

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

JUL 02 2014

BY 
DEPUTY CLERK

UNITED STATES OF AMERICA)
)
 v.)
)
 BRYAN PUCKETT,)
 AMIR BABAK BANYAN,)
 a/k/a Bobby Banyan,)
 APRIL GARDNER,)
 ANDREW HOFFMAN,)
)

NO. 3:14-00101

18 U.S.C. § 1344

18 U.S.C. § 1349

18 U.S.C. § 2

INDICTMENT

The Grand Jury charges:

At times relevant to this Indictment:

COUNT ONE

Defendants and Relevant Entities

1. Defendant **BRYAN PUCKETT**, a resident of Lebanon, Tennessee, was the owner or co-owner of several companies, including CP Construction, LLC, involved in the construction and sale of residential homes in the Nashville area, including in Hendersonville, Franklin, Lebanon, and Brentwood, Tennessee. **PUCKETT** and his related companies owed hundreds of thousands of dollars in loans to financial institutions and other lenders on each of the homes that they constructed or that they purchased from other builders for re-sale.

2. A business entity, referred to in this Indictment as “the Brokerage,” was based in Brentwood, Tennessee. The Brokerage was in the business of assisting borrowers in obtaining loans to purchase residential homes and other property, including by connecting borrowers with lenders and assisting borrowers in completing and submitting loan applications to lenders.

3. Defendants **AMIR BABAK BANYAN**, a/k/a **BOBBY BANYAN**, a resident of Nashville, Tennessee, and **APRIL GARDNER**, a resident of Franklin, Tennessee, were employed as loan originators at the Brokerage. At times, **BANYAN** and **GARDNER** worked as a team to broker loans for residential homes, including homes built and sold by **PUCKETT**. **BANYAN** and **GARDNER** contacted lenders for borrowers and prepared and submitted loan applications to lenders for borrowers, including for borrowers purchasing homes from **PUCKETT**.

4. Defendant **ANDREW HOFFMAN**, a resident of Dallas, Texas, was employed as a bellman at a hotel and as a ticket seller.

5. SunTrust Bank and Fifth Third Bank were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”). SunTrust Mortgage Inc. and Fifth Third Mortgage Company were wholly-owned subsidiaries of SunTrust Bank and Fifth Third Bank, respectively.

Overview of the Fraud Scheme

6. From on or about January 1, 2006 through on or about September 30, 2007, **PUCKETT** and **BANYAN**, assisted by **GARDNER**, recruited their friends, family, and others with good credit to act as “straw borrowers” to obtain loans from federally-insured financial institutions and other lenders (collectively, “the lenders”) to purchase properties which were owned by **PUCKETT** and his associates and which were encumbered with significant debt.

7. To recruit straw borrowers, **PUCKETT** assured them that, among other things, he would make the required payments on the loans the straw borrowers obtained from the lenders until the homes that the straw borrowers had purchased could be sold to others. **PUCKETT** and

BANYAN also promised the straw borrowers that **PUCKETT** would pay the straw borrowers in return for the straw borrowers' participation in obtaining loans and purchasing homes.

8. **BANYAN** and **GARDNER**, on behalf of those straw borrowers and other borrowers, including **HOFFMAN**, caused the preparation and submission of loan applications and related documents to the lenders. Those documents included false and misleading representations regarding the borrowers' employment, income, assets, bank account balances, and current monthly expenses (including rent or mortgage payments), as well as regarding the amount and source of the down payments being made by borrowers, and whether the buyers intended to use the homes as a primary residence, secondary residence, or investment property. The borrowers in turn used the funds they obtained from the lenders to purchase homes owned by **PUCKETT** and his associates and to pay off significant debts with which **PUCKETT** and his associates had encumbered them.

9. Loans fraudulently obtained in the scheme include loans closing on or about the date and in the approximate amounts described below:

PROPERTY	BORROWER	DATE OF LOAN CLOSING	LENDER AND LOAN AMOUNT
1028 Island Brook Drive, Hendersonville, Tennessee	MP	January 25, 2006	\$383,920 first mortgage \$95,980 second mortgage SunTrust Mortgage, Inc. (SunTrust Bank)
1002 Darwood Court, Hendersonville, Tennessee	CS	October 18, 2006	\$319,920 first mortgage \$79,800 second mortgage SunTrust Mortgage, Inc. (SunTrust Bank)
129 Tatnail Court, Hendersonville, Tennessee	CP	August 21, 2006	\$796,000 first mortgage \$199,000 second mortgage SunTrust Mortgage, Inc. (SunTrust Bank)
101 Valley Creek Court Drive, Franklin, Tennessee	EWA	January 10, 2007	\$1,330,000 first mortgage American Broker's Conduit

