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CEO of Private Mortgage Firm faced Incarceration of 51 to 63 months and will serve 12 months

By Herbert J. Hoelter
CEO & Co-Founder, NCIA

The chief executive officer of a private mortgage firm was indicted on **68 counts** of fraud and conspiracy. The client was ultimately convicted for using his position to falsify employment records and other documents to secure loans for people who agreed to use his brokerage firm.

His advisory guidelines presented to the court in his presentence investigation report recommended a prison term of **51-63 months** and the Assistant United States Attorney on the matter agreed. The NCIA team was instrumental in assisting the defense team in arguing the loss amount. The loss arguments contributed to a variance under 18 U.S.C. §3553(a).

In preparing the client's sentencing memorandum, the defense team also incorporated important findings produced by using NCIA's Federal Sentencing Statistical Analysis tool (FSSA). The client received a **24-month sentence**.

Additionally, NCIA intervened with counsel when the client was designated to a prison camp located outside of his home region and more than 500 miles from his family. He was successfully re-designated to a camp location within hours of his family.

The client was further assisted by NCIA in determining his RDAP eligibility. NCIA coordinated resources post-sentencing to properly document his medical position prior to self-surrender. The RDAP program promotes participation by offering a **§3621(e) sentence reduction** of 6-12 months upon successful completion.

While the client received a 24-month sentence, he has started the RDAP program which will reduce his sentence. With RDAP and including his good time credit, our client will only spend **12 months** at the federal prison camp.

In total the client faced 51-63 months and will ultimately serve 12 months at the federal prison camp.

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A 51-year-old owner of a small construction company plead guilty to one count of conspiracy to bribe an official of a local government agency that receives federal funding and one count of bribery of an official of a government agency that receives federal funding in connection with his company's bidding and working on contracts awarded by the New York City Administration of Children's Services. His advisory guidelines range was 70-86 months. The sentencing memorandum outlined the client's otherwise commendable personal history, his wife's chronic illness, his lack of any prior criminal history and his assistance to the government in the investigation of the offense resulting in a 5K1.1 letter. Judge Sidney H. Stein, Southern District of New York, imposed a sentence of time served (one day), two years of supervised release, \$350,000 forfeiture and 160 hours of community service at Habitat for Humanity, as recommended by NCIA.