

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :

3 : 06 cr 0170

WALTER HERBERT RICE

v. : INDICTMENT

RANDALL L. WEBB :
 :
 Defendant. :

18 U.S.C. Section 152(3)
(False Oaths)

18 U.S.C. Section 157(1)
(Bankruptcy Fraud)

18 U.S.C. § 1341
(Mail Fraud)

18 U.S.C. § 1519
(Falsification)

18 U.S.C. § 2
(Principals)

THE GRAND JURY CHARGES THAT:

COUNT 1

1. Beginning at an exact date unknown, but at least by on or about February 2004 and continuing until on or about the date of this Indictment, in the Southern District of Ohio and elsewhere, the defendant, RANDALL WEBB, knowingly and wilfully devised and intended to devise a scheme and artifice to defraud homeowners who were potentially facing the loss of their homes through foreclosure actions and to obtain money and funds by means of false and fraudulent pretenses, representations, and promises he made to these homeowners, when the

defendant, RANDALL WEBB, knew at the time that the pretenses and representations were false and fraudulent when made, and which scheme and artifice was, as follows:

2. It was a part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, contacted homeowners in the Dayton, Cincinnati, and other metropolitan areas, typically by direct mail, offering to help them save their homes from foreclosures and sheriff's sales.

3. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, met with homeowners who responded to his solicitations and promised to take affirmative steps to help save their homes in exchange for a fee he collected up front. The promises made by the defendant, RANDALL WEBB, included that he would create new payment plans with the homeowners' mortgage companies and make mortgage and arrearage payments on their home loans with money they would provide him, thereby saving their home for them. The fees collected by the defendant, RANDALL WEBB, were approximately \$500.00 to \$800.00 per homeowner. He also collected mortgage payments from at least one homeowner.

4. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, did not create new payment plans with the homeowners' mortgage companies or make mortgage and arrearage payments on their home loans with money they provided him.

5. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, told homeowners not to talk to their mortgage companies anymore and that he would handle all of the communication for them with their mortgage companies.

6. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, made misrepresentations and omitted facts surrounding the processes of foreclosure and sheriff's sale.

7. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, promised some homeowners that they would not have to file bankruptcy and led others to believe that the mere filing of bankruptcy would save their homes for them.

8. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, told homeowners who inquired about attending bankruptcy proceedings that they should not attend.

9. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, advised and aided homeowners in completing financial questionnaires, authorizations to release information, and other information gathering documents which then enabled him to prepare bankruptcy petitions and related documents without homeowners' knowledge and consent.

10. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, prepared and filed and caused to be prepared and filed bankruptcy petitions in the names of homeowners without their consent.

11. It was further part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, prepared and filed and caused to be prepared and filed bankruptcy petitions which did not disclose the true preparer of the petitions.

12. It was further a part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, used the alias name "Richard L. Welch" in some of his communications to homeowners.

13. It was further a part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, used business names such as of American Foreclosure Group, American Foreclosure Group, LLC, AFG, Foreclosure Solutions, Netmark, and Foreclosure Alternative in some of his communications to and dealings with homeowners.

14. It was further a part of the scheme and artifice to defraud that the defendant, RANDALL WEBB, often discussed his religious orientation and affiliations with homeowners during his initial meeting with homeowners, especially those whom he had reason to believe would be more likely to trust him as a result.

15. On or about January 1, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, having devised the above described scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, and for the purpose of executing and attempting to execute the scheme and artifice, did knowingly cause to be sent, delivered, and moved by the United States Postal Service a document purporting to be from a business known as American Foreclosure Group, which document was addressed to and delivered to a residence owned by persons with the initials LRB and MAPB, which document reflected a pending sheriff's sale date for the property and offered assistance in preventing the loss of the home.

In violation of 18 U.S.C. §§ 1341 and 2.

COUNT 2

16. Paragraphs 1 through 13 of Count 1 above are hereby incorporated and made a part of this Count as if completely realleged herein.

17. On or about March 25, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, having devised the above described scheme and artifice to defraud and for the purpose of executing and concealing such scheme and artifice, and attempting to execute and conceal such scheme and artifice, did knowingly file and cause to be filed a bankruptcy petition under Title 11 (the Bankruptcy Code), to wit: a petition in the name of a homeowner whose initials are L.L. which was filed in case number 3:05-bk-32717 in the United States Bankruptcy Court for the Southern District of Ohio.

In violation of 18 U.S.C. §§ 157(1) and 2.

COUNT 3

18. Paragraphs 1 through 13 of Count 1 above are hereby incorporated and made a part of this Count as if completely realleged herein.

19. On or about January 25, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, having devised the above described scheme and artifice to defraud and for the purpose of executing and concealing such scheme and artifice, and attempting to execute and conceal such scheme and artifice, did knowingly file and cause to be filed a bankruptcy petition under Title 11 (the Bankruptcy Code), to wit: a petition in the name of a homeowner whose initials are D.A.P. which was filed in case number 1:05-bk-10458 in the United States Bankruptcy Court for the Southern District of Ohio.

In violation of 18 U.S.C. §§ 157(1) and 2.

COUNT 4

20. Paragraphs 1 through 13 of Count 1 above are hereby incorporated and made a part of this Count as if completely realleged herein.

