

## AFFIDAVIT OF NICHOLAS MYLES

STATE OF OHIO  
COUNTY OF CUYAHOGA

I, Nicholas Myles, swear under penalty of perjury that the following statement is true and correct:

1. I was a licensed loan officer in the State of Ohio from approximately 2001 through 2009.
2. I was indicted in State of Ohio v. Myles, 11-cr-557589 and USA v. Myles, 10-cr-75, N.D. Ohio.
3. Prosecutors alleged that I was involved in a mortgage fraud conspiracy with Anthony Viola and others to defraud lenders into making 'no money down' mortgage loans and that various loan applications contained material misrepresentations.
4. Following the indictments, I authorized my legal counsel to negotiate a resolution to these charges.
5. During the criminal proceedings, I met with federal and state prosecutors who worked together through a multi-jurisdictional Mortgage Fraud Task Force.
6. During these interviews, I informed prosecutors Mark Bennett and Dan Kasaris that the state of Ohio Division of Financial Institutions conducted multiple audits of Central National Mortgage, where I was operations manager, and that the company passed all audits.
7. During the investigation, I received a subpoena to provide computers and other documents to Cuyahoga County Prosecutor's Office.
8. I complied with the subpoena and brought computers and documents to Prosecutor Michael Jackson, and he did not pursue any criminal charges.
9. Several years later, Prosecutor Dan Kasaris ordered me to falsely testify that I never brought any computers to the Prosecutor's Office.



10. During interviews with law enforcement, I also informed Mr. Bennett and Mr. Kasaris the following:
  - Lenders including Argent Mortgage, Long Beach Mortgage, New Century and Washington Mutual routinely 'waived' guidelines and permitted 'no money down' mortgage loans
  - Any seller funded down payment assistance was disclosed to lenders and was not part of any fraudulent scheme
  - Lender representatives routinely authorized loans that did not meet the lender's guidelines.
  - I fired Kathryn Clover as a mortgage originator at Central National Mortgage because she was committing fraud.
11. Even though I provided honest and truthful information to prosecutors, both Mark Bennett and Dan Kasaris frequently raised their voices during meetings and threatened to prosecute my wife Dyan unless I entered a guilty plea and agreed to testify against Anthony Viola, Uri Gofman and others.
12. Mr. Bennett insisted that I testify that lenders were victims of mortgage fraud schemes, even though I did not believe lenders were victims and that, in many of the charges against me, I was not involved with the loan submissions.
13. While I was in final negotiations to resolve my case, Mr. Kasaris stated that unless I signed a plea agreement at that moment, he intended on returning to his office and indicting my wife Dyan.
14. Upon reading court dockets and reviewing email exchanges between Kathryn Clover and Dan Kasaris, I believe I was prosecuted in order to protect Mr. Kasaris' romantic relationship with Clover.
15. I believe both my plea agreement and trial testimony against Anthony Viola were coerced.



Further I sayeth naught.



Nicholas Myles

Sworn and subscribed in my presence this 09 day of December, 2022.



NOTARY PUBLIC



**Leah R Caskey**

Notary Public, State of Ohio  
My Commission Expires  
August 26, 2024