

UNITED STATES DISTRICT COURT
for the
District of Rhode Island

United States of America
v.

Michael J. Moller, a/k/a Michael Robinson

Case No. 1:20MJ73LDA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 6 through April 14, 2020 in the county of in the
District of Rhode Island, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 15 U.S.C. § 645(a); and 18 U.S.C. § 1344(2); Making False Statement to Influence the SBA; and Bank Fraud

This criminal complaint is based on these facts:

See the attached Affidavit of Special Agent Kimberly Jo Lawrence, of the Federal Bureau of Investigation ("FBI").

Continued on the attached sheet.

Handwritten signature of Kimberly Jo Lawrence

KIMBERLY JO LAWRENCE
Special Agent

Complainant's signature

Special Agent Kimberly Jo Lawrence - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: September 18, 2020

Handwritten signature of Lincoln D. Almond

Judge's signature

City and state: Narragansett RI

Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**

I, Kimberly Jo Lawrence, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent at the Federal Bureau of Investigation (“FBI”). I have been a Special Agent with the FBI for 19 years. I am presently assigned to the Crisis Management/Special Events Squad of the FBI’s Boston Division. My responsibilities include the investigation of violations of federal law. During my employment with the FBI, I have participated in a variety of criminal investigations, particularly in the areas of crimes against children, public corruption, white collar crime, violent crimes, narcotics and terrorism investigations.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant against MICHAEL MOLLER, a/k/a “Michael Robinson” (“MOLLER”)<sup>1</sup>. As will be shown below, there is probable cause to believe that from on or about April 6, 2020 through August 14, 2020, MOLLER (i) knowingly made false statements for the purpose of obtaining a loan and for the purpose of influencing in any way the action of the Small Business Administration, in violation of 15 U.S.C. § 645(a) (Count One – Making False Statement to Influence the SBA); and (ii) knowingly executed a scheme to obtain money, funds and property owned by, or under

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<sup>1</sup> Michael Moller has a criminal history that includes a 2010 federal conviction for fraud in the District of Massachusetts for which he received a sentence of 24 months of supervised release, from 5/24/2011-11/19/2013. During Moller’s term of supervised release he committed and was convicted of four (4) counts of bank robbery in the District of Massachusetts. Moller was sentenced to 108 months in jail and three (3) years of supervised release. The term of supervised release commenced on 7/19/2019 and is scheduled to terminate on 7/18/2022.

the custody and control of, a financial institution, by means of false and fraudulent pretenses, representations and promises, in violation of 18 U.S.C. § 1344(2) (Count Two – Bank Fraud).

3. As set forth below, investigation has revealed that defendant MICHAEL MOLLER applied for loans guaranteed by the Small Business Administration (“SBA”) designed to assist small businesses and their employees during the coronavirus crisis. MOLLER, alone or with the assistance of family members and associates, applied for at least eleven (11) loans in his own name and in the names of his father, the son of his girlfriend and the brother of his girlfriend. In these various applications, MOLLER applied for loans in the names of four (4) different companies purporting to perform construction and remodeling work. The applications listed numerous of the same employees as working for the different companies and provided overlapping information concerning the companies. The number of individuals employed at the same company varied from 9 to 37 in different applications. In truth, none of the companies employed the number of individuals identified or paid the wages represented in the applications. In total, MOLLER fraudulently sought at least \$4,725,742.65 in forgivable loans guaranteed by the SBA by claiming to have dozens of employees earning wages at four different business entities when, in truth and in fact, there were little to no employees working for any of the listed entities when the loan applications were submitted. Through these fraudulent applications, MOLLER caused \$599,251 in funds to be disbursed and personally received approximately \$584,100 in fraudulent funds derived from these loans.

**The CARES ACT and the Paycheck Protection Program**

4. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act is a federal law enacted on March 29, 2020 and designed to provide emergency financial assistance to the millions of Americans who are suffering the economic effects caused by the COVID-19

pandemic. One source of relief provided by the CARES Act was the authorization of up to \$349 billion in forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”). In or around April 2020, over \$300 billion in additional PPP funding was authorized by Congress.

