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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)

v.)

ANDRE MCBREAIRTY,)

Defendant)

Criminal Case No. 21-CR-191-JL-01

INFORMATION

The Acting United States Attorney Charges:

COUNT ONE

[18 U.S.C. § 1001(a)(1) – False Statements]

Background Information

1. The United States Small Business Administration (“SBA”) is an executive-branch agency of the United States government that provides support to entrepreneurs and small businesses.
2. In or around March 2020, the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was enacted to provide emergency financial assistance to the millions of Americans suffering adverse economic effects caused by the COVID-19 pandemic. The CARES Act established several new temporary programs and expanded existing programs, including programs created or administered by the SBA.
3. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”).

4. To obtain a PPP loan, the authorized representative of a business was required to state the business's average monthly payroll expenses and number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP.

5. A participating lender would then process the PPP loan application. If the PPP loan application was approved, the participating lender funded the PPP loan using its own monies, which were fully guaranteed by the SBA.

6. In or around December 2020, the Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act was enacted. This law authorized a second tranche of PPP loans to existing PPP borrowers.

7. Another source of relief provided by the CARES Act was the Economic Injury Disaster Loan ("EIDL") program, an SBA program that provided low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

8. The CARES Act authorized the SBA to provide EIDLs to eligible small businesses experiencing substantial financial disruptions due to the COVID-19 pandemic. In addition, the CARES Act authorized the SBA to issue advances of up to \$10,000 to small businesses, known as Economic Injury Disaster Grants (EIDGs). The amount of the advance was determined by the number of employees the applicant certified having. The advances did not need to be repaid.

9. To obtain an EIDL and/or EIDG, a qualifying business was required to apply to the SBA and provide information about its operations, such as the number of employees and the entity's gross business revenues and cost of goods sold in the twelve months prior to

January 31, 2020. The amount of the loan, if approved, was determined based, in part, on the information provided concerning the number of employees, gross revenue, and cost of goods.

10. Any funds issued under an EIDL or EIDG were issued directly by the SBA. EIDL funds could be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

The Offense

11. From in or around April 2020 and continuing to in or around February 2021, in the District of New Hampshire and elsewhere, the defendant,

ANDRE MCBREAIRTY,

knowingly and willfully falsified, concealed, and covered up by any trick, scheme, and device a material fact in a matter within the jurisdiction of the SBA, a federal agency within the executive branch of the United States Government. Specifically, the defendant knowingly and willfully falsely inflated his payroll and earnings to obtain an PPP loans, an EIDL and an EIDG he was not entitled to receive.

All in violation of Title 18, United States Code, Section 1001(a)(1).

DATED: December 5, 2021

JOHN J. FARLEY
Acting United States Attorney

/s/ Alexander S. Chen
Alexander S. Chen
Special Assistant United States Attorney

Matthew T. Hunter
Assistant United States Attorney