KEVIN V. RYAN (CSBN 118321)
United States Attorney

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. PHONGSOON DEJANU, a/k/a Peter Dejanu, and VIRAMIT TEJAPAIBUL, Defendants.	No.: CR 00-00006 WHA VIOLATIONS: 18 U.S.C. § 1014 – False Statements to a Foreign Bank; 18 U.S.C. § 1344 – Bank Fraud; 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 157 – Bankruptcy Fraud; 18 U.S.C. § 2 – Aiding & Abetting; 18 U.S.C. § 3146 – Failure to Appear SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 1014 & 2 – False Statements to a Foreign Bank and Aiding & Abetting)

1. On or about August 10, 1992, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly made and caused to be made one or more false statements, and willfully overvalued or caused to be overvalued land, property and security, for the purpose of influencing the actions of the Bangkok Metropolitan Bank, a branch or agency of a foreign bank as defined in 12 U.S.C. § 3101 upon an application, advance, purchase, purchase agreement, repurchase agreement, commitment, loan and loan renewal, in that he falsely represented and caused to be represented in connection with an application for a $12.8 million loan that: (1) the applicant possessed certain income, (2) the applicant owned certain assets, (3) the applicant possessed assets of a certain value, and (4) the loan would be repaid according to its terms, in violation of Title 18, United States Code, Sections 1014 and 2.

COUNT TWO: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

2. On or about August 10, 1992, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud the Bangkok Metropolitan Bank, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the Bangkok Metropolitan Bank by means of material false and fraudulent pretenses, representations, and promises, in that he falsely represented and caused to be represented in connection with an application for a $12.8 million loan that: (1) the applicant possessed certain income, (2) the applicant owned certain assets, (3) the applicant possessed assets of a certain value, and (4) the loan would be repaid according to its terms, in violation of Title 18, United States Code, Sections 1344 and 2.

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COUNT THREE: (18 U.S.C. §§ 1014 & 2 – False Statements to a Foreign Bank and Aiding & Abetting)

3. From December 11, 1992, to April 27, 1993, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly made and caused to be made one or more false statements, for the purpose of influencing the actions of the Bangkok Metropolitan Bank, a branch or agency of a foreign bank as defined in 12 U.S.C. § 3101, upon an application, advance, purchase, purchase agreement, repurchase agreement, commitment, loan and loan renewal, in that he falsely represented and caused to be represented that withdrawals from a Certificate of Deposit account held for the benefit of another individual were for the purchase of real property at 690 Market Street, San Francisco, California, in violation of Title 18, United States Code, Sections 1014 and 2.

COUNT FOUR: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

4. From December 11, 1992, to April 27, 1993, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud the Bangkok Metropolitan Bank, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the Bangkok Metropolitan Bank by means of material false and fraudulent pretenses, representations, and promises, in that he falsely represented and caused to be represented that withdrawals from a Certificate of Deposit account held for the benefit of another individual were for the purchase of real property at 690 Market Street, San Francisco, California, in violation of Title 18, United States Code, Sections 1344 and 2.

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COUNT FIVE: (18 U.S.C. §§ 1014 & 2 – False Statements to a Foreign Bank and Aiding & Abetting)

5. In or about September 1993, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly made and caused to be made one or more false statements, for the purpose of influencing the actions of the Bangkok Metropolitan Bank, a branch or agency of a foreign bank as defined in 12 U.S.C. § 3101 upon an application, advance, purchase, purchase agreement, repurchase agreement, commitment, loan and loan renewal, in that he falsely represented and caused to be represented in connection with obtaining an $11 million loan that the building at 450 Sansome Street, San Francisco, California, had been purchased for $18.7 million in June 1993, in violation of Title 18, United States Code, Sections 1014 and 2.

COUNT SIX: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

6. In or about September 1993, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud the Bangkok Metropolitan Bank, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the Bangkok Metropolitan Bank by means of material false and fraudulent pretenses, representations, and promises, in that he falsely represented and caused to be represented in connection with obtaining an $11 million loan that the building at 450 Sansome Street, San Francisco, California, had been purchased for $18.7 million in June 1993, in violation of Title 18, United States Code, Sections 1344 and 2.