5. The PPP allows qualifying small-businesses and other organizations to receive loans with a maturity of 2 years and interest rate of 1%. PPP loan proceeds must be used by businesses on payroll costs, interest on mortgages, rent, and utilities. The PPP allows the interest and principal to be forgiven if businesses spend the proceeds on these expenses within 24 weeks of receipt and use at least 60% of the forgiven amount for payroll. The amount of PPP funds a business may receive is determined by the number of employees employed by the business and their average payroll costs for a period of eight weeks. Businesses applying for a PPP loan must provide documentation, such as IRS Forms 940 and 941, to confirm that they have in the past paid employees the compensation listed on the application.

6. The PPP is overseen by the Small Business Administration (“SBA”), which is headquartered at 409 3rd Street SW, Washington, DC 20416, and has authority over all loans. Individual PPP loans, however, are issued by private approved lenders (most commonly, banks and credit unions), who receive and process PPP applications and supporting documentation, and then make loans using the lenders’ own funds. To date, over 4,900 private lenders have participated in the PPP.

**Farmer’s State Bank PPP Loan Application of Michael Moller, d/b/a “Top Notch Tile”**

7. A loan application under the PPP was received by The Farmer’s State Bank of Oakley, Kansas (“Farmer’s State Bank”) on or about April 6, 2020. The loan application was from MICHAEL MOLLER, d/b/a “Top Notch Tile,” and requested a loan in the amount of

\$212,100. The documents provided indicate that MOLLER refers to Top Notch Tile interchangeably as “TNT Tile” throughout the application. The application indicates that the average monthly payroll of Top Notch Tile is \$84,861.05 with 10 employees. The email address listed on the application is [mollermichael0418@gmail.com](mailto:mollermichael0418@gmail.com). Subscriber records obtained from Google have identified that [mollermichael0418@gmail.com](mailto:mollermichael0418@gmail.com) is registered to MICHAEL MOLLER. The business address of Top Notch Tile is identified as “3 **Rollin** Green Dr., Unit C, Fall River, MA 02720”; a misspelling of Rolling also occurs in another PPP loan application identified below. The 100% owner of Top Notch Tile is listed as MOLLER. The application indicates that the business was established on January 6, 2020. The telephone number used on the application is (508) 493-7973. Records obtained from AT&T for telephone number 508-493-7973 identify the subscriber for this phone number as S.B., the girlfriend of MOLLER.

8. According to the Massachusetts Secretary of State, Division of Corporation’s website, neither Top Notch Tile nor TNT Tile were ever incorporated in MA. There is a defunct MA corporation named Top Notch Tile, Inc. that was incorporated from 1986-1992, which appears to have no relationship to MOLLER.

9. An IRS 941 Form was submitted by MOLLER in support of the loan application. A 941 Form is the Employers Quarterly Federal Tax Form. The 941 Form provided for Michael Moller d/b/a TNT Tile lists wages for 2020 1st Quarter to be \$254,583.15. The section asking for the number of employees indicates that the business has 10 employees. The phone number utilized on the 941 Form is 774-955-4527. Records obtained from AT&T for telephone number 774-955-4527 have identified that the subscriber for this phone number is S.B., the girlfriend of MOLLER. The business address of TNT Tile on the 941 Form is identified as 3 Rolling Green Dr., Unit C, Fall River, MA 02720.

10. “Payroll Summary” reports for January through February 2020 were provided to Farmer’s State Bank with the application for Michael Moller d/b/a TNT Tile. The Payroll Summary report for January and February 2020 identifies \$203,779.92 in wages. The Payroll Summary report identifies F.B., L.M., M.S., Michael Moller, R.M., R.M., S.B., S.C. and S.J. as employees of Top Notch Tile.

11. Agents have been unable to identify any bank accounts that were opened in the name of Top Notch Tile or TNT Tile. In bank accounts that were opened in the name of MOLLER, there are no payments made since at least May 13, 2019 to any of the individuals identified in the PPP application to be employees of Top Notch Tile or TNT Tile. Indeed, there are no checks that appear to be payroll related in any account associated with MOLLER.

