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13 *Attorneys for the United States*

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA

16 United States of America,
17
18 Plaintiff,

19 vs.

20 Jonathan David VanScoyk,
21 Defendant.

CR21-01620-TUC-JGZ-LCK
4:20-mj-09042

INFORMATION

Violation:
18 U.S.C. § 371
Conspiracy to Commit Wire Fraud
(Felony)

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25 **THE UNITED STATES ATTORNEY CHARGES:**

26 **General Allegations**

27 At all times relevant to this Information:

28 ***Relevant Entities***

1 1. Grand American Homes LLC (“Grand American”) was an Arizona limited
2 liability corporation.

3 ***The Defendant***

4 2. **JONATHAN VANSCOYK** was a resident of Arizona. **JONATHAN**
5 **VANSCOYK** was a co-owner of Grand American.

6 ***Co-Conspirators***

7 3. AUSTIN VANSCOYK was a resident of Arizona. .

8 4. SAM FIEDLER (“FIEDLER”) was a resident of Arizona. FIEDLER
9 was an accountant.

10 ***The Small Business Administration***

11 5. The United States Small Business Administration (“SBA”) was an executive
12 branch agency of the United States Government that provided support to entrepreneurs and small
13 businesses. The mission of the SBA was to maintain and strengthen the nation’s economy by
14 enabling the establishment and viability of small businesses and by assisting in the economic
15 recovery of communities after disasters.

16 6. As part of this effort, the SBA enabled and provided for loans through banks,
17 credit unions, and other lenders. These loans had government-backed guarantees.

18 ***The Paycheck Protection Program***

19 7. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a
20 federal law enacted in or around March 2020 and designed to provide emergency financial
21 assistance to the millions of Americans who were suffering the economic effects caused by the
22 COVID-19 pandemic.

23 8. One source of relief that the CARES Act provided for was the authorization of up
24 to \$349 billion in forgivable loans to small businesses for payroll, mortgage interest, rent/lease,
25

1 and utilities, through a program referred to as the Paycheck Protection Program (“PPP”). In
2 April 2020, Congress authorized up to \$310 billion in additional PPP funding.

3 9. The PPP allowed qualifying small businesses and other organizations to receive
4 PPP loans. Businesses were required to use PPP loan proceeds on payroll costs, interest on
5 mortgages, rent or leases, and utilities. The PPP allowed the interest and principal on the PPP
6 loan to be entirely forgiven if the business spent the loan proceeds on these expense items within
7 a designated period of time and used a certain percentage of the PPP loan proceeds on payroll
8 expenses.

10 10. The amount of a PPP loan that a small business may have been entitled to receive
11 was determined by the number of individuals employed by the business and the business’s
12 average monthly payroll costs.

13 11. In order to obtain a PPP loan, a qualifying business was required to submit a PPP
14 loan application, which was signed by an authorized representative of the business. The PPP
15 loan application required the business (through its authorized representative) to acknowledge the
16 program rules and make certain affirmative certifications in order to be eligible to obtain the PPP
17 loan. In the PPP loan application, the small business (through its authorized representative) had
18 to state, among other things, its: (a) average monthly payroll expenses; and (b) number of
19 employees. These figures were used to calculate the amount of money the small business was
20 eligible to receive under the PPP. In addition, businesses applying for a PPP loan had to provide
21 documentation showing their payroll expenses.

22 12. The SBA oversaw the PPP. However, individual PPP loans were issued by private,
23 approved lenders who received and processed PPP applications and supporting documentation,
24 and then made loans using the lenders’ own funds, which were 100% guaranteed by the SBA.
25 Data from the application, including information about the borrower, the total amount of the
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1 loan, and the listed number of employees, was transmitted by the lender to the SBA in the course
 2 of processing the loan.