5332 Williamsburg Drive, Brentwood, Tennessee	HOFFMAN	March 15 ,2007	\$343,600 first mortgage \$85,900 second mortgage SunTrust Mortgage, Inc. (SunTrust Bank)
704 Ridgecrest Lane, Lebanon, Tennessee	HOFFMAN	April 11, 2007	\$680,000 first mortgage \$170,000 second mortgage Fifth Third Mortgage Co. (Fifth Third Bank)
619 Ridgecrest Lane, Lebanon, Tennessee	RS	May 3, 2007	\$532,000 first mortgage \$133,000 second mortgage American Home Conduit
619 Ridgecrest Lane, Lebanon, Tennessee	RS	July 23, 2007	\$500,000 first mortgage \$211,000 second mortgage SunTrust Mortgage, Inc. (SunTrust Bank)

THE CONSPIRACY

10. From on or about January 1, 2006, through on or about September 30, 2007, in the Middle District of Tennessee, and elsewhere, defendants **BRYAN PUCKETT**, **AMIR BABAK BANYAN**, a/k/a **BOBBY BANYAN**, **APRIL GARDNER**, **ANDREW HOFFMAN** and others known and unknown to the grand jury, did willfully, knowingly, and unlawfully combine, conspire, confederate, and agree with each other, to commit an offense against the United States, that is, Bank Fraud, in violation of Title 18, United States Code, Section 1344, by knowingly and intentionally executing, and attempting to execute a scheme and artifice to defraud financial institutions, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain any of the moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of those financial institution, by means of materially false and fraudulent pretenses, representations, and promises.

PURPOSE OF THE CONSPIRACY

11. It was a purpose of the conspiracy for **PUCKETT**, **BANYAN**, and **GARDNER**, to obtain loans from the lenders for unqualified borrowers, including co-conspirator

HOFFMAN, and use those loan proceeds to pay off existing debts of **PUCKETT, BANYAN**, and others, and otherwise to unlawfully enrich themselves.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which **PUCKETT, BANYAN, GARDNER, HOFFMAN**, and their co-conspirators sought to accomplish the purpose of the conspiracy included, among other ways, the following:

12. In order to induce straw borrowers to obtain the loans and purchase homes, **PUCKETT** and **BANYAN** made promises and assurances to borrowers, which were concealed from the lenders, including promises that:

- a. the borrowers' loan payments would be made by **PUCKETT**; and,
- b. the borrowers would be paid thousands of dollars in exchange for allowing **PUCKETT, BANYAN**, and others to use the borrowers' good credit and obtain the loans in the borrowers' names.

13. **PUCKETT** disguised the secret payments to borrowers as "builder upgrades," "allowances," and other payments to deceive the lenders and others.

14. **PUCKETT, BANYAN, GARDNER, HOFFMAN**, and others fraudulently made and caused others to make material misrepresentations and omissions in loan applications and other loan documents submitted to the lenders, including representations which, at times:

- a. materially overstated or misrepresented the income and assets of borrowers;
- b. falsely identified and verified employment of borrowers; and,
- c. falsely stated that borrowers would occupy a home as their primary residence.

15. In order to create the false appearance of “equity” in a home, **PUCKETT**, **BANYAN** and others, at times, fraudulently:

- a. inflated the sale price purportedly being paid by a borrower for a property;
- b. provided a “dummy” second mortgage from one of **PUCKETT**’s companies to the borrower to cover the difference between the falsely inflated sale price and the amount of the “first mortgage” loan being provided by an actual lender; and,
- c. released the “dummy” second mortgage as if it were “paid in full” after the closing of the first mortgage loan without the borrower making any payments on the “dummy” second mortgage.

16. Having fraudulently arranged initial loans for borrowers and in order to obtain new funds with which to make payments on those initial loans, avoid default on those loans, and conceal and perpetuate the fraud, **PUCKETT**, **BANYAN**, **GARDNER**, and others subsequently:

- a. arranged re-financing of loans on the homes for those borrowers;
- b. arranged re-sales of the homes and new loans secured by those homes to other borrowers, including re-sales and new loans to themselves, their family members, and entities related to them; and,
- c. used loan proceeds to make payments on and to pay off mortgage loans.

