



# GREENSPOON MARDER, P.A.

ATTORNEYS AT LAW

Marc B. Cohen, Esquire  
One Clearlake Centre, Suite 700  
250 Australian Avenue  
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## NEW SUIT FILING FORM

County: PALM BEACH COUNTY

Case Style: Wachovia Bank, National Association vs. SIMCenter, Inc., Jet University, Henry George, and Heath Cohen

Check one of the following boxes:

Please forward service packet(s) to Sheriff. Sheriff fee enclosed.

Please return service packet(s) to law office for private service. Self-addressed, stamped envelope enclosed.

Thank you for your assistance.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

**I. CASE STYLE:**

WACHOVIA BANK, National Association,

Plaintiff,

CASE NO.:

v.

SIMCENTER, INC., JET UNIVERSITY,  
HENRY GEORGE, and HEATH COHEN,

Defendant.

**II. TYPE OF CASE** (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

DOMESTIC RELATIONS	TORTS	OTHER CIVIL
<input type="checkbox"/> Simplified Dissolution	<input type="checkbox"/> Professional Malpractice	<input checked="" type="checkbox"/> Contracts
<input type="checkbox"/> Dissolution Liability	<input type="checkbox"/> Products	<input type="checkbox"/> Condominium
<input type="checkbox"/> Support - IV-D	<input type="checkbox"/> Auto Negligence	<input type="checkbox"/> Real Property/Mortgage Foreclosure
<input type="checkbox"/> Support - Non IV-D	<input type="checkbox"/> Other Negligence	<input type="checkbox"/> Eminent Domain
<input type="checkbox"/> URESA - IV-D	<input type="checkbox"/> Other	
<input type="checkbox"/> URESA - Non IV-D		
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Other Domestic Relations	

**III. Is Jury Trial Demanded in Complaint?**

\_\_\_\_ YES

~~\_\_\_\_ NO~~

DATE

MARC B. COHEN, ESQUIRE  
Florida Bar No.: 251062

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:

WACHOVIA BANK, National Association,

Plaintiff,

vs.

SIMCENTER, INC., JET UNIVERSITY, HENRY  
GEORGE, and HEATH COHEN,

Defendants.

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**COMPLAINT**

COMES NOW the Plaintiff, WACHOVIA BANK, National Association, and hereby sues Defendants, SIMCENTER, INC., JET UNIVERSITY, HENRY GEORGE, and HEATH COHEN for damages and as grounds therefore would state as follows:

1. This is a two Count action for damages which exceeds the sum of \$15,000.00, exclusive of interest and costs and is properly within the jurisdiction of this Court.
2. Plaintiff is WACHOVIA BANK, National Association, which is a national bank that engages in the banking business in the state of Florida.
3. Defendant, SIMCENTER, INC., is a flight training school, located in Dade, Florida. The students attending SIMCENTER resided in different counties in the State of Florida, including Palm Beach County.
4. Defendant, JET UNIVERSITY, was a flight training school located in Broward, Florida. JET UNIVERSITY, ceased its business operation in May, 2009. The students that attended this university resided in the State of Florida, including Palm Beach County.

5. Defendant, HENRY GEORGE, is the president and principal of SIMCENTER, INC., and is also sued in his individual capacity.

6. Defendant, HEATH COHEN, was the president and principal of JET UNIVERSITY, and is also sued in his individual capacity.

7. During 2007 and through the present, Plaintiff conducted an education finance program, wherein loans were provided to prospective students for the purposes of paying their tuition or other education expenses. As part of this program, Plaintiff required that the prospective students attend an accredited school or university that was approved by the Department of Education and The Education Resources Institute (TERI), with regard to such loans being guaranteed. Plaintiff would provide educational loan money only to schools or universities that were approved to receive educational loans by the Department of Education and TERI.

8. At all times material hereto, Defendant, SIMCENTER, INC., was an accredited training school which met the requirements of the Department of Education and the requirements of TERI with regard to being paid tuition monies arising from loans made to students attending this facility. Because of this, Plaintiff would approve loan applications submitted by prospective students of this facility.

9. Contrary to SIMCENTER, INC., Defendant, JET UNIVERSITY, was never an accredited training facility, which did not meet the requirements of the Department of Education nor TERI. Because of this, Defendant, JET UNIVERSITY, was never eligible to receive tuition money arising from loans made by Plaintiff to students attending this facility.

10. During 2008, several prospective students applied for education loans from Plaintiff so they could attend flight training school. The applications submitted to Plaintiff on behalf of these students were filled in and completed by these applicants under the direction of

the corporate and individual Defendants. All of the applications submitted to Plaintiff were applications to attend SIMCENTER, INC. Because of this, Plaintiff was led to believe that all of these applicants were students planning to attend SIMCENTER.

11. Unbeknownst to Plaintiff, the individual and corporate Defendants agreed that even though applications to attend SIMCENTER were utilized as above alleged, most of these students would attend JET UNIVERSITY, to obtain their flight training. The Defendants further secretly agreed that the tuition monies received from Plaintiff to fund the educational loans would be divided between the corporate Defendants.

