



*United States Attorney
District of New Jersey*

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**FORMER CORPORATE GENERAL COUNSEL SENTENCED TO A YEAR IN PRISON
FOR CONSPIRING TO OBSTRUCT JUSTICE IN FEDERAL CRIMINAL TRIAL**

CAMDEN, N.J. – The former general counsel of VO Financial Corp. was sentenced today to 12 months in prison for conspiring to obstruct justice in a federal criminal case tried in 2013, Acting U.S. Attorney William E. Fitzpatrick announced.

Joshua L. Gayl, 37, of Lafayette Hill, Pennsylvania, previously pleaded guilty before U.S. District Judge Noel L. Hillman to an information charging him with one count of conspiracy to obstruct justice. Judge Hillman imposed the sentence today in Camden federal court.

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.

In addition to the prison sentence, Judge Hillman sentenced Gayl to three years of supervised release and ordered him to pay a \$5,000 fine.

Adam Lacerda, Ashley Lacerda, and Ian Resnick were convicted of conspiracy to commit mail and wire fraud and other offenses. Adam Lacerda was sentenced in June 2015 to 27 years in prison. Ian Resnick was sentenced to 18 years in prison in April 2016. Ashley Lacerda was sentenced to six years in prison in June 2016.

Acting U.S. Attorney Fitzpatrick 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 Investigation, New York Region, under the direction of Special Agent in Charge Michael C. Mikulka, with the investigation.

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