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

COUNTS TWO THROUGH SIX

THE GRAND JURY FURTHER CHARGES:

1. The Grand Jury realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 9 and paragraphs 12 through 16 of Count One of the Indictment.

2. From on or about January 1, 2006 through on or about September 30, 2007, in the Middle District of Tennessee and elsewhere, defendants **BRYAN PUCKETT**, **AMIR BABAK BANYAN**, a/k/a **BOBBY BANYAN**, **APRIL GARDNER**, and **ANDREW HOFFMAN**, knowingly executed, and attempted to execute, a scheme and artifice to defraud financial institutions, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property, owned by and under the custody and control of those financial institutions, by means of materially false and fraudulent pretenses, representations and promises, as set forth and described in paragraphs 6 through 9 and 12 through 16 of Count One of the Indictment.

3. On or about the dates specified below, in the Middle District of Tennessee and elsewhere, the defendants, as specified below, for the purpose of executing the scheme and artifice, and attempting to do so, did execute and cause the execution of the aforesaid scheme to defraud financial institutions, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property, owned by and under the custody and control of those financial institutions, as more particularly described below:

COUNT	DEFENDANTS	DATE	LENDER	ACT OF EXECUTION
2	BRYAN PUCKETT and APRIL GARDNER	January 25, 2006	SunTrust Mortgage, Inc. (SunTrust Bank)	Submission of fraudulent documents for the purpose of obtaining loans in the name of MP in the approximate amount of \$383,920 and \$95,980 for the purchase of 1028 Island Brook Drive, Hendersonville, TN
3	BRYAN PUCKETT and AMIR BABAK BANYAN, a/k/a BOBBY BANYAN	October 18, 2006	SunTrust Mortgage, Inc. (SunTrust Bank)	Submission of fraudulent documents for the purpose of obtaining loans in the name of CS in the approximate amount of \$319,920 and \$79,800 for the purchase of 1002 Darwood Court, Hendersonville, TN
4	BRYAN PUCKETT and AMIR BABAK BANYAN, a/k/a BOBBY BANYAN	August 21, 2006	SunTrust Mortgage, Inc. (SunTrust Bank)	Submission of fraudulent documents for the purpose of obtaining loans in the name of CP in the approximate amount of \$796,000 and \$199,000 for the purchase of 129 Tatnail Court, Hendersonville, TN
5	AMIR BABAK BANYAN, a/k/a BOBBY BANYAN, and ANDREW HOFFMAN	March 15, 2007	SunTrust Mortgage, Inc. (SunTrust Bank)	Submission of fraudulent documents for the purpose of obtaining loans in the name of HOFFMAN in the approximate amount \$343,600 and \$85,900 for the purchase of 5332 Williamsburg Drive Brentwood, TN
6	BRYAN PUCKETT, AMIR BABAK BANYAN, a/k/a BOBBY BANYAN, APRIL GARDNER, and ANDREW HOFFMAN	April 11, 2007	Fifth Third Mortgage Company (Fifth Third Bank)	Submission of fraudulent documents for the purpose of obtaining loans in the name of HOFFMAN in the approximate amount \$680,000 and \$170,000 for the purchase of 704 Ridgecrest Lane Lebanon, TN

All in violation of Title 18, United States Code, Sections 1344 and 2.

FORFEITURE ALLEGATION

The felony offenses alleged in this Indictment, punishable by imprisonment for more than one year, are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

Upon conviction of any of the offenses in which they are charged in Counts One through Six of this Indictment, **BRYAN PUCKETT**, **AMIR BABAK BANYAN**, a/k/a **BOBBY BANYAN**, **APRIL GARDNER**, and **ANDREW HOFFMAN**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any property, real or personal, constituting, or derived from, proceeds the defendants obtained directly or indirectly as a result of the violations, including but not limited to, a money judgment.

If any of the assets being subject to forfeiture pursuant to Title 18, United States Code, Section 982, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) have been transferred or sold to, or deposited with, a third party;
- (c) have been placed beyond the jurisdiction of the court;
- (d) have been substantially diminished in value; or
- (e) have been commingled with other property which cannot be subdivided without difficulty;

the United States shall be entitled to forfeit substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL



FOREPERSON

Handwritten signature of David Rivera in cursive.

DAVID RIVERA
ACTING UNITED STATES ATTORNEY

Handwritten signature of Byron M. Jones in cursive.

BYRON M. JONES
ASSISTANT UNITED STATES ATTORNEY

Handwritten signature of Jack B. Patrick in cursive.