12. On April 8, 2020, MOLLER communicated with Farmer’s State Bank via email that he wanted the funds wired to his Citizens Bank account. Farmer’s State Bank funded the loan transfer on or about April 8, 2020 in name of Michael Moller d/b/a Top Notch Tile, “Loan Proceeds” for \$212,100. Between April 8, 2020 and June 16, 2020, MOLLER withdrew \$55,611.98 in cash, \$128,859.85 was utilized for online money transfer applications, and the remainder of the funds were transferred to other accounts or spent on items that appear personal in nature. No funds have been identified that appear to be for the issuance of payroll or business operations. The balance in the account on June 16, 2020 was -\$656.76.

13. On June 12, 2020, a Special Agent for the IRS Criminal Investigation spoke to an individual at the Massachusetts Department of Revenue, Division of Taxation in response to an order issued by the Court for production of Massachusetts tax records. The agent was informed that no employer wages were ever reported for Moller d/b/a Top Notch Tile or TNT Tile. The

agent was also informed that none of the employees identified in the application by MOLLER reported any income derived from Moller d/b/a Top Notch Tile or TNT Tile.

14. On or about July 9, 2020, the IRS Disclosure Office, in response to a court order, advised that it had no records of any sort concerning Top Notch Tile or TNT Tile. The IRS Disclosure Office further advised that it had no record of any Form 941 forms having ever been filed by Top Notch Tile or TNT Tile.

**\$564,769 PPP Application Submitted to Farmer's State Bank  
in the Name of M.S., d/b/a "Alves Top Notch"**

15. After receiving \$212,100 from the Farmer's State Bank on April 8, 2020 following the loan application submitted in his name for Top Notch Tile, MOLLER attempted to obtain further PPP proceeds by submitting applications in the name of M.S., d/b/a "Alves Top Notch," identified as a Massachusetts business. M.S. is believed to be the 21 year old son of MOLLER's girlfriend, S.B. According to the Massachusetts Secretary of State, Division of Corporation's website, Alves Top Notch Tile was never incorporated in MA nor is M.S. an officer of any MA corporation.

16. On April 13, 2020, MOLLER sent an email to the representative of Farmer's State Bank who had assisted him in securing the PPP loan in his name. In this email, MOLLER wrote that he has a "friend" who also needs a PPP loan. On or about April 24, 2020, MOLLER, from email account [mollermichael0418@gmail.com](mailto:mollermichael0418@gmail.com), submitted to Farmer's State Bank a PPP application in the name of M.S., d/b/a "Alves Top Notch." In this PPP application, MOLLER represented that Alves Top Notch had 37 employees and an average monthly payroll of \$225,907.86. The application requested a loan in the amount of \$564,769.65.

17. On or about April 24, 2020, the representative at Farmer's State Bank emailed MOLLER that the PPP application he submitted in the name of M.S. was "a little suspicious"

because M.S. had previously been listed as one of MOLLER's employees in MOLLER's own application and that it was uncertain how M.S. could have gone from an employee in one business to the owner of another business with 37 employees and a large payroll in such a short period of time. Later that day, Farmer's State Bank denied the PPP application submitted in the name of M.S., d/b/a "Alves Top Notch."

18. Agents have been unable to identify any bank accounts that were opened in the name of Alves Top Notch. In bank accounts that were opened in the name of MOLLER and M.S., there are no payments made since at least May 11, 2019 to any of the individuals identified in the PPP application to be employees of Alves Top Notch. Indeed, there are no checks that appear to be payroll related in any account associated with MOLLER or M.S.

**\$734,300 PPP Applications in the name of M.S., d/b/a "Alves Top Notch"**

19. Following the submission of the PPP application for Alves Top Notch to Farmer's State Bank, three additional loan applications under the PPP, each requesting a loan in the amount of \$734,300 and which contained nearly identical information, were filed in the name of M.S., d/b/a "Alves Top Notch." A loan application under the PPP was received by BankNewport on or about April 23, 2020. A second loan application under the PPP was received by The Washington Trust Company on or about April 27, 2020. A third loan application under the PPP was received by Northeast Bank via Lendio.com on or about April 28, 2020. The loan applications were all in the name of M.S., d/b/a "Alves Top Notch" and each requested a loan in the amount of \$734,300. The applications all indicate that the average monthly payroll of Alves Top Notch is \$293,720 with 37 employees. The email address listed on the applications is [alvestopnotch@yahoo.com](mailto:alvestopnotch@yahoo.com). The business address of Alves Top Notch is identified as 224 Plain St, Fall River, MA 02723. The 100% owner of Alves Top Notch listed on each of the



