



U.S. Department of Justice
United States Attorney
District of New Jersey

Economic Crimes Unit

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DME PL AGRMT
USAO2012R01081

August 7, 2017

Gray B. Broughton, Esq.
Kaplan Voekler Cunningham & Frank PLC
1401 E. Cary Street
Richmond, VA 23219

Re: Plea Agreement with LISA DIBISCEGLIE

Dear Mr. Broughton:

This letter sets forth the plea agreement between your client, LISA DIBISCEGLIE, and the United States Attorney for the District of New Jersey ("this Office"). This offer will expire on August 21, 2017.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from LISA DIBISCEGLIE to a one-count Information charging her with conspiring to commit wire fraud, contrary to Title 18, United States Code, Section 1343, in violation of Title 18, United States Code, Section 1349. If LISA DIBISCEGLIE enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against LISA DIBISCEGLIE for, from in or about January 2009 through in or about August 2013, conspiring to obtain funds pursuant to the military education programs, including the Post-9/11 Educational Assistance Act, 38 U.S.C. §§ 3301, *et seq.*, on the basis of false and fraudulent pretenses, representations, and promises. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, LISA DIBISCEGLIE agrees that any charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by LISA DIBISCEGLIE may be commenced against

her, notwithstanding the expiration of the limitations period after LISA DIBISCEGLIE signs the agreement.

Sentencing

The violation of 18 U.S.C. § 1349 to which LISA DIBISCEGLIE agrees to plead guilty carries a statutory maximum term of 20 years' imprisonment and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon LISA DIBISCEGLIE is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. §§ 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence LISA DIBISCEGLIE ultimately will receive.

Further, in addition to imposing any other penalty on LISA DIBISCEGLIE, the sentencing judge: (1) pursuant to 18 U.S.C. § 3013, will order LISA DIBISCEGLIE to pay an assessment of \$100, which assessment must be paid by the date of sentencing; (2) pursuant to 18 U.S.C. § 3663 et seq., must order LISA DIBISCEGLIE to pay restitution; (3) pursuant to 18 U.S.C. § 982(a)(2), must order forfeiture; and (4) pursuant to 21 U.S.C. § 3583, may require LISA DIBISCEGLIE to serve a term of supervised release of not more than three years, which term of supervised release will begin at the expiration of any term of imprisonment imposed. Should LISA DIBISCEGLIE be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, LISA DIBISCEGLIE may be sentenced to not more than two years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, LISA DIBISCEGLIE agrees to pay restitution of \$24,024,465.65 for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying the offense.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on LISA DIBISCEGLIE by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of LISA DIBISCEGLIE's activities and relevant conduct with respect to this case.

Stipulations

This Office and LISA DIBISCEGLIE agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or LISA DIBISCEGLIE from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict the Government's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and LISA DIBISCEGLIE waive certain rights to file an appeal, collateral attack, writ, or motion after resentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

LISA DIBISCEGLIE agrees that as part of her acceptance of responsibility and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), LISA DIBISCEGLIE will consent to the entry of a forfeiture money judgment in the amount of \$73,055.73 in United States currency (the "Forfeiture Money Judgment"), representing proceeds obtained by LISA DIBISCEGLIE, but which can no longer be located because of the acts or omissions of LISA DIBISCEGLIE.

Payment of the Forfeiture Money Judgment shall be made by certified or bank check, with the criminal docket number noted on the face of the check, payable to the U.S. Department of the Treasury. On or before the date she enters her guilty plea pursuant to this agreement, LISA DIBISCEGLIE shall cause such check to be hand-delivered to the Asset Forfeiture and Money Laundering Unit, United States Attorney's Office, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102.

If LISA DIBISCEGLIE fails to pay any portion of the Forfeiture Money Judgment on or before the date of her guilty plea, LISA DIBISCEGLIE consents to the forfeiture of any other property, including substitute assets, in full or partial satisfaction of the Forfeiture Money Judgment, and remains responsible for the payment of any deficiency until the Forfeiture Money Judgment is paid in full.

Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, LISA DIBISCEGLIE consents to the entry of a judgment of forfeiture that will be final as to the defendant prior to the defendant's sentencing and any further orders that may be necessary to enforce the Forfeiture Money Judgment; and waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. LISA DIBISCEGLIE understands that the forfeiture of the Forfeiture Money Judgment is part of the sentence that may be imposed in this case and waives any failure by the court to advise her of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding.

