

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

STATE OF FLORIDA

CASE NO.:

OSWP NO.: 2005-0256-TPA

vs.

**(A) SCOTT ALMEIDA,
(B) ORSON BENN,
(C) ADRIENNE WHITE,
(D) FRANK GIFFONE,
(E) SAMUEL GREEN, and
(F) BRADFORD PECK,**

Defendants.

AFFIDAVIT

BEFORE ME, an officer duly authorized by the laws of the State of Florida to administer oaths, this day appeared Ellen S. Wilcox and Robert C. Robillard, who having been first duly sworn to tell the truth under oath, depose and say:

1. Your Affiants are Ellen Wilcox ("Wilcox"), a Special Agent employed by the Florida Department of Law Enforcement, and Robert C. Robillard ("Robillard"), an Investigator employed by the Hillsborough County Consumer Protection Agency. Agent Wilcox has been employed 28 years by the Florida Department of Law Enforcement. In such capacity, Agent Wilcox has participated in numerous economic crime investigations, including joint Federal-state task forces, and has received several commendations from the State of Florida and the United States Department of Justice. Agent Wilcox is a certified fraud examiner and has been recognized by her co-workers, supervisors and members of the Florida law enforcement community as a source of expertise in the investigation of the residential mortgage industry. Agent Wilcox, in addition to her investigative skills, has also served as faculty to several state and national training programs relating to investigative techniques associated with economic crime, including serving as faculty with the National White Collar Center. Investigator Robillard has been a member of the law enforcement community since December 1969. In such capacity, Investigator Robillard has served in the position of Investigator, Chief Investigator, State Investigator, Deputy Attorney General and Supervising Deputy Attorney

General within Michigan and New Jersey law enforcement agencies and has participated in and supervised over 100 economic crime investigations and prosecutions. In addition, Investigator Robillard has participated as faculty to several state and national law enforcement training programs, served as a member of the Monmouth College faculty instructing on the subjects of Criminal Law and Procedure, and was the recipient of the Distinguished Faculty Award granted by the National College of District Attorneys, University of Houston School of Law. Investigator Robillard has been employed by the Hillsborough County Consumer Protection Agency since 2003 and during such employment has participated in criminal investigations relating to unlicensed contractors and telemarketing solicitations.

2. Your Affiants, while employed with the Florida Department of Law Enforcement and the Hillsborough County Consumer Protection Agency, were assigned to and participated in an investigation relating to alleged criminal conduct associated with the solicitation, processing and awarding of residential mortgage loans and the acquisition and use of residential mortgage loan proceeds for the renovation and repair of residential properties within the State of Florida. The investigation resulted in the identification by your Affiants of criminal conduct relating to Racketeering, Conspiracy to Commit Racketeering, Grand Theft, Obtaining of a Mortgage by False Representation and other violations of the laws of the State of Florida, with such conduct occurring within the Florida Counties of Polk, Pinellas, Orange, Miami-Dade, Hillsborough, Monroe, Broward, Lee, and other jurisdictions within the United States. The investigation disclosed that the criminal conduct that is the subject of the present Affidavit was committed by individuals including **SCOTT ALMEIDA ("Almeida"), ORSON BENN ("Benn"), ADRIENNE WHITE ("White"), FRANK GIFFONE ("Giffone"), SAMUEL GREEN ("Green") and BRADFORD PECK ("Peck")**, and other individuals (hereinafter individually and collectively referred to by your Affiants as **"Respondent(s)"**). In committing and assisting in the commission of the criminal acts alleged in the present Affidavit, Almeida and the other individuals identified in the present Affidavit, at various dates and times, utilized business enterprises organized and operating under the laws of the State of Florida which are identified as **GIFF, INC.; GIFF, INC. d/b/a ADVANCED MORTGAGE SOLUTIONS ("ADVANCED MORTGAGE"); GIFF, INC. d/b/a PREMIER QUALITY RENOVATIONS ("PREMIER QUALITY"); SANDKICK PROPERTY SOLUTIONS, INC. ("SANDKICK"); FIRST COMMERCE HOME FUNDING, INC. ("FIRST COMMERCE"); FLORIDA BEAUTIFUL CONSTRUCTION MANAGEMENT, INC. ("FLORIDA BEAUTIFUL"); CONSUMER LENDING RESOURCES CORP. ("CONSUMER LENDING"); and FIRST PRIORITY TITLE SERVICES, LLC ("FIRST PRIORITY")**.
3. Your Affiants, for purposes of the present Affidavit, have utilized the term "Investigation" to designate direct and circumstantial evidence that your

Affiants have personal knowledge of and direct and circumstantial evidence received by Affiants from law enforcement personnel and non-sworn investigators participating in the investigation which has formed the basis of the present Affidavit.

