

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Grand Jury N-11-03

UNITED STATES OF AMERICA

CASE NO. 3:11CR192

United States District Court  
District of Connecticut  
FILED AT NEW HAVEN  
2/14  
Roberta D. Tabora, Clerk  
By [Signature] Deputy Clerk 2013

v.

VIOLATIONS:

ANDREW CONSTANTINOU,  
GENEVIEVE SALVATORE,  
LAWRENCE DRESSLER,  
KWAME NKRUMAH, a.k.a. Roger Woodson,  
and JACQUES KELLY.

18 U.S.C. § 1349 (Conspiracy)  
18 U.S.C. § 1341 (Mail Fraud)  
18 U.S.C. § 1343 (Wire Fraud)  
18 U.S.C. § 1014 (False Statement)  
18 U.S.C. § 981(a) (Forfeiture)  
18 U.S.C. § 982(a)(2) (Forfeiture)  
28 U.S.C. § 2461(c) (Forfeiture)

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. At all times relevant to this Indictment, defendant ANDREW CONSTANTINOU ("CONSTANTINOU") was a loan originator licensed in the state of Connecticut.
2. At all times relevant to this Indictment, defendant GENEVIEVE SALVATORE ("SALVATORE") was an attorney admitted to practice law in the state of Connecticut and had offices in Milford, Connecticut.
3. At all times relevant to this Indictment, defendant LAWRENCE DRESSLER ("DRESSLER") was an attorney admitted to practice law in the state of Connecticut and had offices in New Haven, Connecticut.
4. At all times relevant to this Indictment, defendant KWAME NKRUMAH, a.k.a. Roger Woodson ("NKRUMAH"), owned and operated All World Realty Enterprises, which had offices in New Haven, Connecticut.

5. At all times relevant to this Indictment, defendant JACQUES KELLY ("KELLY") was a resident of New York who purchased multiple properties in New Haven, Connecticut.

6. At all times relevant to this Indictment, Ronald E. Hutchison, Jr. ("Hutchison"), a co-conspirator charged elsewhere, was a resident of New York who purchased multiple properties in New Haven, Connecticut and recruited others to purchase properties.

7. At all times relevant to this Indictment, Menachem Yosef Levitin ("Levitin"), a co-conspirator charged elsewhere, was a real estate agent licensed in the state of Connecticut. He owned and operated Prestige Realty, a real estate agency, and Levitin Management, a property management firm, both of which had offices in New Haven, Connecticut.

8. At all times relevant to this Indictment, Jeffrey Weisman ("Weisman"), a co-conspirator charged elsewhere, was an attorney admitted to practice law in the state of Connecticut and had offices in Waterbury and New Haven, Connecticut.

9. At all times relevant to this Indictment, Charles Lesser ("Lesser"), a co-conspirator charged elsewhere, was a licensed mortgage broker with offices in Waterbury, Connecticut.

10. At all times relevant to this Indictment, Bradford J. Rieger ("Rieger"), a co-conspirator charged elsewhere, was an attorney admitted to practice law in the state of Connecticut and had offices in East Haven, Connecticut.

11. At all times relevant to this Indictment, First Central Savings Bank, Bank of America, N.A., Metropolitan National Bank, National City Bank, PNC Bank, Citibank, and Wells Fargo Bank, N.A. were each a financial institution as defined under Title 18, United States Code, Section 20.

COUNT ONE

(Conspiracy – Constantinou, Salvatore, Dressler, Nkrumah, and Kelly)

The Conspiracy

12. From approximately September 2006 to November 2008, the precise dates being unknown to the Grand Jury, within the District of Connecticut and elsewhere, CONSTANTINO, SALVATORE, DRESSLER, NKURUMAH, KELLY, Hutchison, Levitin, Weisman, Lesser, Rieger, and their co-conspirators, both known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to commit an offense against the United States, that is:

- a. to devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice, to knowingly deposit and cause to be deposited items to be sent and delivered by U.S. Mail and by private and commercial interstate carrier, in violation of Title 18, United States Code, Section 1341;
- b. to devise and to intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice, to knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343; and
- c. to devise and to intend to devise a scheme and artifice to defraud a financial institution, and for obtaining money and property owned by, or under the custody and control of, a financial institution, to knowingly execute a scheme and artifice to defraud by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

### Purpose and Object of the Conspiracy

13. A purpose and object of the conspiracy was for CONSTANTINOU, SALVATORE, DRESSLER, NKRUMAH, KELLY, Hutchison, Levitin, Weisman, Lesser, Rieger, and their co-conspirators to unlawfully enrich themselves by obtaining millions of dollars in real estate mortgages through the use of, among other things, materially false loan applications, loan documents, and HUD-1 forms, and to conceal the conspiracy from others.

