



Federal Housing Finance Agency

Constitution Center

400 7th Street, S.W.

Washington, D.C. 20219

Telephone: (202) 649-3800

Facsimile: (202) 649-1071

www.FHFA.gov

FINAL SUSPENSION ORDER

The Federal Housing Finance Agency, as safety and soundness regulator of Fannie Mae, Freddie Mac, and the eleven Federal Home Loan Banks (collectively the “regulated entities”), is issuing this Final Order pursuant to the following legal authorities:

1. Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act), which authorizes FHFA to exercise such incidental powers as may be necessary in the supervision and regulation of the regulated entities. *See* 12 U.S.C. § 4513(a)(2);
2. Section 1313B of the Safety and Soundness Act, which authorizes FHFA to establish standards for the regulated entities regarding prudential management of risks. FHFA is authorized to issue orders requiring the regulated entities to take any action that will best carry out the purposes of that section. *See* 12 U.S.C. § 4513b(b)(2)(B)(iii); and
3. Section 1319G of the Safety and Soundness Act, which authorizes FHFA to issue any orders necessary to ensure that the purposes of the Safety and Soundness Act are accomplished. *See* 12 U.S.C. § 4526(a).

Consistent with these authorities, FHFA has determined that any business relationship between Zaily Jomolca Brito and any of the regulated entities would present excessive risk to their safety and soundness.

This determination is based on the following findings:

1. A co-conspirator of Zaily Jomolca Brito’s prepared and caused to be prepared false and fraudulent mortgage applications and other related documents on behalf of buyers. The loan applications and related documents, which were submitted to lenders, contained numerous false statements and representations relating to the buyers’ employment, income, deposits and assets. The false and fraudulent documents were used to induce the lenders to fund mortgage loans to purchase and finance residential properties.
2. The above-referenced co-conspirator obtained from the buyers copies of their bank statements. The co-conspirator then provided those statements to Zaily Jomolca Brito. Brito then altered those statements by, among other things, increasing the balances on those statements and adding regular deposits from the buyers’ purported employers in order to be consistent with the false statements on the fraudulent mortgage applications prepared by the co-conspirator. Brito then provided the forged and altered statements to

the co-conspirator who, in turn, provided those documents to the lenders in support of the fraudulent mortgage loan applications.

3. Having received the false and fraudulent loan applications and related documents submitted by the co-conspirator, the lenders approved the fraudulent loan requests. Over the course of the scheme, the co-conspirator and Zaily Jomolca Brito fraudulently caused the lenders to fund at least \$3,357,074 in loans.
4. On March 1, 2023, pursuant to a guilty plea, Zaily Jomolca Brito was convicted by the United States District Court for the Southern District of Florida of conspiracy to commit bank fraud and was sentenced to two (2) years of probation.
5. The conduct underlying the conviction described above occurred in connection with a mortgage business.
6. The above-referenced conviction constitutes covered misconduct, as that term is defined at 12 CFR 1227.2, that is of a type that would be likely to cause significant financial or reputational harm to a regulated entity or otherwise threaten the safe and sound operation of a regulated entity.

With this Final Order, FHFA is directing each regulated entity to cease or refrain from engaging in any business relationship with Zaily Jomolca Brito indefinitely, beginning on July 11, 2024. This suspension extends to any individual, company, partnership or other group that FHFA determines to be an affiliate of Zaily Jomolca Brito's.

The Final Order's requirement for regulated entities to cease any business relationship with Zaily Jomolca Brito does not apply to the existing or future purchase, sale, modification, foreclosure alternative transaction, or other foreclosure-related transaction of a residential mortgage loan owned by a regulated entity if Zaily Jomolca Brito is the borrower of such residential mortgage loan, and the transaction is for the borrower's own personal or household residence.

This Final Order is a final action of the Federal Housing Finance Agency.

Clinton Jones,
Suspending Official