4. During the course of the Investigation that is the subject of the present Affidavit, your Affiants and other investigative personnel employed by the Florida Department of Law Enforcement, the Hillsborough County Consumer Protection Agency, and the City of Tampa Police Department, through unsworn interviews, the acquisition of sworn recorded statements, and the acquisition and examination of records, correspondence and documents, have identified that beginning on or about **April 7, 2003** and continuing through on or about **October 13, 2006**, Respondents and the business enterprises identified in Paragraph 2 of this Affidavit, both individually and in concert with each other orchestrated and conducted criminal acts in violation of the Statutes of the State of Florida, to wit Racketeering, First Degree Felony (Ss. 895.03(3)), Conspiracy to Commit Racketeering, Second Degree Felony (Ss. 895.03(4)), Grand Theft, Second Degree Felony (Ss. 812.014(2)(b)1) and Obtaining of Mortgage by False Representation, Third Degree Felony (Ss.817.54).
5. Specifically, Respondents are to be charged accordingly:
 - a. Scott Almeida is being charged with Racketeering, Conspiracy to Commit Racketeering, Obtaining of a Mortgage by False Representation (6 counts), and Grand Theft Second Degree (7 counts);
 - b. Orson Benn is being charged with Racketeering, Conspiracy to Commit Racketeering, and Grand Theft Second Degree (2 counts);
 - c. Adrienne White is being charged with Racketeering, Conspiracy to Commit Racketeering, Obtaining of a Mortgage by False Representation (2 counts), and Grand Theft Second Degree (2 counts);
 - d. Frank Giffone is being charged with Racketeering and Conspiracy to Commit Racketeering;
 - e. Samuel Green is being charged with Racketeering and Conspiracy to Commit Racketeering; and
 - f. Bradford Peck is being charged with Racketeering and Conspiracy to Commit Racketeering.
6. The Investigation identified that on January 17, 2003, Giffone was issued an unrestricted mortgage broker's license by the State of Florida. The provisions of the license permitted Giffone to solicit clients for the purpose of representing such clients in the acquisition of residential mortgage loans and the

preparation and submission of mortgage loan applications to lenders qualified to operate within the State of Florida.

7. The Investigation identified that on August 14, 2002, Almeida was issued a restricted mortgage broker's license by the State of Florida. The restriction, based upon a prior felony criminal conviction received by Almeida, limited the participation of Almeida in the Florida mortgage industry to those activities in which Almeida was supervised by an unrestricted licensed mortgage broker.
8. The Investigation identified that on April 7, 2003, Giffone filed with the State of Florida, Division of Corporations, Articles of Incorporation for Giff, Inc. The corporate documents identify Giffone as the sole corporate officer and stockholder of Giff, Inc. At all times and dates contained in this Affidavit, Giff, Inc. conducted business from offices located in Hillsborough County, Florida.
9. The Investigation identified that on April 17, 2003, Giffone, as officer of Giff, Inc., applied for and received, under the ownership of Giff, Inc., permission from the State of Florida Secretary of State to operate a business entity under the assumed name of Advanced Mortgage Solutions, which was also licensed as a mortgage broker business. At all times and dates contained in this Affidavit, Advanced Mortgage Solutions conducted business from offices located in Hillsborough County, Florida.
10. The Investigation identified that on August 7, 2003, Giffone, as an officer of Giff, Inc., applied for and received, under the ownership of Giff, Inc., permission from the State of Florida Secretary of State to operate a business entity under the assumed name of Premier Quality Renovations. At all times and dates contained in this Affidavit, Premier Quality Renovations conducted business from offices located in Hillsborough County, Florida.
11. The Investigation identified that on May 3, 2004, Raul Almeida, A/K/A Paul Almeida (the father of Respondent Scott Almeida), filed Articles of Incorporation for Consumer Lending Resources Corp with the State of Florida Division of Corporations. The corporate documents identify Raul Almeida as the sole corporate officer and stockholder of Consumer Lending Resources Corp. On June 18, 2004, Consumer Lending Resources Corp was licensed as a mortgage broker business. At all times and dates contained in this Affidavit, Consumer Lending Resources Corp conducted business from offices located in Hillsborough County, Florida.
12. The Investigation identified that on March 25, 2004, Scott Almeida and Bradford Peck filed Articles of Incorporation for Florida Beautiful Construction Management, Inc. with the State of Florida, Division of Corporations. The corporate documents identify Almeida and Peck as the corporate officers and stockholders of Florida Beautiful Construction Management, Inc. At all times and dates contained in this Affidavit, Florida Beautiful Construction