applications is M.S. M.S.'s residential address on the BankNewport loan is listed as 224 Plain St, Fall River, MA 02723, the same operating address as was provided for Alves Top Notch. M.S.'s residential address on the Washington Trust and Northeast Bank loans is 558 Third Street, Fall River, MA 02721. The phone number utilized on the BankNewport application is 774-955-4527. The phone number utilized on The Washington Trust Company and Northeast Bank applications is 508-493-7973. Both phone numbers were also listed on MOLLER's application to Farmer's State Bank.

20. Identical 941 Forms were submitted with the BankNewport, The Washington Trust and Northeast Bank PPP loan applications. Each contain the same punctuation errors which identify Alves Top Notch's business address as "224 plain st, fall river, MA". Each indicate that Alves Top Notch had wages for 2020 1st Quarter in the amount of \$881,160.00. The section asking for the number of employees indicates that the business has 37 employees. The phone number utilized on the 941 Forms is identical to the phone number used by MOLLER on the application he submitted in his name to Farmer's State Bank.

21. Identical "Payroll Summary" reports were provided with the BankNewport and Northeast Bank applications for Alves Top Notch for January, February and March 2020. The Payroll Summary report for January, February and March 2020 identifies \$251,760.00, \$251,760.00 and \$377,640 in total gross pay respectively. The three loan applications each request a loan in the amount of \$734,300; taken jointly the three loans request \$2,202,900. None of the three loans were funded by the banks.

22. On June 12, 2020, a Special Agent for the IRS Criminal Investigation spoke to an individual at the Massachusetts Department of Revenue, Division of Taxation, in response to an

order issued by the Court for production of Massachusetts tax records. The agent was informed that no employer wages were ever reported for M.S., d/b/a Alves Top Notch.

23. Records received from The Washington Trust Company show that Internet Protocol (“IP”) address 70.175.197.26 was used on April 23, 2020 as part of the loan application process for the PPP loan submitted in the name of M.S., d/b/a “Alves Top Notch.” IP addresses are unique identifiers assigned to an electronic device connected to a computer network or when logging on to the internet. The IP address utilized at a specific date and time may be used to trace a device to the specific physical location and to a specific registered user. Cox Communications, Inc. identified that IP address 70.175.197.26 was assigned to subscriber Michael Moller, 1 Wood Rd, Middletown, RI 02842-6219 with a phone number of 774-955-4527 (used by MOLLER on his own PPP application) from April 1, 2020 until at least May 30, 2020.

24. On or about July 9, 2020, the IRS Disclosure Office, in response to a court order, advised that it had no records of any sort concerning Alves Top Notch. The IRS Disclosure Office further advised that it had no record of any Form 941 forms having ever been filed by Alves Top Notch.

**\$359,704 PPP Applications from M.S., d/b/a “Alves Top Notch”**

25. Another three separate loan applications under the PPP, each seeking \$359,704.16, and containing nearly identical information, were submitted in the name of M.S., d/b/a “Alves Top Notch.” A loan application under the PPP was received by The Cooperative Bank of Cape Cod on or about May 4, 2020. A second loan application under the PPP was received by First Bank on or about April 29, 2020. A third loan application under the PPP was received by First Fidelity Bank on or about April 30, 2020. The applications all indicate that the average monthly payroll of Alves Top Notch is \$143,881.66 with 15 employees. The email

address listed on the applications is [alvestopnotch@yahoo.com](mailto:alvestopnotch@yahoo.com). The business address of Alves Top Notch is identified as 224 Plain St, Fall River, MA 02723. The 100% owner of Alves Top Notch is listed on each of the applications as M.S. M.S.'s residential address is listed as 224 Plain St, Fall River, MA 02723, the same operating address as was provided for Alves Top Notch. The phone number utilized on each application is the same number provided by MOLLER in the application he submitted in his own name to Farmer's State Bank as well as in the three loan applications described above in the name of M.S., each seeking \$734,000 in PPP funds.

