

Rosy Esprecion Thomas
xxxx

January 23, 2021

Leslie E. Kobayashi
Magistrate Judge
U.S. District Court
State of Hawaii
Prince Kuhio Federal Bldg,
300 Ala Moana Blvd., C-338
Honolulu, HI 96850

Re: Testimony Against Anabel Gasmen Cabebe on her Sentencing: January 27, 2021

My name is Rosy Esprecion Thomas. Thank you, Honorable Judge Kobayashi, for giving me this opportunity to give my testimony in regards to Ms. Anabel Cabebe's sentencing day.

The following statements are my testimony based upon: **1)** MEI client's phone call interviews, **2)** Other care giver's personal statements shared with me personally, **3)** My personal experiences and observations when I used to go to MEI office Mary Jane Castillo, who was a close friend, **4)** Sam Tupenei and MJ were the last MEI employees. Before MJ quit MEI, per Anthony's instructions, she gave the MEI's pertinent papers to Sam and to her friend, Mel Horner, **5)** and as a last ditch effort to assist the MEI clients, to not lose their homes in foreclosure, or until Anthony could be out of his incarceration, MJ asked Sam, Mel and myself (whom we agreed to worked as Pro bono). Because Mel and I were also being foreclosed on, we knew how angry, feeling lost and frustrated these clients might have felt, once the news spread that Anthony was taken into custody. Sam, Mel and myself could not stand the thought of these MEI clients of nowhere to turn to. Our goal was to direct and to suggest to these clients that they either: **a)** Apply for Home Modification and **b)** for the clients to call their Lenders and ask how or what they could do to not be foreclosed on. **6)** Since most of the clients are Filipinos, and I could speak three different Filipino dialects, it was Mel H. who asked me to do the follow up phone calls from the list of MEI clients.

Ms. Anabel Cabebe (hereinafter: "Anabel"), is a well-known Foster Care Home Operator or called as a "Care giver." I used to own a Case Management Agency (hereinafter: "CMA"), whose function was to monitor and to ensure the state's compliance are being followed by these care givers. MJ was a Care giver, just like Anabel.

I personally met Anabel when she met with me and my Mom at McDonald's in Aiea, back in 2013, to notarize my Mom's and my MEI's application forms. Anabel did not charge me the notary fee at that time, because she told me she "was giving me a free service because I was one of the CMA."

The following are 10 factual statements, gathered from the phone calls and the personal statements by the care givers:

- 1.** Anthony T. Williams (hereinafter: "Anthony"), did NOT know anyone in Hawaii when he first arrived on the Big Island back in 2013. It was Robin Kraikauer and Edna Franco who summoned Anthony to come to the islands, to assist them with their foreclosure issues. It was Edna who later brought Anthony to Honolulu where she introduced Anthony to Henry Malinay and Anabel Cabebe. Eventually, Edna, Henry and Anabel were hired as employees of MEI. Angelina Passion and Rowena Valdez were not MEI employees, rather, they were both "close friends & associates" of Henry Malinay.
- 2.** Due to Edna, Henry and Anabel's connections to the local Filipino community, and due to the power of "word of mouth" that could spread like "wild fire," it was them that referred/recruited clients to MEI. Since Anthony did not know of anyone in Hawaii before coming here, so he relied on: **1).** Henry Malinay who was a long time and well known MLM- Multi Level Marketing person, in Hawaii, selling Xango products. I knew Henry and his wife, professionally & personally. Marilyn, who is an Insurance Agent at Premier Financial Alliance (hereinafter "PFA"), where I was also an Insurance Agent of PFA from 2016-2018. Henry used to accompany his wife to our PFA meetings on weekends. In fact, Henry was asked by our PFA Leadership to give a couple of Seminars in our PFA Agents' meetings. The seminar was based upon Henry's expertise, entitled: "How to Prospect Clients." **2).** Edna Franco from the Big Island, was already assisting people with foreclosure issues, so she's also well known in the community. **3).** Angelina Passion was into Real Estate and had her own business, as a Home Rental Management and **4).** Rowena Valdez was Henry's close associate/assistant.
- 3.** Through my phone interviews with the Maui clients, they stated that Rowena used to accompany Henry when they both went to Maui to recruit clients. Henry used to give seminars in one of Maui's hotel meeting rooms, once or twice a month, back in 2013-2014. I have seen and read a copy of Henry's flyers that was distributed to the Maui clients, inviting people to his seminar. Rowena was the "collector" of the application fees received after the seminar.
- 4.** Anabel is a Foster Care Home Operator who is well known in the local Filipino community. Anabel's role and function in MEI was to do Notary service. The Notary fees were already included with the MEI application fees and it was not an extra charge.