Management, Inc. conducted business from offices located in Hillsborough County, Florida.

13. The Investigation identified that while Giffone was the registered owner of Giff, Inc. and secured the assumed names of Premier Quality Renovations and Advanced Mortgage Solutions, Almeida was in fact an active participant in the control and direction of the Giffone created companies. Scott Almeida's presence in the daily operation of the businesses was identified through statements received from former employees of Premier Quality and Advanced Mortgage, an examination of documents secured from the Respondent companies and mortgage lenders, and electronic mail communications between Almeida, title companies and lenders. In particular, the Investigation identified the following:
 - a. The presence of Almeida in the recruitment of employees for the businesses;
 - b. The presence of Almeida in the control and direction of Premier Quality employees with respect to the solicitation of customers;
 - c. The presence of Almeida in conducting weekly staff meetings attended by employees of the referenced businesses;
 - d. The announcement by Almeida of specific operating policies for the conduct of Advanced Mortgage and its employees. In particular, the creation of an Almeida established policy wherein no employee other than Almeida was to have direct contact with certain representatives of a major mortgage lender utilized by Advanced Mortgage and Consumer Lending;
 - e. The sole control by Almeida of bank accounts in the name of Advanced Mortgage.
 - f. The identity of Almeida's name on documents submitted to mortgage lenders wherein the documents identify Almeida as the submitting broker; and
 - g. Statements by Almeida to his federal parole officer that Almeida operated Advanced Mortgage Solutions and Giffone was Almeida's "manager."
14. The Investigation identified that Giffone operated and maintained several bank accounts in the name of Giff, Inc. d/b/a Premier Quality and Giff, Inc. d/b/a Advanced Mortgage.

15. The Investigation identified that while Raul Almeida was the registered owner of Consumer Lending Resources, Scott Almeida was the primary source of control and direction for the operation of the referenced company. In particular, following was identified:
- a. The presence of Almeida in the recruitment of employees for Consumer Lending Resources;
 - b. The presence of Almeida in the control and direction of Consumer Lending Resources employees with respect to the solicitation of customers;
 - c. The announcement by Almeida of specific operating policies for the conduct of Consumer Lending Resources and its employees. In particular, the creation of an Almeida established policy wherein no employee other than Almeida was to have direct contact with certain representatives of a major mortgage lender utilized by Consumer Lending Resources;
 - d. The identity of Almeida's name on documents submitted to mortgage lenders wherein the documents identify Almeida as the submitting broker;
 - e. Scott Almeida's signatory authority of the bank accounts of Consumer Lending, including Regions Bank and Colonial Bank; and
 - f. The statement by Raul Almeida that he did not take an active role in the day-to-day operations of the company.
16. The Investigation identified from former employees that Scott Almeida and Frank Giffone hired Bradford Peck to manage the construction projects of Premier Quality Renovation, as well as solicit homeowners for construction work. Freddy Colon, Michael Fetterhoff, William McKinney and others were hired to solicit business for both the mortgage company and construction company. Scott Almeida and Frank Giffone also hired William Medina, Jeffrey Ayers, Brian Ayers, and others as loan officers, while Regina Diaz (aka Gina Diaz) was hired as the loan processor. Adrienne White was hired to be Scott Almeida's assistant, loan officer, and/or a loan processor.
17. The Investigation identified that Almeida and/or Giffone directed Peck and other known persons to visit residential neighborhoods within the Counties of Polk, Hillsborough, Pinellas, Orange, and Lee Counties. They were to either make personal contact with those individual residents whose home provided external evidence that renovation or repair was necessary or, in the alternative, would attach Premier Quality or Florida Beautiful advertising flyers to the doors of selected residences.

