



*United States Attorney
District of New Jersey*

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**FORMER CORPORATE GENERAL COUNSEL ADMITS CONSPIRING TO
OBSTRUCT JUSTICE IN FEDERAL CRIMINAL TRIAL**

CAMDEN, N.J. – The former general counsel of VO Financial Corp. today admitted conspiring to obstruct justice in a federal criminal case tried in 2013, U.S. Attorney Paul J. Fishman announced.

Joshua L. Gayl, 36, of Lafayette Hill, Pennsylvania, pleaded guilty before U.S. District Judge Noel L. Hillman in Camden federal court to an information charging him with one count of conspiracy to obstruct justice.

According to documents filed in this and other cases and statements made in court:

Adam and Ashley Lacerda, Ian Resnick, and several others were charged in April 2012 with conspiracy to commit mail and wire fraud based on their actions at the Vacation Ownership Group, which offered phony consulting services to owners of timeshares. After they were charged, the VO Group became VO Financial, and Gayl was hired as general counsel. The Lacerdas continued to run VO Financial through their July 2013 criminal trial.

Gayl admitted misleading a witness, identified as “Victim 1,” after he learned that Victim 1 had told the FBI about being defrauded by the VO Group. Gayl contacted Victim 1 intending to obtain statements favoring the defense in the criminal case, but he concealed his true intentions from Victim 1. Instead, he wrote Victim 1 offering assistance if Victim 1 would tell him what Victim 1 told the FBI. Gayl and an accomplice then called Victim 1 and misleadingly said that they were recording the call for quality assurance and training purposes, when in fact they were trying to get Victim 1 on tape making statements favorable to the defense. Victim 1 told Gayl that the VO Group had promised to sell Victim 1’s timeshare, a VO Group misrepresentation alleged in the indictment. Gayl omitted this allegation when he told Victim 1 what was alleged in the criminal case. Although he did not know what the VO Group representative actually told Victim 1, Gayl told Victim 1 that “we do not sell timeshares” and that Victim 1 had some “confusion” in recalling a promise to sell Victim 1’s timeshare. Gayl ended the call and consulted with Adam Lacerda. Gayl then called Victim 1 back at Lacerda’s request to persuade Victim 1 that Victim 1’s recollection was mistaken – but Gayl did not tell Victim 1 that his purpose was to get recorded statements to help the criminal defense. Gayl told

Victim 1 in the second call that it was “likely” and “logical” that Victim 1 had misunderstood that the VO Group sold timeshares.

Gayl also helped the defendants send potential trial witnesses payments intended to influence their testimony. Adam and Ashley Lacerda wanted these refunds paid to help the defense case at trial and make the recipients testify more favorably to the defense, but Gayl did not tell the potential witnesses that these were the purposes of the payments. Gayl wrote a letter urging “Victim 2” to take a refund, knowing that Resnick wanted Victim 2 to take the refund because Victim 2 was a potential trial witness against Resnick. A month before trial, Gayl wrote letters offering refunds to “Victim 3” and “Victim 4,” but failed to tell them that they were being offered refunds because they were potential trial witnesses.

Gayl also lied in responding to a trial subpoena asking VO Financial to produce records. After Adam Lacerda’s criminal lawyer told the U.S. Attorney’s Office and Gayl that he had advised Lacerda not to be involved in the subpoena response, Gayl told Adam Lacerda about one subpoenaed recording harmful to the defense and saw Lacerda access the recording. Lacerda deleted the damaging portion of the recording. When Gayl gave the U.S. Attorney VO Financial’s response to the subpoena, he included the altered recording and a false certification that he did not consult with Lacerda about the subpoena response. Gayl subsequently listened to the recording and realized that Lacerda had altered it.

Adam Lacerda, Ashley Lacerda, and Ian Resnick were convicted of conspiracy to commit mail and wire fraud and other offenses. Adam Lacerda was sentenced to 27 years in prison; one factor in his sentence was his involvement in what the court called a “comprehensive, calculated, and targeted effort at obstruction of justice.” Ashley Lacerda and Ian Resnick have yet to be sentenced.

The defendant faces a maximum penalty of five years in prison and a fine of the greater of \$250,000 or twice the gain or loss caused by the offense. Sentencing is currently scheduled for Sept. 2, 2016.

U.S. Attorney Fishman credited agents of the FBI’s Atlantic City Resident Agency, under the direction of Special Agent in Charge Timothy Gallagher in Newark; and special agents from the Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations, under the direction of Acting Special Agent in Charge Jonathan Mellone, New York Region, for the investigation leading to today’s guilty plea.

The government is represented by Assistant U.S. Attorney R. David Walk Jr. of the U.S. Attorney’s Office in Camden.

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Defense counsel: Ellen C. Brotman, Esq., Philadelphia