12. Had Plaintiff known that its educational loan monies were going to be utilized to pay for the tuition for students attending, JET UNIVERSITY, Plaintiff would have never approved any of these loan applications.

13. As a result of the false applications mentioned above, Plaintiff approved the loans of students supposedly attending SIMCENTER and paid such tuition funds to Defendant, SIMCENTER. This Defendant then divided these funds with Defendant, JET UNIVERSITY without Plaintiff's knowledge nor consent.

14. During May, 2009, JET UNIVERSITY, ceased its business operations. As a result, several students attending JET UNIVERSITY did not receive the full flight training education that they had paid for by obtaining the aforesaid educational loans from Plaintiff.

15. Because several students did not receive their complete flight training, even though they obtained loans to fully pay for same, these students have now refused or are unable to pay Plaintiff. Just as the students have denied being indebted for the full amount of their tuition because they did not receive their entire flight training. The students in turn have denied their indebtedness to Plaintiff based upon the same circumstances and the contract between the students and Plaintiff. This has, in turn, caused substantial damage to Plaintiff.

16. Plaintiff has fulfilled all conditions precedent required of Plaintiff in connection with bringing this action.

**COUNT I**  
**FRAUD**

17. Plaintiff re-alleges paragraphs one (1) through sixteen (16) above as though the same were set forth at length herein.

18. By knowingly using false applications, all Defendants misrepresented to Plaintiff the flight school to which the tuition money would be paid and further misrepresented that the students would be attending SIMCENTER, INC. for their flight education.

19. Defendants compounded their fraud by concealing the agreement to divide the tuition funds between the corporate Defendants so that Plaintiff would continue to fund educational loans for students purportedly attending SIMCENTER.

20. These misrepresentations, in the form of the false applications submitted to Plaintiff, were known to be false at the time they were made with the intention of Plaintiff relying thereon. In addition, the concealing of the agreement among the Defendants that the tuition funds would be divided between the two flight schools was intentional and wrongful.

21. At all times material hereto, Plaintiff had no knowledge of Defendants' fraudulent scheme, or Defendants' fraudulent method of doing business. Plaintiff would have never participated in any scheme or fraudulent transactions on the part of Defendants. It was not until Defendant, JET UNIVERSITY, closed its doors that Plaintiff became aware of the scheme perpetuated against Plaintiff by Defendants.

22. Plaintiff's reliance upon the false representation of Defendants was reasonable under the circumstances, especially considering that, SIMCENTER had been a facility

previously approved by Plaintiff to provide flight training to students and had provided such training and received tuition funds in the past.

23. The reliance of Plaintiff upon the false representations, coupled with the material non-disclosure by Defendants of the dividing of the loan proceeds, was to the damage and detriment of Plaintiff in that Plaintiff continued to fund education loans for students to attend SIMCENTER even though all Defendants knew Plaintiff's loan money would not be used for this purpose.

24. As a result of the fraud perpetrated by all of Defendants, Plaintiff has been damaged in an amount in excess of \$15,000.00, as a result of the students determining not to pay Plaintiff or having been rendered unable to pay Plaintiff for the educational loans because of not receiving their full flight education.

WHEREFORE, Plaintiff, WACHOVIA BANK, National Association, respectfully request this Honorable Court enter a Final Judgment in favor of Plaintiff and against Defendants, SIMCENTER, INC., JET UNIVERSITY, HENRY GEORGE, and HEATH COHEN, jointly and severally, for the damages in an amount in excess of \$15,000.00 plus award Plaintiff interest, court costs, and such other relief that the Court deems just and proper. Plaintiff further requests this action be determined by means of a jury trial.

**COUNT II**  
**CONSPIRACY TO COMMIT FRAUD**

25. Plaintiff re-alleges paragraphs one (1) through sixteen (16) above as though the same were set forth at length herein.

26. By acting in the matter as above alleged, the Defendants conspired to mislead and deceive Plaintiff with respect to the flight school which the students would be attending.

27. Defendants further secretly agreed that the tuition funds would be divided between the corporate Defendants, even though only Defendant, SIMCENTER, INC. was approved by the Department of Education and TERI to provide flight training and receive tuition loan money. Said fraudulent conspiracy was carried out by Defendants for the purpose of deceiving Plaintiff as to the recipients of the loan money and to induce Plaintiff to continue to approve educational loans to students that were supposed to be attending SIMCENTER for flight training, but were in fact not doing so.

28. All the Defendants committed their fraudulent and tortious conduct, knowing full well that Plaintiff could not be told nor discover that the applications submitted to Plaintiff were really for students to attend JET UNIVERSITY and that tuition funds would be divided by the two corporate Defendants.

29. At all times material hereto, the Defendants acted in concert for the purposes of carrying out their fraudulent scheme and further to prevent Plaintiff from becoming aware of the fraud being perpetrated against Plaintiff by Defendants.

30. By acting in a tortious and fraudulent manner, Defendants conspired to defraud Plaintiff to the damage and detriment of Plaintiff.