18. The Investigation identified that upon contact with a resident within the identified Counties, Almeida would direct Peck and other known persons including, but not limited to, William McKinney, Michael Fetterhoff, and Freddy Colon, to conduct sales presentations to the resident. Peck and other known persons would propose that Premier Quality or Florida Beautiful had the ability to perform renovation and repair work to the resident's structure. Peck and other known persons proposed to the individual resident that the cost of such repair and renovation projects would be supported by the acquisition of a residential mortgage loan in the name of the solicited resident. In certain instances, Peck and other known persons stated to the solicited resident that a portion of the proceeds received from the secured residential mortgage loan would also be utilized for the payoff of an existing mortgage and/or to pay off other outstanding debts held by the resident.
19. Peck stated to the Investigation that he visited the residence on behalf of Premier Quality and secured from the homeowner the scope of work to be performed. Peck would prepare a handwritten list describing the scope of work and the estimated cost for accomplishing the work. Upon completion of the handwritten document, Peck provided the document to Giffone who, according to Peck, would prepare a printed "Contract" or "Sales Invoice." The printed document contained the Peck prepared scope of work, but would not contain the estimated cost of the work. Charity Rice, a former employee of Advanced Mortgage, stated to the Investigation that she would receive from Peck handwritten descriptions of work to be performed by Premier Quality, including the costs associated with the work. Rice stated that she would prepare typed versions of the Peck document and return the prepared document to Peck. When presented with Premier Quality typed "Invoices", Rice stated that she prepared the documents, but was unable to provide any information as to why the typed document did not contain the cost of the work.
20. The absence of the cost of the project in the Giffone prepared document was due to Peck's belief that regardless of the cost estimates, Giffone and Almeida would charge the homeowner the entire amount of the funds that were to be received by the homeowner from the closing.
21. Peck also identified that at the direction of Almeida and Giffone, individuals employed by Premier Quality or Advanced Mortgage were instructed not to provide the solicited homeowner with the estimated cost of the project. Peck stated that if the homeowner persisted in receiving an estimate for the proposed construction, the homeowner received as an estimate the amount of the loan proceeds.
22. When Premier Quality ceased operation and Almeida and Peck continued their activities as Florida Beautiful, Peck stated that he continued to prepare a handwritten estimate identifying the scope of work to be performed for the

individual homeowner and the estimated cost of such work. The Peck prepared document was then provided to Adrienne White who would prepare the Florida Beautiful "Customer Contracts" or "Sales Contracts." In the preparation of such documents, White eliminated the entry of the costs for the work in the same manner that Giffone had during the operation of Premier Quality.

23. Peck also identified that Peck, David Leveson and other individuals associated with Consumer Lending and Florida Beautiful were instructed by Almeida not to disclose the estimated cost of the proposed project. In accordance with the operation of Premier Quality, Peck stated that if the homeowner demanded to know the estimated cost of a Florida Beautiful project, Peck presented the amount of the loan proceeds as an estimate.
24. Peck's statements were supported, in part, through statements obtained from William Medina. In particular, Medina corroborated that the cost of the individual construction project was based upon the amount of the loan proceeds due the homeowner.
25. The Investigation identified that Almeida, Peck, other known persons participating in the referenced solicitation, as well as Premier Quality or Florida Beautiful, did not possess a residential contractor's license issued and required by the Counties of Polk, Hillsborough, Pinellas, Orange, Hillsborough, Pinellas, and Lee and the State of Florida. The Investigation identified that Almeida, Peck or other known persons withheld from the solicited residents the absence of a required contractor's license or falsely portrayed that Respondents or the identified business enterprises were in possession of such a license. Peck stated to the Investigation that Peck was not a licensed residential contractor. Peck stated that upon his employment with Premier Quality, Peck requested from Almeida and Giffone that Peck attend a training program in order for Peck to secure a contractor's license. Peck stated that Almeida and Giffone declined to provide funds for such activity.
26. The Investigation identified from documents provided by relevant city and county municipalities that the Respondents did not apply for or secure any permits necessary for the proposed renovations contained within this Affidavit.
27. The Investigation identified that in performing the initial solicitation of the specific resident if the solicited home owner or tenant was agreeable to securing the proposed renovation or repair work and the supporting mortgage loan, Peck and other known persons, under the direction and control of Almeida, would secure specific personal, employment and financial information from the solicited resident. The Investigation identified that the secured data would be provided by Peck and other known persons to Almeida. Almeida would review the data and, based upon Almeida's evaluation of the reviewed data, Almeida would order a credit report in the name of the resident. The Investigation identified that from such activity, Almeida would make a determination as to

White
Plains

whether the solicited resident was a potential candidate for a residential mortgage loan.