21. On or about November 12, 2004, in the Southern District of Ohio, the defendant, RANDALL WEBB, having devised the above described scheme and artifice to defraud and for the purpose of executing and concealing such scheme and artifice, and attempting to execute and conceal such scheme and artifice, did knowingly file and cause to be filed a bankruptcy petition under Title 11 (the Bankruptcy Code), to wit: a petition in the name of a homeowner whose initials are L.B. which was filed in case number 3:04-bk-39987 in the United States Bankruptcy Court for the Southern District of Ohio.

In violation of 18 U.S.C. §§ 157(1) and 2.

COUNT 5

22. On or about November 12, 2004, in the Southern District of Ohio, the defendant, RANDALL WEBB, knowingly concealed, covered up, falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the proper investigation and administration of a case under title 11 (the Bankruptcy Code), and in relation to and in contemplation of such case when he failed to disclose the identity of the true preparer and entered and caused to be entered the notation N/A in the section of a bankruptcy petition labeled Signature of Non-Attorney Petition Preparer, which petition was filed on behalf of a person whose initials are L.B. in case number 3:04-bk-39987 in the United States Bankruptcy Court for the Southern District of Ohio.

All in violation of 18 U.S.C. §§ 1519 and 2.

COUNT 6

23. On or about January 7, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, knowingly concealed, covered up, falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the proper investigation and administration of a case under title 11 (the Bankruptcy Code), and in relation to and in contemplation of such case when he failed to disclose the identity of the true preparer and left blank and caused to be left blank the section of a bankruptcy petition labeled Signature of Non-Attorney Petition Preparer, which petition was filed on behalf of a person whose initials are T.D. in case number 3:05-bk-30139 in the United States Bankruptcy Court for the Southern District of Ohio.

All in violation of 18 U.S.C. §§ 1519 and 2.

COUNT 7

24. On or about March 25, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, knowingly concealed, covered up, falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the proper investigation and administration of a case under title 11 (the Bankruptcy Code), and in relation to and in contemplation of such case when he failed to disclose the identity of the true preparer and listed and caused to be listed the name and identifying information of a person whose initials are R.B. in the sections of a bankruptcy petition labeled Signature of Non-Attorney Petition Preparer and Certification and Signature of Non-Attorney Bankruptcy Petition Preparer, which petition was

filed in the name of a person whose initials are L.L. in case number 3:05-bk-32717 in the United States Bankruptcy Court for the Southern District of Ohio.

All in violation of 18 U.S.C. §§ 1519 and 2.

COUNT 8

25. On or about August 8, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, knowingly and fraudulently made a false oath, declaration, certificate, verification, and statement under penalty of perjury as permitted under section 1746 of Title 28, in and in relation to a case under title 11 (the Bankruptcy Code) when, in and in relation to the bankruptcy case filed pro se in his own name in case number 3:05-bk-37886 in the United States Bankruptcy Court for the Southern District of Ohio, he stated in Schedule F and declared to be true under the penalty of perjury in the Declaration Concerning Debtor's Schedules, that he had only three creditors holding unsecured nonpriority claims totaling \$20,190.21 when, in fact, he knew that he had additional creditors, including Dwight Anthony P. and a company known as ING USA Annuity & Life Company.

In violation of Title 18 U.S.C. § 152(3).

COUNT 9

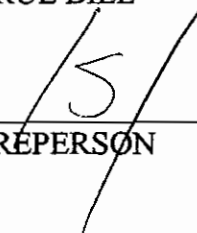
26. On or about August 8, 2005, in the Southern District of Ohio, the defendant, RANDALL WEBB, knowingly and fraudulently made a false oath, declaration, certificate, verification, and statement under penalty of perjury as permitted under section 1746 of Title 28, in and in relation to a case under title 11 (the Bankruptcy Code) when, in and in relation to the bankruptcy case filed pro se in his own name in case number 3:05-bk-37886 in the United States Bankruptcy Court for the Southern District of Ohio, he declared on page 11 of his Statement of

Financial Affairs that his representations therein were true and correct when, in fact, he had failed to disclose and omitted from his response to question number 4 on page 2 of that Statement all but one of the suits and administrative proceedings to which he was a party within one year immediately preceding the filing of his bankruptcy case; to wit: he failed to disclose and omitted, among others, the following:

| COURT | BANKRUPTCY CASE NUMBER | ADVERSARY CASE NUMBER |
|------------------------------|------------------------|-----------------------|
| Bankruptcy Court, S.D. Ohio | 04-39494 | 05-03041 |
| Bankruptcy Court, S.D. Ohio | 04-39987 | 05-03046 |
| Bankruptcy Court., S.D. Ohio | 04-39711 | 05-03038 |
| Bankruptcy Court, S.D. Ohio | 04-40637 | 05-03031 |
| Bankruptcy Court, S.D. Ohio | 04-39496 | 05-03034 |
| Bankruptcy Court, S.D. Ohio | 04-38847 | 05-03035 |
| Bankruptcy Court., S.D. Ohio | 04-37802 | 05-03083 |
| Bankruptcy Court, S.D. Ohio | 04-39492 | 05-03039 |
| Bankruptcy Court, S.D. Ohio | 04-38493 | 05-03085 |

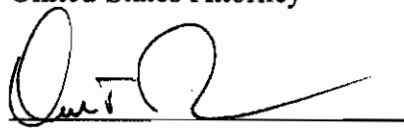
In violation of 18 U.S.C. § 152(3).

A TRUE BILL



 FOREPERSON

GREGORY G. LOCKHART
 United States Attorney



 VIPAL PATEL
 Deputy Criminal Chief