JACK B. PATRICK
SENIOR LITIGATION COUNSEL
CRIMINAL DIVISION, FRAUD SECTION
UNITED STATES DEPARTMENT OF JUSTICE

Petty Offense ()
Misdemeanor ()
Felony (X)
Juvenile ()

CRIMINAL COVER SHEET
MIDDLE DISTRICT OF TENNESSEE
Nashville DIVISION

County of Offense: Williamson

AUSA's NAME: Byron Jones

Bryan Puckett (1)
Defendant's Name

Defendant's Address

Interpreter Needed? Yes No

If Yes, what language? _____

COUNT(s)	TITLE/SECTION	OFFENSE CHARGED	MAX. PRISON	MAX. FINE
1	18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud	30 years	\$1,000,000
2 through 4 and 6	18 U.S.C. § 1344	Bank Fraud	30 years	\$1,000,000

If the defendant is charged with violating 18 U.S.C. sec. 922(g) and has 3 prior qualifying felonies, then the penalties are as follows: imprisonment not less than 15 years nor more than life; fine not more than \$250,000; supervised release not more than 5 years; 18:924(e)(1)

If the defendant is charged with conspiracy but not with the primary offense, list the primary offense below:

TITLE/SECTION	OFFENSE	MAX. PRISON	MAX. FINE

Is the defendant currently in custody? () Yes (X) No If Yes, State or Federal?

Has a complaint been filed? () Yes (X) No
If Yes: Name of Magistrate Judge _____ Case No.: _____
Was the defendant arrested on the complaint? () Yes () No

Has a search warrant been issued? () Yes (X) No
If Yes: Name of Magistrate Judge _____ Case No.: _____

Was bond set by Magistrate/District Judge: () Yes () No Amount of bond: _____

Is this a Rule 20? () Yes (X) No To/from what district? _____
Is this a Rule 40? () Yes (X) No To/from what district? _____

Is this case related to a pending or previously filed case? (X) Yes () No

What is the related case number: (1) 3:11-00234 (U.S. v. Watkins and Adams) and (2) 3:12-00145 (U.S. v. Czerwinski)

Who is the Magistrate Judge: _____ District Judge: Sharp on (1) and Haynes on (2)

Estimated trial time: eight days

The Clerk will issue a Summons / Warrant (circle one)

Bond Recommendation: \$10,000 O.R.

(Revised January 2008)

Petty Offense ()
 Misdemeanor ()
 Felony (X)
 Juvenile ()

CRIMINAL COVER SHEET
 MIDDLE DISTRICT OF TENNESSEE
Nashville DIVISION

County of Offense: Williamson

AUSA's NAME: Byron Jones

Amir Babak ("Bobby") Banyan (2)
 Defendant's Name

Defendant's Address _____

Interpreter Needed? ____ Yes X No

If Yes, what language? _____

COUNT(s)	TITLE/SECTION	OFFENSE CHARGED	MAX. PRISON	MAX. FINE
1	18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud	30 years	\$1,000,000
3-6	18 U.S.C. § 1344	Bank Fraud	30 years	\$1,000,000

If the defendant is charged with violating 18 U.S.C. sec. 922(g) and has 3 prior qualifying felonies, then the penalties are as follows: imprisonment not less than 15 years nor more than life; fine not more than \$250,000; supervised release not more than 5 years; 18:924(e)(1)

If the defendant is charged with conspiracy but not with the primary offense, list the primary offense below:

TITLE/SECTION	OFFENSE	MAX. PRISON	MAX. FINE

Is the defendant currently in custody? () Yes (X) No If Yes, State or Federal? _____

Has a complaint been filed? () Yes (X) No
 If Yes: Name of Magistrate Judge _____ Case No.: _____
 Was the defendant arrested on the complaint? () Yes () No

Has a search warrant been issued? () Yes (X) No
 If Yes: Name of Magistrate Judge _____ Case No.: _____

Was bond set by Magistrate/District Judge: () Yes () No Amount of bond: _____

Is this a Rule 20? () Yes (X) No To/from what district? _____
 Is this a Rule 40? () Yes (X) No To/from what district? _____

Is this case related to a pending or previously filed case? (X) Yes () No

What is the related case number: (1) 3:11-00234 (U.S. v. Watkins and Adams) and (2) 3:12-00145 (U.S. v. Czerwinski)

Who is the Magistrate Judge: _____ District Judge: Sharp on (1) and Haynes on (2)

Estimated trial time: eight days

The Clerk will issue a Summons / Warrant (circle one)

Bond Recommendation: \$10,000 O.R.

