to time thereafter, **HENRY FECKER, III** would cash the bank checks derived from the WaMu loan, including Check No. 110378 in the amount of \$48,174.62 on June 2, 2011, at a Bank of America branch in Ft. Lauderdale, Florida, and Check No. 110377 on July 18, 2011, in the amount of \$48,174.62 at The First, N.A., in Rockland, Maine.

9. Defendant and his accomplice, SKS, maintained the proceeds of the WaMu loan in the form of certified checks to avoid detection or confiscation by judgment creditors of **HENRY FECKER, III** and SKS, including the U.S. Securities and Exchange Commission.

**EXECUTION OF THE SCHEME AND ARTIFICE**

10. On or about October 20, 2006, **HENRY FECKER, III** caused proceeds of the WaMu loan, specifically a certified bank check in the amount of \$481,801.15, to be transmitted from the office of the closing attorney in Camden, Maine to the Ft. Lauderdale House in Ft. Lauderdale, Florida via Federal Express priority overnight airbill ending in X-8662, in order for himself and his accomplice to take possession, use and control the proceeds of the loan.

In violation of Title 18, United States Code, Sections 1344(1) and (2), and 2.

**FORFEITURE**


**(18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(A))**


1. The allegations of this Superseding Information are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which **HENRY FECKER, III** has an interest.

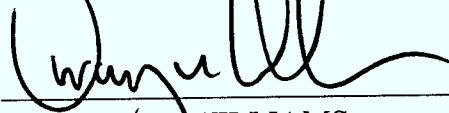
2. Upon conviction of a violation of Title 18, United States Code, Section 1344, **HENRY FECKER, III** shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly as a result of the violation

or of any proceeds traceable to such violation, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 981(a)(2)(A), and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 28, United States Code, Section 2461(c).

  
\_\_\_\_\_  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JERROLD DUFFY  
ASSISTANT UNITED STATES ATTORNEY

  
\_\_\_\_\_  
DWAYNE E. WILLIAMS  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. 11-CR-20578-RSR(s)

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

HENRY FECKER, III,

Defendant.

**Superseding Case Information:**

**Court Division:** (Select One)  
 Miami  Key West  
 FTL  WPB  FTP

New Defendant(s) Yes  No   
 Number of New Defendants \_\_\_\_\_  
 Total number of counts 1

I do hereby certify that:


- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) NO  
List language and/or dialect \_\_\_\_\_
- This case will take 0 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <input checked="" type="checkbox"/>	Petty <input type="checkbox"/>
II 6 to 10 days <input type="checkbox"/>	Minor <input type="checkbox"/>
III 11 to 20 days <input type="checkbox"/>	Misdem. <input type="checkbox"/>
IV 21 to 60 days <input type="checkbox"/>	Felony <input checked="" type="checkbox"/>
V: 61 days and over <input type="checkbox"/>	

6. Has this case been previously filed in this District Court? (Yes or No) No  
 Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
 (Attach copy of dispositive order)  
 Has a complaint been filed in this matter? (Yes or No) No  
 If yes:  
 Magistrate Case No. \_\_\_\_\_  
 Related Miscellaneous numbers: \_\_\_\_\_  
 Defendant(s) in federal custody as of \_\_\_\_\_  
 Defendant(s) in state custody as of \_\_\_\_\_  
 Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003?  Yes  No
- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007?  Yes  No

  
 JERROLD DUFFY  
 ASSISTANT UNITED STATES ATTORNEY  
 Florida Bar No. A5501106

\*Penalty Sheet(s) attached

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

**Defendant's Name:** HENRY FECKER, III

**Case No:** 12-20123-CR-RSR(s)

Count #: 1

Bank Fraud

Title 18, United States Code, Section 1344

**\* Max. Penalty:** Thirty (30) years' imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**