### Manner and Means of the Conspiracy

The manner and means by which CONSTANTINOU, SALVATORE, DRESSLER, NKRUMAH, KELLY, Hutchison, Levitin, Weisman, Lesser, Rieger, and their co-conspirators, both known and unknown to the Grand Jury, sought to accomplish the objects of the conspiracy, included the following:

14. It was part of the conspiracy that KELLY, Hutchison, and others sought to purchase, and did purchase, dozens of multi-family properties in New Haven, Connecticut.

15. It was further part of the conspiracy that Levitin helped identify properties for KELLY, Hutchison, and others to purchase and, in connection with those purchases, acted as the real estate agent.

16. It was further part of the conspiracy that NKRUMAH facilitated fraudulent real estate purchases by KELLY and Hutchison and, in connection with some of those purchases, received commissions and seller's proceeds.

17. It was further part of the conspiracy that KELLY, Hutchison, and other borrowers would and did apply for mortgages from mortgage lenders and federally-insured financial institutions (collectively, the "Lenders") to finance the purchase of such properties.

18. It was further part of the conspiracy that KELLY, Hutchison, and others rented out units in the properties they fraudulently purchased to obtain rental income.

19. It was further part of the conspiracy that CONSTANTINOU, Lesser, and others would and did act as the loan officer or mortgage broker for multiple fraudulent transactions, often for the same borrower.

20. It was further part of the conspiracy that CONSTANTINOU, SALVATORE, DRESSLER, NKRUHAH, KELLY, Hutchison, Levitin, Weisman, Lesser, Rieger, and their co-conspirators made, or caused to be made, materially false statements in the purchase and sale agreements, loan applications, HUD-1 forms, leases, verification forms and letters, and other documentation to Lenders in order to obtain financing to purchase the properties.

21. It was further part of the conspiracy that SALVATORE, DRESSLER, Weisman, and Rieger each served as a closing attorney for multiple fraudulent real estate transactions.

22. It was further part of the conspiracy that KELLY, Hutchison, and other borrowers would and did enter into sales contracts with sellers of real property for prices higher than the actual prices that the sellers agreed to receive, and did receive, at closing.

23. It was further part of the conspiracy that while the co-conspirators disclosed to the Lenders the contract sale price, they knowingly and wilfully concealed from the Lenders the true, lower sale price accepted by the seller at closing.

24. It was further part of the conspiracy that co-conspirators submitted, or caused to be submitted, to Lenders various documents, including purchase and sale agreements, loan applications, and HUD-1 forms, in which they represented that the borrowers made deposits to purchase the subject properties or paid funds at closing when, in fact, the borrowers paid no such funds.

25. It was further part of the conspiracy that, in multiple transactions, the HUD-1 form submitted to the Lenders indicated that the borrower paid funds at closing when, in fact, SALVATORE, DRESSLER, Weisman, and Rieger distributed funds to the borrower at closing.

26. It was further part of the conspiracy that CONSTANTINOU, NKRUMAH, KELLY, Hutchison, and others would and did receive funds at or shortly after closings that were not disclosed to the Lenders.

27. It was further part of the conspiracy that CONSTANTINOU would and did refer mortgage applications in the scheme to Mortgage Broker #1, an unindicted co-conspirator, who would act as a mortgage broker on those applications and, in some instances, pay kickbacks or referral fees to CONSTANTINOU.

28. It was further part of the conspiracy that the co-conspirators and others would and did cause documents to be delivered by the U.S. Mail or private interstate carrier to the Lenders.

29. It was further part of the conspiracy that the co-conspirators and others would and did cause interstate wires to be sent from Lenders outside of Connecticut to the closing attorneys' trust accounts in Connecticut.

30. It was further part of the conspiracy that the co-conspirators and others would and did cause over 50 mortgages to be funded based on materially false and fraudulent representations that had been communicated to the Lenders by interstate wire, U.S. Mail, and interstate commercial carrier.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH THREE  
(Mail Fraud – Salvatore)

31. The allegations set forth in paragraphs 1 through 11 and 13 through 30 of Count One of this Indictment are realleged as though fully set forth herein.

32. From approximately September 2006 to November 2008, the precise dates being unknown to the Grand Jury, in the District of Connecticut and elsewhere, SALVATORE and her co-conspirators wilfully and with intent to defraud, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme is described in paragraphs 1 through 11 and 13 through 30 of Count One of the Indictment, and for the purposes of executing and attempting to execute such scheme and artifice, did knowingly cause to be delivered by private and commercial interstate carrier according to the direction thereon, each item delivered and caused to be delivered constituting a separate count of this Indictment:

Count	Defendant	Date	Origin	Destination	Description
2	SALVATORE	1/10/2007	The Salvatore Law Firm, Milford, CT	Mortgage Broker #1, Lisbon, CT	FedEx package containing closing documents for 369 Shelton Avenue, New Haven
3	SALVATORE	1/29/2007	The Salvatore Law Firm, Milford, CT	Mortgage Broker #1, Lisbon, CT	FedEx package containing closing documents for 569 Elm Street, New Haven

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT FOUR  
(Wire Fraud – Nkrumah and Kelly)

33. The allegations set forth in paragraphs 1 through 11 and 13 through 30 of Count One of this Indictment are realleged as though fully set forth herein.