31. As a result of Defendants conspiracy to defraud, Plaintiff has been damaged in an amount in excess of \$15,000.00, as a result of the students determining not to pay Plaintiff or having been rendered unable to pay Plaintiff, because they did not receive their full flight training.



WHEREFORE, Plaintiff, WACHOVIA BANK, National Association, respectfully request this Honorable Court enter a Final Judgment in favor of Plaintiff and against Defendants, SIMCENTER, INC., JET UNIVERSITY, HENRY GEORGE, and HEATH COHEN, jointly and severally, for the damages in an amount in excess of \$15,000.00 plus award Plaintiff interest, court costs, and such other relief that the Court deems just and proper. Plaintiff further requests that this action be determined by means of a jury trial.

Greenspoon Marder, PA  
One Clearlake Centre, Suite 700  
250 Australian Avenue  
West Palm Beach, FL 33401  
Telephone: (561) 227-2370  
Facsimile: (561) 650-1235

BY: \_\_\_\_\_  
Marc B. Cohen Esquire  
Florida Bar No.: 251062

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

WACHOVIA BANK, National Association,

CASE NO.:

Plaintiff(s)

-vs-

SUMMONS  
PERSONAL SERVICE  
ON A NATURAL PERSON

SIMCENTER, INC., JET UNIVERSITY,  
HENRY GEORGE, and HEATH COHEN,

Defendant(s)

TO DEFENDANT(S):

**SIMCENTER, INC.**  
**Henry George as Managing Director**  
**Alteon Building**  
**6601 NW 36<sup>th</sup> Street**  
**Miami, FL 33166**

IMPORTANT

A lawsuit has been filed against you. You have 20 Calendar days after this summons is served on you to file a written response to the attached complaint/petition with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the Plaintiff/Plaintiff's attorney named below.

MARC B. COHEN, ESQUIRE

Plaintiff/Plaintiff's Attorney

One Clearlake Centre, Suite 700

250 Australian Avenue West Palm Beach, FL 33401

Address

(561) 227-2370

Phone

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to service this Summons and a copy of the complaint/petition in this lawsuit on the above named defendant(s).

DATED ON \_\_\_\_\_, 2009.

SHARON BOCK  
Clerk of the Court

(COURT SEAL)

BY: \_\_\_\_\_  
Deputy Clerk

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podria perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si usted desea, puede consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica. Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o como "Plaintiff/ Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous, Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes oblige de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le delai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedir une copie de votre reponse ecrite au Plaintiff/Plaintiff's Attorney (Plaignant ou a son avocat) nomme ci-dessous.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

WACHOVIA BANK, National Association,

CASE NO.:

Plaintiff(s)

-vs-

SUMMONS  
PERSONAL SERVICE  
ON A NATURAL PERSON

SIMCENTER, INC., JET UNIVERSITY,  
HENRY GEORGE, and HEATH COHEN,

Defendant(s)

TO DEFENDANT(S):

**JET UNIVERSITY**  
**Heath Cohen as Chief Operating Officer**  
**9110 NW 53<sup>rd</sup> Street**  
**Coral Springs, FL 33067**  
**Or**  
**1450 NE 36<sup>th</sup> Street**  
**Wilton Manors, FL 33305**

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MARC B. COHEN, ESQUIRE

Plaintiff/Plaintiff's Attorney

One Clearlake Centre, Suite 700

250 Australian Avenue West Palm Beach, FL 33401

Address

(561) 227-2370

Phone

THE STATE OF FLORIDA

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2 DATED ON \_\_\_\_\_, 2009.

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Clerk of the Court

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Deputy Clerk

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

WACHOVIA BANK, National Association,

CASE NO.:

Plaintiff(s)

-vs-

SUMMONS  
PERSONAL SERVICE  
ON A NATURAL PERSON

SIMCENTER, INC., JET UNIVERSITY,  
HENRY GEORGE, and HEATH COHEN,

Defendant(s)

TO DEFENDANT(S):

**HENRY GEORGE**  
**Alteon Building**  
**6601 NW 36<sup>th</sup> Street**  
**Miami, FL 33166**

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MARC B. COHEN, ESQUIRE

Plaintiff/Plaintiff's Attorney

One Clearlake Centre, Suite 700

250 Australian Avenue West Palm Beach, FL 33401

Address

(561) 227-2370

Phone

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WACHOVIA BANK, National Association,

CASE NO.:

Plaintiff(s)

-vs-

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PERSONAL SERVICE  
ON A NATURAL PERSON

SIMCENTER, INC., JET UNIVERSITY,  
HENRY GEORGE, and HEATH COHEN,

Defendant(s)

TO DEFENDANT(S):

**HEATH COHEN**  
**9110 NW 53<sup>rd</sup> Street**  
**Coral Springs, FL 33067**  
**Or**  
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MARC B. COHEN, ESQUIRE

Plaintiff/Plaintiff's Attorney

One Clearlake Centre, Suite 700

250 Australian Avenue West Palm Beach, FL 33401

Address

(561) 227-2370

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