5. Through my phone interviews with the clients, and the Care giver's personal statements, they revealed to me that Anabel charged \$150 per transaction, as a separate charge, for her notary service.
6. Through my phone interviews with the clients, and by the Care giver's personal statements share with me, that Anabel was also charging \$200 in separate fees for delivering the Motions to the client's homes, if they could not come to the MEI office to pick it up. They also stated that Anabel would refuse to deliver the Motions to the clients, if they did not pay up front, in cash, on the delivery date, with no receipt given to the clients.
7. Through my phone interviews with the clients, and the Care giver's personal statements, Anabel was charging separate fees from the clients, in the amount of \$200, when she goes to the Bureau of Conveyances and when she goes to the court's clerk office, to file their Motions and other paperwork. I also remember, Anabel herself, informing me of these separate fees. She stated to me: "I have to get paid for the time I spent filing these forms."
8. Through my phone interviews with the clients, when they would come to the MEI office to make a cash payment either given to Anabel, or other staff in the office, no receipt were given to the clients. Even if the client were to ask for the receipt, clients were told: "I'll give you the receipt later," but, it was never given.
9. Through my phone interviews with the clients, large sum of cash payments in the amount anywhere from \$10,000 to \$15,000 were collected either by Henry Malinay, Edna Franco, Anabel Cabebe, Angelina Passion and Rowena Valdez with no receipts given to the clients. Clients also stated, they were met at "other locations" outside of MEI office, to collect these "secret" cash payments.
10. Through my phone conversation with the clients, they were not aware of two different companies, because the copy cat "Mortgage Enterprise," founded by: Edna Franco, Henry Malinay, Anabel Cabebe, Angelina Passion, sounded very similar to Anthony's company called Mortgage Enterprises, Inc.

In conclusion, based upon these factual phone and client's personal statements, Anabel was clearly in collusion with Anthony's previous employees, namely: Edna Franco, Henry Malinay, and Henry's close associates, Angelina Passion and Rowena Valdez to: **1).** Commit FRAUD against the clients for: **a).** not delivering the services they promised to

the clients: i.e. to write Motions for the clients because they have no knowledge of how to write any court documents **b**). Commit scam against the clients for collecting cash payments with no receipts, **2**). Anabel scammed the clients for charging separate fees for Notary, delivery of Motions, filing documents at BOC and filing the Motions at the court's clerk office, **3**). Commit FRAUD against Anthony and Mortgage Enterprises, Inc. in their intended collusions for opening a "copy cat" company, to further deceived the clients, and **4**). Anabel scammed, betrayed, and framed Anthony, behind his back knowing that Anabel was like a "mother figure" to him, she was his Landlady, he respected her, and trusted her.

Although Anabel already pleaded "guilty" and may have had a "pre-arranged" pre-deal agreement "behind the scenes" due to her "cooperation" with the prosecutors, I am here today, **on behalf of ALL the MEI clients, that Anabel victimized**. Our expectations from this court are to render the maximum penalty that Anabel deserved for the crimes she has committed against the MEI clients. We are urging this court to render a lawful, righteous justice, by sentencing Anabel to a maximum jail term without prejudice.

Respectfully yours,

/s/Rosy E. Thomas
Rosy E. Thomas