

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 14-**
v. : **DATE FILED: October 9, 2014**
MARIE MIKSCHE BONTIGAO : **VIOLATIONS:**
: **18 U.S.C. § 1343 (wire fraud - 2 counts)**
: **18 U.S.C. § 1341 (mail fraud – 2 counts)**
: **Notice of forfeiture**

INDICTMENT

COUNTS ONE THROUGH TWO

THE GRAND JURY CHARGES:

At all times material to this Indictment:

1. Defendant MARIE BONTIGAO was a licensed real estate broker who operated a franchisee location of EXIT Realty in Philadelphia, New Jersey and Delaware. Defendant BONTIGAO held herself out as the founder of EXIT Realty “TRI-STATE Group.”

2. Defendant BONTIGAO also owned and operated Tri-State Investment Holdings, Inc., also referred to as Tabula Rosa Investment Holdings, Inc., and known as T.R.I.H.I., that was in the business of purchasing, developing, renovating, and re-selling real estate.

THE SCHEME

3. From in or about December 2007 through on or about February 2012
defendant

MARIE MIKSCHE BONTIGAO

devised and intended to devise a scheme to defraud M.C., J.S., R.V., N.K.B. and others, to obtain money by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part the scheme that:

4. Purportedly acting in her capacity as owner of T.R.I.H.I., defendant MARIE MIKSCHE BONTIGAO solicited individuals (hereinafter the “Individual Lenders”) to invest in her real estate projects. She claimed the following:

- that she was a hard money lender who provided funds to construction companies;
- that she was renovating properties, including a warehouse, in Maryland; and
- that she was renovating homes in Philadelphia and reselling them for a profit.

5. Defendant MARIE MIKSCHE BONTIGAO gave each Individual Lender a promissory note, entitled “Personal Investment Agreement” or “Personal Investment Loan.”

These notes were signed by defendant BONTIGAO, personally guaranteed by BONTIGAO and included a payback period and an interest rate. BONTIGAO promised the Individual Lenders a large interest rate, typically from 10% to 40%, to be paid in monthly installments. BONTIGAO often provided post-dated checks to her investors to cover the monthly payments.

6. The funds solicited from investors were never invested in real estate projects or renovations. Instead, defendant MARIE MIKSCHE BONTIGAO misappropriated the Individual Lenders’ payments and used them to (i) operate EXIT Realty and pay EXIT Realty expenses; (ii) make monthly payments to other investors who had previously loaned money to defendant BONTIGAO; and (iii) purchase personal items, electronics, dining, clothing, furniture, etc. Prior to borrowing the principal from the Individual Lenders, BONTIGAO failed to disclose to them that their loan principal would be used as set forth in this paragraph.

7. In furtherance of and in order to perpetuate the scheme, defendant MARIE MIKSCHE BONTIGAO would sometimes pay Individual Lenders the monthly payments that she had promised them. Defendant BONTIGAO paid the Individual Lenders by check sent via Federal Express to their homes. BONTIGAO also sent email in interstate commerce to Individual Lenders making statements to convince them that their investments were sound, and assuage their concerns. The payments, mailings and emails with the investors all served to lull the Individual Lenders into believing that their loan principal was safe and that their investments were sound, which was false.

8. Defendant MARIE MIKSCHE BONTIGAO often defaulted under the terms of the promissory notes and failed to make payments to the Individual Lenders when due.

9. Defendant MARIE MIKSCHE BONTIGAO, by her actions set forth herein, caused approximately 23 Individual Lenders, including M.C., J.S., R.V., N.K.B., to sustain combined losses of approximately \$2,145,286.24.

10. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MARIE MIKSCHE BONTIGAO

for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the writings, signals and sounds described below:

COUNT	DATE	DESCRIPTION
One	September 14, 2010	Email message sent from defendant MARIE BONTIGAO via American Online (AOL) account to Individual Lender J.S. in the Eastern District of Pennsylvania, falsely soliciting a payment.
Two	December 27, 2011	Wire transfer of approximately \$35,000 from Individual Lender M.C. bank account in Philadelphia, Pennsylvania to BONTIAGO's bank account no. ending in 8298 in New York, New York for a purported investment.

In violation of Title 18, United States Code, Section 1343.

COUNTS THREE THROUGH FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One of this Indictment are incorporated here.
2. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MARIE MIKSCHE BONTIGAO

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by commercial interstate carrier, that is Federal Express, according to the directions thereon, checks from defendant MARIE MIKSCHE BONTIGAO to victim-investors, which were falsely represented to be payments for legitimate investments when, in fact, defendant never invested the money of the victim-investors, described below:

COUNT	DATE	DESCRIPTION
Three	January 10, 2012	Monthly post-dated checks in the amount of approximately \$708 signed by defendant sent to Individual Lender R.V.
Four	March 14, 2012	Check in the amount of \$1400 signed by defendant sent to Individual Lender N.K.B.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1343, set forth in this Indictment, defendant

MARIE MIKSCHE BONTIGAO

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses.

2. If any of the property described above, 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 or sold to, or deposited with, a third party;
- 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 pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 981(a)(1)(c), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

GRAND JURY FOREPERSON


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INDICTMENT

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476 *14cr552*

Post Office: Philadelphia

County: Philadelphia

City and State of Defendant: West Chester, PA

County: Chester Register number: N/A

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia County: Philadelphia

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: No

Case Number: N/A

Judge: N/A

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

- 1. Antitrust
- 2. Income Tax and other Tax Prosecutions
- 3. Commercial Mail Fraud
- 4. Controlled Substances
- 5. Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
- 6. General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)

18 U.S.C. § 1343 (wire fraud - 2 counts)

18 U.S.C. § 1341 (mail fraud - 2 counts)

Notice of forfeiture

DATE: 10/9/14
File No. 2012R00428

Denise Wolf
Denise S. Wolf
Assistant United States Attorney