3 ***Relevant Financial Institutions***

4 13. Financial Institution 1 was a Federal Deposit Insurance Corporation (“FDIC”)-
 5 insured financial institution headquartered in Salt Lake City, Utah. Financial Institution 1
 6 participated in the PPP as an SBA-approved lender, and as such, was authorized to lend funds to
 7 eligible borrowers under the terms of the PPP.
 8

9 14. Bank 1 was a FDIC-insured financial institution headquartered in New York, New
 10 York. In or around November 2019, **JONATHAN VANSCOYK** and FIEDLER opened a
 11 checking account at Bank 1 on behalf of Grand American (“Account 2133”).
 12

13 ***Overview of the Scheme***

14 15. **JONATHAN VANSCOYK**, AUSTIN VANSCOYK, FIELDLER, and their co-
 15 conspirators collectively submitted and caused the submission of a false and fraudulent PPP loan
 16 application for Grand American to an SBA-approved lender. Among other things, **JONATHAN**
 17 **VANSCOYK**, AUSTIN VANSCOYK, FIELDLER, and their co-conspirators falsified
 18 employee and payroll information submitted as part of the loan applications.
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20 ***The Fraudulent PPP Loan Application***

21 16. **JONATHAN VANSCOYK**, FIEDLER, AUSTIN VANSCOYK, and their co-
 22 conspirators submitted and caused the submission of the following false and fraudulent PPP loan
 23 application:
 24

<u>Business</u>	<u>Approximate Application Date</u>	<u>Listed Applicant</u>	<u>Bank</u>	<u>Claimed Employees</u>	<u>Amount Requested</u>	<u>Amount Funded</u>
Grand American Homes	04/27/20	JONATHAN VANSCOYK	Financial Institution 1	36	\$594,830	\$594,830

1 17. The Grand American PPP loan application acknowledged that knowingly making
2 a false statement is punishable under law and contained the following certifications:

- 3 a. Grand American was in operation on February 15, 2020, and had employees for
4 whom it paid salaries and payroll taxes or paid independent contractors, as
5 reported on Form(s) 1099-MISC;
6
7 b. The funds would be used to retain workers and maintain payroll or make
8 mortgage interest payments, lease payments, and utility payments; and
9
10 c. The information provided in the application and the information provided in all
11 supporting documents and forms was true and accurate in all material respects.

12 *Conspiracy to Commit Wire Fraud – 18 U.S.C. § 371*

13 18. The United States Attorney re-alleges and incorporates by reference the factual
14 allegations contained in paragraphs 1 through 17 of this Information as if fully set forth herein.

15 19. From on or about March 18, 2020 through on or about August 7, 2020, the exact
16 dates unknown, in the District of Arizona and elsewhere, the Defendant, **JONATHAN**
17 **VANSCOYK**, did knowingly and willfully combine, conspire, confederate, agree, and have a
18 tacit understanding with AUSTIN VANSCOYK, FIEDLER, and others known and unknown to
19 to the United States Attorney to devise and intend to devise a scheme and artifice to defraud, and
20 to obtain money and property, by means of materially false and fraudulent pretenses,
21 representations, and promises, and by the omission of material facts, well knowing and having
22 reason to know that said pretenses were and would be false and fraudulent when made and
23 caused to be made and that said omissions were and would be material, and, in so doing, caused
24 interstate and/or foreign wire communications to be made, in furtherance of the scheme and
25 artifice to defraud, in violation of Title 18, United States Code, Section 1343.

26 *Purpose of the Conspiracy*
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25. In total, as a result of their false and fraudulent representations, **JONATHAN VANSKOYK**, **AUSTIN VANSKOYK**, **FIELDLER**, and their co-conspirators caused Financial Institution 4 to fund an approximately \$594,830 PPP loan to Grand American.


All in violation of Title 18, United States Code, Section 371.

GLENN McCORMICK
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District of Arizona

JOSEPH BEEMSTERBOER
Acting Chief, Fraud Section
U.S. Department of Justice

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JANE L. WESTBY
Assistant U.S. Attorney
District of Arizona



SIJI MOORE
Trial Attorney, Fraud Section
U.S. Department of Justice

Date