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COUNT SEVEN: (18 U.S.C. §§ 1014 & 2 – False Statements to a Foreign Bank and Aiding & Abetting)

7. On or about August 30, 1994, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly made and caused to be made one or more false statements, for the purpose of influencing the actions of the International Bank of Singapore, a branch or agency of a foreign bank as defined in 12 U.S.C. § 3101 upon an application, advance, purchase, purchase agreement, repurchase agreement, commitment, loan and loan renewal, in that he falsely represented and caused to be represented in connection with a $6.5 million refinancing loan on the real property at 690 Market Street, San Francisco, California, that: (1) a partner of applicant Hong-Huat Associates ("applicant partner") possessed certain income, (2) applicant partner owned certain assets, and (3) applicant partner possessed assets of a certain value, in violation of Title 18, United States Code, Sections 1014 and 2.

COUNT EIGHT: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

8. On or about August 30, 1994, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud the International Bank of Singapore, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the International Bank of Singapore by means of material false and fraudulent pretenses, representations, and promises, in that he falsely represented and caused to be represented in connection with a $6.5 million refinancing loan on the real property at 690 Market Street, San Francisco, California, that (1) a partner of applicant Hong-Huat Associates ("applicant partner") possessed certain income, (2) applicant partner owned certain assets, and (3) applicant partner possessed assets of a certain value, in violation of

United States Code, Sections 1344 and 2.

COUNTS NINE AND TEN: (18 U.S.C. §§ 1343 & 2 – Wire Fraud and Aiding & Abetting)

9. On or about the dates indicated below, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, well knowing that the pretenses, representations and promises were false when made.

The Scheme to Defraud

10. Southeast Ocean, Inc. ("SEO"), the purported owner of the building at 1700 California Street, San Francisco, California ("1700 California"), agreed to assign rent and income from tenant Central Parking Systems ("CPS") directly to Bangkok Metropolitan Bank for mortgage arrearages and other expenses in connection with the building.

11. The defendant, knowing that there was an agreement between SEO and Bangkok Metropolitan Bank, disbursed rent and income from CPS intended for Bangkok Metropolitan Bank to himself and family members without Bangkok Metropolitan Bank's permission or authorization.

12. Defendant PHONGSOON DEJANU, for the purposes of executing the scheme and artifice to defraud, and attempting to do so, did for the purpose of executing the scheme, knowingly cause to be transmitted by wire communication in interstate commerce, signs, signals and sounds, as follows:

Count	Date of Wire Communication	From	To	Description of Wire Communication
9	January 25,1995	San Francisco, California	Bangkok, Thailand	$100,000 bank wire from Trans Pacific National Bank to Bangkok Bank

Count	Date of Wire Communication	From	To	Description of Wire Communication
10	January 25, 1995	San Francisco, California	Bangkok, Thailand	$30,000 bank wire from Trans Pacific National Bank to Bangkok Bank

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT ELEVEN: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

13. The allegations contained in paragraphs 14 and 15 are incorporated by reference as if set forth herein.

14. In or about June 1994 and continuing through January 1995, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud Bangkok Metropolitan Bank, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the Bangkok Metropolitan Bank by means of material false and fraudulent pretenses, representations, and promises, in that he falsely represented and caused to be represented in connection with the payment of money owed to Bangkok Metropolitan Bank regarding 1700 California, that the rents and the proceeds of a loan by CPS to SEO would be paid to Bangkok Metropolitan Bank for mortgage arrearages and related expenses, in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT TWELVE: (18 U.S.C. §§ 157 & 2 – Bankruptcy Fraud and Aiding & Abetting)

15. On or about January 30, 1997, and May 5, 1997, both dates being approximate and inclusive, in the Northern District of California and elsewhere, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

knowingly devised a scheme and artifice to defraud the bankruptcy court, those participating in

the administration of the estate, and the creditors of the estate, and attempted to do so, in the Title 11 proceeding relating to the debtor Hong Huat Associates, a general partnership (No. 96-3-3055), and for the purpose of executing the scheme and artifice made false and fraudulent representations and claims, in that they submitted and caused to be submitted on behalf of an individual purporting to be a secured creditor a false secured claim in the amount of $1.5 million, in violation of Title 18, United States Code, Sections 157 and 2.