26. Identical 941 Forms were submitted with each of the PPP loan applications. Each contain the same punctuation errors which identify Alves Top Notch's business address as "224 plain st, fall river, MA"; the same address and same punctuation errors identified on the BankNewport, The Washington Trust and Northeast Bank loans described above. Each indicate that Alves Top Notch had wages for 2020 1st Quarter wages in the amount of \$431,645. The section asking for the number of employees each indicates that the business has 15 employees.

27. Identical "Payroll Summary" reports were provided with the each of the applications for Alves Top Notch for January, February and March 2020. The Payroll Summary report for January, February and March 2020 identifies \$126,715.00, \$132,265.00 and \$172,665 in total gross pay respectively.

28. The First Fidelity Bank, First Bank and Cooperative Bank of Cape Cod loan applications all identify B.O., F.B., F.B.(Jr), J.B., L.M., M.B., M.S., Michael Moller, N.T., R.M., R.M., S.B., S.C., S.J. and T.R. as the employees of Alves Top Notch. Most of these names are also identified as being employed by Top Notch Tile in the Farmer's State Bank PPP loan application submitted by MOLLER. F.B. Jr. is the brother of S.B., MOLLER's girlfriend.

Information obtained from the Massachusetts Department of Corrections has revealed that F.B. Jr. was incarcerated from December 20, 2018 until April 14, 2020. Additional information obtained from the [mollermichael0418@gmail.com](mailto:mollermichael0418@gmail.com) email account reveals that MOLLER provided funds to F.B. Jr.'s prison commissary account on 01/19/2020, 2/14/2020, 03/15/2020, 03/27/2020, and 04/02/2020. F.B. Jr. could not have been employed during January, February and March of 2020, as indicated on the payroll reports and MOLLER, by funding F.B. Jr.'s commissary account, was aware that F.B. Jr. was incarcerated.

29. The three loan applications each requested a loan in the amount of \$359,704.16; taken jointly the three loans requested \$1,079,112.00. None of the three loans were funded by the banks.

30. The Cooperative Bank of Cape Cod captured IP address 70.175.197.26 twice on May 4, 2020 as part of the loan application process for the PPP application that was submitted in the name of M.S., d/b/a "Alves Top Notch." Cox Communications, Inc. identified that IP address 70.175.197.26 was assigned to subscriber MICHAEL MOLLER, 1 Wood Rd, Middletown, RI 02842-6219 with a phone number of 774-955-4527 from April 1, 2020 until at least May 30, 2020.

31. On April 28, 2020 "Michael", using email account [mollermichael0418@gmail.com](mailto:mollermichael0418@gmail.com), communicated with a representative at First Bank and stated: "...my sons company is in need of a PPP loan. I have helped him prepare the documents however we are not getting any answers or any help from any of the banks that he's contacted. His business is in Massachusetts and it started January 1, 2020 he has a full quarter of payroll and then had to shut down operations..." "...it would be great if your bank at work with us and squeeze us in before all the money runs out." "If you can help us please send us instructions of

what you need and how you need it sent to you and I will get everything we have over to you immediately. Thank Michael”.

32. On April 28, 2020 an email was sent from [alvestopnotch@yahoo.com](mailto:alvestopnotch@yahoo.com) to a representative at First Bank that stated: “<https://topnotchremodels.com> Matt that is our link to our website and the pictures are some of the last work we were doing before they shut down. I really appreciate you helping our family. God Bless. I’ll wait to hear from you Mike and Marques.”