34. From approximately September 2006 to November 2008, the precise date being unknown to the Grand Jury, in the District of Connecticut and elsewhere, NKRUMAH, KELLY, and their co-conspirators wilfully and with intent to defraud, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme is described in paragraphs 1 through 11 and 13 through 30 of Count One of the Indictment, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises as described above, NKRUMAH and KELLY did knowingly transmit, and cause to be transmitted, by means of wire communication in interstate commerce, a wire transfer in the amount of \$236,115.00 from Sovereign Bank in New Jersey to Rieger's attorney trust account at Liberty Bank in Connecticut on or about May 14, 2007 in connection with KELLY's purchase of 147 Lloyd Street in New Haven.

All in violation of Title 18, United States Code, Sections 1343 and 2.



COUNT FIVE

(False Statement – Dressler, Nkrumah, and Kelly)

35. The allegations set forth in paragraphs 1 through 11 and 13 through 30 of Count One of this Indictment are realleged as though fully set forth herein.

36. On or about April 12, 2007, the precise date being unknown to the Grand Jury, in the District of Connecticut and elsewhere, DRESSLER, NKRUMAH, KELLY, and their co-conspirators knowingly made, or caused to be made, a false statement and report for the purpose of influencing the action of the financial institution, to wit, First Central Savings Bank, in connection with an application, purchase, purchase agreement, and loan, in that DRESSLER, NKRUMAH, and KELLY submitted or caused to be submitted a HUD-1 form in connection with KELLY's purchase of 115 Lloyd Street, New Haven indicating cash from borrower of \$35,264.90, when in truth and in fact, as DRESSLER, NKRUMAH, and KELLY well knew, KELLY paid no such funds.

All in violation of Title 18, United States Code, Sections 1014 and 2.

FORFEITURE ALLEGATION

(Constantinou, Salvatore, Dressler, Nkrumah, and Kelly)

37. Upon conviction of Count One of this Indictment, CONSTANTINOU shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all right, title, and interest in any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, including but not limited to a sum of money equal to the total amount of any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1341, 1343, 1344, and 1014, that is, a money judgment of at least \$31,663.13.

38. If any of the above-described forfeitable property, as a result of any act or omission of CONSTANTINOU, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of CONSTANTINOU up to the value of the forfeitable property described above.

39. Upon conviction of one or more of the offenses alleged in Counts One, Two, or Three of this Indictment, SALVATORE shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all right, title, and interest in any and all property, real or

personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349 and 1341, including but not limited to a sum of money equal to the total amount of any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1341, 1343, 1344, and 1014, that is, a money judgment of at least \$15,842.54.

40. If any of the above-described forfeitable property, as a result of any act or omission of SALVATORE, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of SALVATORE up to the value of the forfeitable property described above.

41. Upon conviction of one or more of the offenses alleged in Counts One or Five of this Indictment, DRESSLER shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all right, title, and interest in any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1343, and 1014, including but not limited to a sum of money equal to the total amount of any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1341, 1343, 1344, and 1014, that is, a money judgment of at least \$6,400.

42. If any of the above-described forfeitable property, as a result of any act or omission of DRESSLER, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of DRESSLER up to the value of the forfeitable property described above.

43. Upon conviction of one or more of the offenses alleged in Counts One, Four, or Five of this Indictment, NKRUMAH shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all right, title, and interest in any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1343, and 1014, including but not limited to a sum of money equal to the total amount of any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1341, 1343, 1344, and 1014, that is, a money judgment of at least \$61,530.29.

44. If any of the above-described forfeitable property, as a result of any act or omission of NKRUMAH, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code,

Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of NKRUMAH up to the value of the forfeitable property described above.

45. Upon conviction of one or more of the offenses alleged in Counts One, Four, or Five of this Indictment, KELLY shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2), Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all right, title, and interest in any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1343, and 1014, including but not limited to a sum of money equal to the total amount of any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1349, 1341, 1343, 1344, and 1014, that is, a money judgment of at least \$2 million.

46. If any of the above-described forfeitable property, as a result of any act or omission of KELLY, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of KELLY up to the value of the forfeitable property described above.

All in accordance with Title 18, United States Code, Section 981(a)(1), as incorporated by Title 28, United States Code, Section 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL

/s/

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FOREPERSON

UNITED STATES OF AMERICA  
ERIC H. HOLDER, JR.  
UNITED STATES ATTORNEY GENERAL



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PAUL J. FISHMAN  
UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY



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DAVID T. HUANG  
ASSISTANT UNITED STATES ATTORNEY  
U.S. ATTORNEY'S OFFICE, DISTRICT OF CONNECTICUT



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JOHN McREYNOLDS  
SPECIAL ASSISTANT UNITED STATES ATTORNEY  
U.S. ATTORNEY'S OFFICE, DISTRICT OF CONNECTICUT