

FILED

APR 11 2011

SUPERIOR COURT
CLERK'S OFFICE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ601-11-8

Superior Court

Docket Number 11-04-00032-S

STATE OF NEW JERSEY

v.

INDICTMENT

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

LEONARDO A. HERNANDEZ

JAMES E. FELTON III

and

MICHAEL R. FIGLER

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

LEONARDO A. HERNANDEZ

JAMES E. FELTON III

and

MICHAEL R. FIGLER

between on or about April 3, 2006, and on or about June 13, 2007 at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the crime of theft by deception, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crime, or

B. One or more of them would aid in the planning, solicitation or commission of said crime, that is:

1. Theft by Deception, in that they would purposely obtain the property of others by deception, in an amount of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C:20-4.

All in violation of the provisions of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

LEONARDO A. HERNANDEZ

between on or about July 24, 2006, and on or about August 3, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$540,000 by deception; by creating or reinforcing false impressions to Gateway Funding Diversified Mortgage Services, LP that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for K.D. contained true and accurate information for property located at 13 Cranbrook Avenue, Hillsborough, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER, MORTGAGE LOAN SOLUTIONS and LEONARDO A. HERNANDEZ well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and

accurate information for K.D., and thereby caused the said Gateway Funding Diversified Mortgage Services, LP to provide a mortgage in an amount of \$540,000, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

JAMES E. FELTON III

between on or about September 19, 2006, and on or about October 16, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$342,000 by deception; by creating or reinforcing false impressions to American Partners Bank that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for K.V. contained true and accurate information for property located at 1474 Shirley Street, Plainfield, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, ELLIOT N. BAUER, MORTGAGE LOAN SOLUTIONS and JAMES E. FELTON III well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for K.V., and thereby caused the said American Partners Bank to provide a mortgage in an amount of \$342,000, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the

peace of this State, the government and dignity of the same.

COUNT FOUR

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

LEONARDO A. HERNANDEZ

on or about September 22, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$339,150 by deception; by creating or reinforcing false impressions to Gateway Funding Diversified Mortgage Services, LP that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for S.D. contained true and accurate information for property located at 35 Orange Drive, Marlboro, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER, MORTGAGE LOAN SOLUTIONS and LEONARDO A. HERNANDEZ well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for S.D., and thereby caused the said Gateway Funding Diversified Mortgage Services, LP to provide a

mortgage in an amount of \$339,150, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

and

MORTGAGE LOAN SOLUTIONS

between on or about September 11, 2006, and on or about October 4, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$351,500 by deception; by creating or reinforcing false impressions to Fairmont Funding, LTD that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for T.C. contained true and accurate information for property located at 19 Seabreeze Way, Keansburg, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER and MORTGAGE LOAN SOLUTIONS well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for T.C., and thereby caused the said Fairmont Funding, LTD to provide a mortgage in an amount of \$351,500, contrary to the

provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

and

MORTGAGE LOAN SOLUTIONS

on or about March 16, 2007, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of 75,000 or more, to wit \$384,750 by deception; by creating or reinforcing false impressions to American Partners Bank that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for A.Y. contained true and accurate information for property located at 1039 Bangs Avenue, Asbury Park, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER and MORTGAGE LOAN SOLUTIONS well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for A.Y., and thereby caused the said American Partners Bank to provide a mortgage in an amount of \$384,750, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and

against the peace of this State, the government and dignity of
the same.

COUNT SEVEN

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

and

MORTGAGE LOAN SOLUTIONS

between on or about June 1, 2007, and on or about June 13, 2007, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$374,000 by deception; by creating or reinforcing false impressions to American Partners Bank that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for A.Y. contained true and accurate information for property located at 1035 Bangs Avenue, Asbury Park, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER and MORTGAGE LOAN SOLUTIONS well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for A.Y., and thereby caused the said American Partners Bank to provide a mortgage in an amount of \$374,000, contrary to the provisions of

N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and
against the peace of this State, the government and dignity of
the same.

COUNT EIGHT

(Theft by Deception - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

MICHAEL R. FIGLER

between on or about April 3, 2006, and in or about April 21, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, to wit \$340,000 by deception; by creating or reinforcing false impressions to Gateway Funding Diversified Mortgage Services, LP that mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms for L.P. contained true and accurate information for property located at 81 North 16th Street, Newark, New Jersey;

WHEREAS IN TRUTH AND IN FACT, as the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER, MORTGAGE LOAN SOLUTIONS and MICHAEL R. FIGLER well knew, mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement forms did not contain true and accurate information for L.P., and thereby caused the said

Gateway Funding Diversified Mortgage Services, LP to provide a mortgage in an amount of \$340,000, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Theft of Identity - Second Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

MICHAEL R. FIGLER

between on or about April 3, 2006, and in or about April 21, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did obtain certain personal identifying information pertaining to another person and did use that information in order to assume the identity of and represent himself or herself as another person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a pecuniary benefit; that is, the said MARK J. BELLOTTI, JONATHAN P. DOMASH, DIVERSIFIED ASSETS, INC., ELLIOT N. BAUER, MORTGAGE LOAN SOLUTIONS and MICHAEL R. FIGLER did obtain certain personal identifying information pertaining to L.P., namely, her name, address, social security number, and date of birth, and did use this information in order to assume the identity of and represent themselves as L.P., without authorization, and with the purpose to obtain a \$340,000 mortgage from Gateway Funding Diversified Mortgage Services, LP, contrary to the provisions of

N.J.S.A. 2C:21-17a(4), N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and
against the peace of this State, the government and dignity of the
same.

COUNT TEN

(Forgery-Fourth Degree)

MARK J. BELLOTTI

JONATHAN P. DOMASH

DIVERSIFIED ASSETS, INC.

ELLIOT N. BAUER

MORTGAGE LOAN SOLUTIONS

and

MICHAEL R. FIGLER

between on or about April 3, 2006, and on or about April 21, 2006, at the Township of Marlboro, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, with the purpose to defraud or injure, did utter to Gateway Funding Diversified Mortgage Services, LP, writings, that is, a mortgage loan application and U.S. Department of Housing and Urban Development (HUD) settlement form, so that it purported to be the act of another who did not authorize that act, contrary to the

provisions of N.J.S.A. 2C:21-1(3), N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

Terrence Hull

Terrence Hull, Chief
Major Crimes Bureau
Division of Criminal Justice

A TRUE BILL:

John E. Clancy
Foreperson

Dated: 4/11/11

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v.)

MARK J. BELLOTTI)

JONATHAN P. DOMASH)

DIVERSIFIED ASSETS, INC.)

ELLIOT N. BAUER)

MORTGAGE LOAN SOLUTIONS)

LEONARDO A. HERNANDEZ)

JAMES E. FELTON III)

and)

MICHAEL R. FIGLER)

ORDER OF VENUE

An Indictment having been returned to this Court by the State Grand Jury in the above captioned matter,

IT IS ORDERED on this 11th day of April, 2011, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Monmouth be and hereby is designated as the County of venue for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall transmit forthwith the Indictment in this matter and a certified copy of this Order to the Criminal Division Manager of the County of Monmouth for filing.

Linda R. Feinberg, A.J.S.C.