COUNT THIRTEEN: (18 U.S.C. §§ 1344 & 2 – Bank Fraud and Aiding & Abetting)

16. On or about June 4, 1992, in the Northern District of California and elsewhere, the defendant

VIRAMIT TEJAPAIBUL

knowingly devised a scheme and artifice to defraud the Bangkok Metropolitan Bank, a financial institution as defined in 18 U.S.C. § 20, and to obtain moneys, funds and other property owned by and under the custody and control of the Bangkok Metropolitan Bank by means of material false and fraudulent pretenses, representations, and promises, in connection with an application for a $12.8 million loan by Southeast Ocean, Inc., in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT FOURTEEN: (18 U.S.C. § 982 – Forfeiture)

17. The allegations contained in Counts One and Two are incorporated by reference as if set forth herein for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

18. As a result of the offenses alleged in Counts One and Two, defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

shall forfeit to the United States all property, including but not limited to, the proceeds of the sale of 1700 California Street, San Francisco, California, which is more particularly described in Exhibit A, attached hereto, in the approximate amount of $2,593,245.19 (two million five

hundred ninety-three thousand two hundred forty-five dollars and nineteen cents) constituting, and derived from, the proceeds obtained directly and indirectly as a result of false statements on a loan application, and bank fraud.

19. By virtue of the commission of the felony offense charged in Counts One and Two of this Superseding Indictment by PHONGSOON DEJANU, any and all interest that PHONGSOON DEJANU has in the above-described property is vested in the United States and is hereby forfeited to the United States pursuant to Title 18, United States Code, Section 982(a)(2)(A).

20. If any of the property described herein as being subject to forfeiture, as a result of any act or omission of the defendant-

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

any and all interest PHONGSOON DEJANU, a/k/a Peter Dejanu, has in other property shall be vested in the United States and forfeited to the United States pursuant to Title 18, United States Code, Section 982(b)(1), up to approximately $2,593,245.19.

All in violation of Title 18, United States Code, Sections 1014 and 1344.

COUNT FIFTEEN: (18 U.S.C. § 982 – Forfeiture)

21. The allegations contained in Counts Five, Six, Seven and Eight are incorporated by reference as if set forth herein for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

22. As a result of the offenses alleged in Counts Five, Six, Seven and Eight, defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

shall forfeit to the United States all property, including but not limited to, the proceeds of the sale of 690 Market Street, San Francisco, California, which is more particularly described in Exhibit B, attached hereto, in the approximate amount of $3,867,291.10 (three million eight hundred sixty-seven thousand two hundred ninety-one dollars and ten cents) constituting, and derived from the proceeds, obtained directly and indirectly, as the result of false statements on a loan application, and of bank fraud.

23. By virtue of the commission of the felony offense charged in Counts Five, Six, Seven and Eight of this Superseding Indictment by PHONGSOON DEJANU, any and all interest that PHONGSOON DEJANU, a/k/a Peter Dejanu has in the above-described property is vested in the United States and is hereby forfeited to the United States pursuant to Title 18, United States Code, Section 982(a)(2)(A).

24. If any of the property described herein as being subject to forfeiture, as a result of any act or omission of the defendant-

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

any and all interest PHONGSOON DEJANU, a/k/a Peter Dejanu has in other property shall be vested in the United States and forfeited to the United States pursuant to Title 18, United States Code, Section 982(b)(1), up to approximately $3,867,291.10.

All in violation of Title 18, United States Code, Sections 1014 and 1344.

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COUNT SIXTEEN: (18 U.S.C. § 3146 – Failure to Appear)

25. On or about October 15, 2002, in the Northern District of California, the defendant

PHONGSOON DEJANU,
a/k/a Peter Dejanu,

having been released under Chapter 207 of Title 18 of the United States Code, knowingly and intentionally failed to appear before the United States District Court for the Northern District of California, Hon. William H. Alsup presiding, as required by the defendant's conditions of release, in violation of Title 18, United States Code, Section 3146.

DATED: 12/17/2002

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney

CHARLES B. BURCH
Chief, Criminal Division

(Approved as to form: _____)
AUSAs JACOBS AND WEST