LISA DIBISCEGLIE hereby waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

This Office will recommend to the Attorney General that any forfeited money and the net proceeds derived from the sale of forfeited property be remitted or restored to eligible victims of the offense, pursuant to 18 U.S.C. § 981(e), 21 U.S.C. § 853(i), 28 C.F.R. Pt. 9, and other applicable law, it being

understood that this Office has authority only to recommend such relief and that the final decision of whether to grant relief rests with the Department of Justice, which will make its decision in accordance with applicable law.

Immigration Consequences

Defendant understands and agrees that if she is not a citizen of the United States, her guilty plea to the charged offense will likely result in her being subject to immigration proceedings and removed from the United States by making her deportable, excludable, or inadmissible, or ending her naturalization, if she is not already in that status. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offense, knowing that this plea will likely result in her removal from the United States. The defendant understands that she is bound by her guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to her guilty plea and to her sentence based on any immigration consequences, and agrees not to seek to withdraw her guilty plea, or to file a direct appeal or any kind of collateral attack challenging her guilty plea, conviction, or sentence, based on any immigration consequences of her guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against LISA DIBISCEGLIE. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service and Immigration and Customs Enforcement), or any third party from initiating or prosecuting any civil or administrative proceeding against LISA DIBISCEGLIE.

No provision of this agreement shall preclude LISA DIBISCEGLIE from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that his guilty plea or sentence resulted from constitutionally ineffective assistance of counsel.

No Other Promises

This agreement constitutes the plea agreement between LISA DIBISCEGLIE and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

WILLIAM E. FITZPATRICK
Acting United States Attorney



By: DAVID M. ESKEW
Assistant U.S. Attorney


Approved:



JACOB T. ELBERG
Chief, Healthcare and Government Fraud Unit

I have received this letter from my attorney, Gray B. Broughton, Esq. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, restitution, forfeiture, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:



LISA DIBISCEGLIE

Date: 8/9/17

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, restitution, forfeiture, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.



GRAY B. BROUGHTON, ESQ.

Date: 8/14/17

Plea Agreement with LISA DIBISCEGLIE

SCHEDULE A

1. This Office and LISA DIBISCEGLIE recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and LISA DIBISCEGLIE nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence LISA DIBISCEGLIE within the Guidelines range that results from the total Guidelines offense level set forth below. This Office and LISA DIBISCEGLIE further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level.

2. The version of the United States Sentencing Guidelines effective November 1, 2016 applies in this case.

3. The applicable guideline for this offense is U.S.S.G. § 2X1.1, which provides that the base offense level for any conspiracy is the base offense level from the guideline for the substantive offense, plus any adjustments from such guideline for any intended offense conduct that can be established with reasonable certainty. Because the substantive offense is wire fraud, the applicable guideline is U.S.S.G. § 2B1.1.

4. Under U.S.S.G. § 2B1.1(a)(1), the base offense level is 7 because conviction of the offense charged carries a statutory maximum term of imprisonment of twenty years or more.

5. Specific Offense Characteristic U.S.S.G. § 2B1.1(b)(1)(K) applies because the loss amount is more than \$9,500,000 but not more than \$25,000,000. This results in an increase of 20 levels.

6. LISA DIBISCEGLIE was a minor participant in the relevant criminal activity, pursuant to U.S.S.G. § 3B1.2(b). This results in a decrease of 2 levels.

7. As of the date of this letter, LISA DIBISCEGLIE has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offense charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if LISA DIBISCEGLIE's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

8. As of the date of this letter, LISA DIBISCEGLIE has assisted authorities in the investigation or prosecution of her own misconduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting this Office to avoid preparing for trial and permitting this Office and the court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in LISA DIBISCEGLIE's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) LISA DIBISCEGLIE enters a plea pursuant to this agreement, (b) this Office in its discretion determines that LISA DIBISCEGLIE's acceptance of responsibility has continued through the date of sentencing and LISA DIBISCEGLIE therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) LISA DIBISCEGLIE's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

9. In accordance with the above, the parties agree that the total Guidelines offense level applicable to LISA DIBISCEGLIE is 22 (the "agreed total Guidelines offense level").

10. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense is reasonable.

11. LISA DIBISCEGLIE knows that she has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 22. This Office will not file any appeal, motion, or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 22. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

12. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.