

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2017 MAY 23 P 3: 54

UNITED STATES OF AMERICA

v.

BRUCE KEVIN HAWKINS (03)

NO. 3:16-CR-562-N

DEPUTY CLERK *AA*

**FACTUAL RESUME**

In support of Bruce Kevin Hawkins' plea of guilty to the offense in Count Five of the indictment, Hawkins, the defendant, Phillip Linder, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

**ELEMENTS OF THE OFFENSE**

To prove the offense alleged in Count Five of the indictment, charging a violation of 18 U.S.C. §§ 1341 and 2, that is, Mail Fraud, Aiding and Abetting, the government must prove each of the following elements beyond a reasonable doubt:<sup>1</sup>

- First.* That the defendant knowingly devised or intended to devise a scheme to defraud, that is the scheme to make false representations to defraud vulnerable homeowners as charged in the indictment;
- Second.* That the scheme to defraud employed false material representations;
- Third.* That the defendant caused something to be sent and delivered through the United States Postal Service for the purpose of executing such scheme or attempting to do so; and
- Fourth.* That the defendant acted with a specific intent to defraud.

<sup>1</sup> Fifth Circuit Pattern Jury Instruction 2.56 (5th Cir. 2015)

**STIPULATED FACTS**

1. During the period from at least February 2012 through January 2013, defendants Mark Demetri Stein, Richard Bruce Stevens, Bruce Kevin Hawkins, and Christina Renee Caveny, each defendant acting either personally as a member of the scheme or as an aider and abettor in the scheme, knowingly caused to be sent, delivered, and moved by the United States Postal Service, according to the directions thereon, a package containing materials. All materials sent by the United States Postal Service were loan statements mailed for the purpose of executing and attempting to execute the scheme and artifice to defraud as charged in the indictment.

2. As charged in Count Five of the indictment, on or about August 1, 2012, Hawkins caused a loan statement to be mailed from Real Estate Solutions in Garland, Texas to homeowner K.E., residing on Blossom Court in Garland, Texas. This loan statement was mailed to homeowner K.E. and requested that homeowner K.E. make a monthly mortgage statement.

3. Sometime in about April or May of 2012, in Hawkins' presence, Stein and Stevens falsely represented to a homeowner that he was required to purchase life insurance at closing in order to protect their new mortgage.

4. Beginning in about the spring of 2012, Stein, Stevens, and Hawkins all knew that they were deceiving homeowners when they told homeowners that their down payment and later monthly payments would be placed in an escrow account and later used to pay down the "new loan". Stein, Stevens, and Hawkins all knew that they made

false statements to homeowners about the escrow account because each of them knew that no escrow account existed. Instead, most of the payments received from homeowners were used for salaries and personal expenses.

5. As part of his pitch to homeowners, Stein (at various times in the presence of Stevens and Hawkins) encouraged homeowners to stop making payments to the original lender/mortgage holder. Hawkins overheard Stein tell homeowners that any payments they made to the original lender “won’t do you any good”. Stein also told homeowners to “ignore any late notices” which they might receive from the original loan holder.

6. Stein, Stevens, and Hawkins all knew that they were defrauding homeowners because they all knew that there was no escrow account, no investors, and no legitimate new mortgage. Stein, Stevens, and Hawkins all knew that the purpose of the home closings conducted during our scheme was to lead homeowners to believe they had a new mortgage so they would make a down payment and monthly payments which were later used by Stein, Stevens, and Hawkins for their personal use and benefit.

7. Stein, Stevens, and Hawkins also concealed from homeowners that the homeowner’s original lender was never informed about and did not consent to the homeowner making any sort of payments on a so-called “new mortgage”.

8. It was a further part of the scheme to defraud that defendants Stein, Stevens, Hawkins and Caveny used third parties to contact homeowners and offer them an opportunity to get out of their present home loans and receive a new loan on their home with a reduced monthly payment and reduced interest rate on their loan.

9. It was a further part of the scheme to defraud that defendants Stein, Stevens, Hawkins and Caveny falsely represented to each homeowner that the defendants had “investors” standing by who were ready to quickly purchase the homeowner’s present loan from the lender holding the homeowner’s current mortgage. Defendants Stein, Stevens, Hawkins and Caveny also falsely represented to homeowners that defendants would use investors to purchase the homeowner’s loan from the original lender at a greatly reduced price through a process called a “short sale.”

10. It was a further part of the scheme to defraud that defendants Stein, Stevens, Hawkins and Caveny falsely represented to each homeowner that the homeowner had the legal authority to transfer the homeowner’s deed to their residence to the defendants.

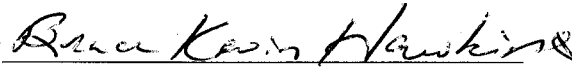
11. It was a further part of the scheme to defraud that during the period from about at least February 2012 through January 2013, defendants Stein, Stevens, Hawkins and Caveny fraudulently collected at least \$242,000 from at least seventy vulnerable homeowners who were facing the imminent threat of foreclosure of their homes.

12. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant’s guilty plea to Count Five of the indictment.

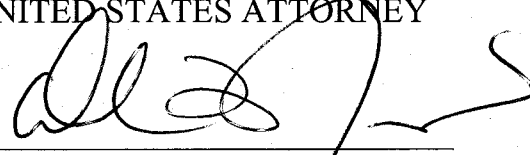
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AGREED TO AND STIPULATED on this 23<sup>rd</sup> day of May, 2017.


JOHN R. PARKER  
UNITED STATES ATTORNEY



BRUCE KEVIN HAWKINS  
Defendant



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