28. The Investigation identified that if the solicited resident (hereinafter referred to as the "Applicant(s)") was a viable candidate for a residential mortgage loan, Almeida would prepare or direct White and other known persons to prepare a series of documents (hereinafter collectively referred to as the "Application Documents") under the business enterprises of either Advanced Mortgage Solutions, Consumer Lending, Sandkick or First Commerce Home Funding. These Application documents could include, but were not limited to, Uniform Residential Loan Application (Form 1003), Truth-in-Lending Statement, Good Faith Estimate, Mortgage Brokerage Business Contract, Certification and Authorization form, credit report, appraisal and derogatory credit letter. The Investigation identified that, without the knowledge, participation or approval of the individual Applicant, Almeida, Giffone, White, and other known persons would create and enter false and fraudulent information into the Application Documents; create false and fraudulent Application Documents; and where necessary, forge the name of the Applicant on the Application Document(s). These documents contained false and fraudulent information pertaining to the applicant's personal history, the source of income and income level of the applicant, or where necessary, the falsification of the ownership status of the property.
29. The Investigation identified that upon the completion of the referenced Application Documents, Almeida, White and other known persons, at the direction of Almeida, would submit the Application Documents to Argent Mortgage Company ("Argent"), a residential lender operating within the State of Florida. Argent, through its underwriting representatives, would then render a decision to fund, deny or suspend the submitted loan application. If the decision was to fund a residential mortgage, the Argent underwriting representative would prepare and issue a series of pre-funding conditions or "stipulations" that, based upon Argent procedures, required satisfaction prior to the funding of the loan.
30. The Investigation identified that the Argent-prepared pre-funding conditions for the submitted loan application would be transmitted to an Argent employee identified as an "Account Manager." It was the Account Manager's responsibility to communicate these stipulations to the submitting broker by sending them a "Loan Approval Summary." The Account Manager was responsible for monitoring the efforts of the submitting broker and other relevant persons in the satisfaction of the pre-funding conditions.
31. The Investigation identified that Almeida and other known persons under the direction and control of Almeida, prepared and submitted false, fraudulent and forged documents in order to satisfy the identified pre-funding conditions.

Whole Sale

The Almeida submitted documents resulted in Argent making the determination to fund the loan.

32. An example of one of the stipulations would be a verification of the applicant's income and employment. Argent Mortgage accepted pay stubs and/or Wage and Tax Statement Forms ("W-2 Forms"). The Investigation identified evidence that both Almeida and Giffone created pay stubs and/or W-2 Forms. William Medina, a loan officer for Advanced Mortgage, stated that he personally observed pay stub and W-2 Forms on Almeida's laptop computer screen. Medina also observed a folder that Almeida carried in his briefcase which contained various samples of pay stubs and W-2 Forms. Bradford Peck, construction manager for Premier Quality Renovations, observed similar pay stub and W-2 Forms on Giffone's computer screen.
33. Another example of one of the stipulations would be the verification of alternate lines of credit. Argent required alternate lines of credit when the applicant did not have a sufficient credit history. Argent accepted alternate lines of credit documents from such entities as electric companies, water companies, Drive-Time and other businesses. Medina told the Investigation that Almeida instructed him to locate the logos of Drive-Time and TECO on the internet and to copy and email them to Almeida.
34. The Investigation also obtained a statement from John White, the former spouse of Advanced Mortgage Solutions employee and Respondent Adrienne White. John White stated that Almeida offered to produce a fraudulent pay stub for him with respect to his sister's auto loan. In a sworn statement, John White responded accordingly:

Q. "... what do you recall that ... they were changing ... pay stubs and stuff like that in the files?"

A. "Yeah. They had a lot of stuff to change. ...when you walk into Scott's office, he had a printer set up with six different pay stubs. You printed whatever you want."

Q. "...you'd ... see that?"

A. "Yeah. Yeah, because, uh, I think it was actually Frank that might have been – actually been printing them. But, uh, you could go – and the reason why is my sister needed a car loan and they were going to print my sister a pay stub."

Q. "Who said that they can print your sister a pay ...?"

A. "Well ... we asked Scott about it..."