(Revised January 2008)

Petty Offense ()
Misdemeanor ()
Felony (X)
Juvenile ()

CRIMINAL COVER SHEET
MIDDLE DISTRICT OF TENNESSEE
Nashville DIVISION

County of Offense: Williamson

AUSA's NAME: Byron Jones

April M. Gardner **3**
Defendant's Name

Defendant's Address

Interpreter Needed? Yes No

If Yes, what language? _____

COUNT(s)	TITLE/SECTION	OFFENSE CHARGED	MAX. PRISON	MAX. FINE
1	18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud	30 years	\$1,000,000
2 and 6	18 U.S.C. § 1344	Bank Fraud	30 years	\$1,000,000

If the defendant is charged with violating 18 U.S.C. sec. 922(g) and has 3 prior qualifying felonies, then the penalties are as follows: imprisonment not less than 15 years nor more than life; fine not more than \$250,000; supervised release not more than 5 years; 18:924(e)(1)

If the defendant is charged with conspiracy but not with the primary offense, list the primary offense below:

TITLE/SECTION	OFFENSE	MAX. PRISON	MAX. FINE

Is the defendant currently in custody? () Yes (X) No If Yes, State or Federal?

Has a complaint been filed? () Yes (X) No
If Yes: Name of Magistrate Judge _____ Case No.: _____
Was the defendant arrested on the complaint? () Yes () No

Has a search warrant been issued? () Yes (X) No
If Yes: Name of Magistrate Judge _____ Case No.: _____

Was bond set by Magistrate/District Judge: () Yes () No Amount of bond: _____

Is this a Rule 20? () Yes (X) No To/from what district? _____
Is this a Rule 40? () Yes (X) No To/from what district? _____

Is this case related to a pending or previously filed case? (X) Yes () No

What is the related case number: **(1)** 3:11-00234 (U.S. v. Watkins and Adams) and **(2)** 3:12-00145 (U.S. v. Czerwinski)

Who is the Magistrate Judge: _____ District Judge: Sharp on (1) and Haynes on (2)

Estimated trial time: eight days

The Clerk will issue a **Summons** / Warrant (circle one)

Bond Recommendation: \$10,000 O.R.

(Revised January 2008)

Petty Offense ()
 Misdemeanor ()
 Felony (X)
 Juvenile ()

CRIMINAL COVER SHEET
 MIDDLE DISTRICT OF TENNESSEE
Nashville DIVISION

County of Offense: Williamson

AUSA's NAME: Byron Jones

Andrew Hofman (4)
 Defendant's Name

Defendant's Address

Interpreter Needed? Yes No

If Yes, what language? _____

COUNT(s)	TITLE/SECTION	OFFENSE CHARGED	MAX. PRISON	MAX. FINE
1	18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud	30 years	\$1,000,000
5 and 6	18 U.S.C. § 1344	Bank Fraud	30 years	\$1,000,000

If the defendant is charged with violating 18 U.S.C. sec. 922(g) and has 3 prior qualifying felonies, then the penalties are as follows: imprisonment not less than 15 years nor more than life; fine not more than \$250,000; supervised release not more than 5 years; 18:924(e)(1)

If the defendant is charged with conspiracy but not with the primary offense, list the primary offense below:

TITLE/SECTION	OFFENSE	MAX. PRISON	MAX. FINE

Is the defendant currently in custody? () Yes (X) No If Yes, State or Federal?

Has a complaint been filed? () Yes (X) No
 If Yes: Name of Magistrate Judge _____ Case No.: _____
 Was the defendant arrested on the complaint? () Yes () No

Has a search warrant been issued? () Yes (X) No
 If Yes: Name of Magistrate Judge _____ Case No.: _____

Was bond set by Magistrate/District Judge: () Yes () No Amount of bond: _____

Is this a Rule 20? () Yes (X) No To/from what district? _____
 Is this a Rule 40? () Yes (X) No To/from what district? _____

Is this case related to a pending or previously filed case? (X) Yes () No

What is the related case number: (1) 3:11-00234 (U.S. v. Watkins and Adams) and (2) 3:12-00145 (U.S. v. Czerwinski)

Who is the Magistrate Judge: _____ District Judge: Sharp on (1) and Haynes on (2)

Estimated trial time: eight days

The Clerk will issue a Summons / Warrant (circle one)

Bond Recommendation: \$10,000 O.R.

(Revised January 2008)