Former ANSA Bank employee to pay compensation for fraud scheme

Justice Frank Seepersad

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A former employee of ANSA Bank is set to have to pay millions of dollars in compensation for his role in a $30 million fraudulent loan conspiracy involving a group of foreign used car dealers.

Delivering a judgment yesterday morning, Justice Frank Seepersad upheld the bank's multi-faceted case against its former business development officer, Dwayne Rojas.

However, Justice Seepersad rejected its case against Rojas' former colleagues, digital support service representative Zaria Sankar, business development manager Reyvaan Rampersad, and operations supervisor Kerry Ramsaroop.

He also dismissed an aspect of the multi-million dollar case against Adriana Ramsingh, who was not employed by the bank but was in a relationship with a former senior employee, whom the bank previously obtained a default judgment against, and benefited from a $2.75 million loan to purchase a property in Cascade.

The exact compensation to be paid by Rojas is expected to be assessed by Justice Seepersad after further legal submissions.

In October 2023, the bank filed the lawsuit against former employees Randy Gottsleben, Rojas, Sankar, Rambarran, Rampersad, Ramsaroop, Gottsleben's partner Ramsingh, Arnold Ramjass Auto Mechanical & Painting Garage, Ceylon Marketing Ltd, Joalex Auto Ltd, Miva Import Export Consultancy Ltd, Diamond Conceptions Company Ltd, and It's A Deal Ltd.

The bank launched an investigation after its director, Larry Howai, received a letter from a whistleblower alleging misconduct.

The initial investigation found that there were loan transactions not in accordance with company policy.

A wider investigation was done at the Chaguanas branch of the bank where the discrepancies were found, and a conspiracy was allegedly uncovered where the bank sustained losses of almost $30 million in two and a half years involving 35 vehicles and properties.

In the lawsuit, the bank alleged that its former employees and the companies engaged in a conspiracy to present fraudulent documents and make fraudulent representations to help secure loans.

The bank obtained default judgments, totalling $20 million, against Gottsleben and the companies after they failed to properly defend the case.

Justice Seepersad found Rojas culpable, as he noted that he should have recognised issues with the supporting documents for the loans if he was honestly discharging his duties.

"Several of the impugned transactions displayed irregular coincidences, as many of the applicants were relatively young, had no proof of significant educational qualifications, and worked for the same companies, and they all earned unusually high salaries," Justice Seepersad said.

"This defendant either authored or facilitated or condoned the acts of manipulation and deceit, which were crafted by or for the roll-on roll-off dealers to mislead the claimant, and, on a balance of probabilities, this court finds that it is more likely than not that the fact Rojas failed to identify and flag the multiplicity of errors in the job letters and the certified extractssuggests that he was knowingly part of a fraudulent design which was executed to obtain funds from the claimant," he added.

He also noted that Rojas admitted that he was friends with officials of the dealers and that they would lime at bars in central Trinidad.

Dealing with Rojas' co-workers, Justice Seepersad noted that there was insufficient evidence presented by the bank to prove their involvement in the conspiracy, as their participation came after the loans were essentially approved and was relatively minor.

Justice Seepersad also criticised the bank for failing to bring key senior officials to testify in the case over how the fraudulent transactions were not detected.

Describing their absence from the case as "striking" and "deeply curious", Justice Seepersad said, "These senior officials were central figures in the chain of decision-making process and their evidence would have been helpful, as they were poised to clarify how these loans were vetted, approved, and disbursed."

Dealing with the claim against Ramsingh, Justice Seepersad noted that there was no evidence to prove she was part of the conspiracy besides her relationship with Gottsleben. He also noted that the property was seized and sold by the bank in order to recoup the balance on the loan.

Justice Seepersad advised the bank that it should improve its internal systems to prevent a recurrence of the fraud.

He directed that his judgment be sent to the Director of Public Prosecutions and the Commissioner of Police for a criminal probe to be launched.

Bank's response

In a release yesterday, the bank responded to the ruling saying: ANSA Bank "acknowledges today's ruling of the High Court.

We believe this judgment represents a victory not only for ANSA Bank, but for Trinidad and Tobago, as the court has confirmed that fraudulent acts and related conspiracy will be brought to justice. We thank the Honourable Court for its thorough consideration of this matter.

The pursuit of this judgment reflects our commitment to maintaining the highest standards of integrity and accountability across all areas of our operations.

At ANSA Bank, we have developed systems guided by international best practice aimed at strengthening our internal controls and oversight mechanisms, that are robust and resilient.

We remain fully dedicated to protecting our customers, our employees and the financial system of Trinidad and Tobago.

We will continue to cooperate with all relevant authorities as required."