**\$297,710 Leader Bank PPP Application in name of M.S., d/b/a “Alves Top Notch”**

33. A loan application under the PPP was received by Leader Bank on or about April 28, 2020. The loan application was in the name of M.S., d/b/a “Alves Top Notch” and requested a loan in the amount of \$297,710. The application indicates that the average monthly payroll of Alves Top Notch is \$111,884 with 15 employees. The email address listed on the application is [alvestopnotch@yahoo.com](mailto:alvestopnotch@yahoo.com). The business address of Alves Top Notch is identified as 224 Plain St, Fall River, MA 02723. The 100% owner of Alves Top Notch is listed as M.S. M.S.’s residential address is listed as 224 Plain St, Fall River, MA 02723, the same operating address as was provided for Alves Top Notch. The phone number utilized on the application is the same phone number used by MOLLER in the PPP application he submitted in his own name to Farmer’s State Bank and on the other seven previously described Alves Top Notch PPP loan applications.

34. A 941 Form submitted with the application to Leader Bank provided for Alves Top Notch lists wages for 2020 1st Quarter wages to be \$431,645.00. The section asking for the number of employees indicates that the business has 15 employees. The 941 Form is identical to

the 941 Forms utilized on The Cooperative Bank of Cape Cod, First Bank and First Fidelity Bank loan applications, including the same punctuation errors which identified Alves Top Notch's business address as "224 plain st, fall river, MA".

35. "Employee Earning Summary" reports were provided with the application for Alves Top Notch for January, February and March 2020. The Employee Earning Summary report for January 2020 identifies \$80,800.00 in hourly pay and \$45,915.00 in overtime pay. The Employee Earning Summary report for both February and March 2020 fail to identify wages but identifies federal and state withholdings. The Employee Earning Summary report identifies B.O., F.B., F.B.(Jr), J.B., L.M., M.B., M.S., Michael Moller, N.T., R.M., R.M., S.B., S.C., S.J. and T.R. of the employees of Alves Top Notch. Most of these individuals were also identified as being employed by Top Notch Tile in the PPP application submitted by MOLLER to Farmer's State Bank. F.B. Jr. was incarcerated from December 20, 2018 until April 14, 2020 and could not have been an employee of Alves Top Notch. Leader Bank did not fund this loan.

36. Leader Bank captured IP address 68.14.142.179 on April 30, 2020, May 4, 5 and 6, 2020 and IP address 70.175.197.26 twice on May 4, 2020 as being used as part of the PPP loan application process in the name of M.S., d/b/a "Alves Top Notch." Cox Communications, Inc. identified that both of these IP addresses were assigned at that time to MICHAEL MOLLER, 1 Wood Rd, Middletown, RI 02842-6219.

**Webster Bank PPP Application from R.M., d/b/a "TNT TILE"**

37. A loan application under the PPP was received by Webster Bank on or about June 10, 2020. The loan application was from R.M., d/b/a "TNT Tile" and requested a loan in the amount of \$172,225. R.M. is believed to be the father of defendant MICHAEL MOLLER. The application indicates that the average monthly payroll of TNT Tile is \$68,890 with 9 employees.

The email address listed on the application is Tnt\_tile@yahoo.com. The business address of TNT Tile is identified as “3 **Rollin** Green Drive, Unit C, Fall River, MA 02720”; containing the same misspelling of Rolling as on the Farmer’s State Bank application submitted in the name of MICHAEL MOLLER. The 100% owner of TNT Tile is listed as MICHAEL MOLLER, however in other portions of the document the owner is identified as R.M. MICHAEL MOLLER’s residential address is listed as 3 Rolling Green Drive, Unit C, Fall River, MA 02720. R.M.’s residential address is also listed as 3 Rolling Green Drive, Unit C, Fall River, MA 02720, the same operating address as was provided for TNT Tile and Top Notch Tile on MOLLER’s Farmer’s State Bank application. The phone number utilized on the application is 508-493-7973. This phone number was also listed in the Farmer’s State Bank application submitted by MICHAEL MOLLER as well as in two of the PPP applications submitted in the name of M.S., d/b/a “Alves Top Notch.”

38. A 941 Form submitted with the application to Webster Bank provided for TNT Tile listed wages for 2020 1st Quarter wages to be \$217,225.00. The section asking for the number of employees indicates that the business has 9 employees.

39. On June 10, 2020, Webster Bank approved the PPP loan in the amount of \$172,225 and wired the funds into the Citizens Bank account of R.M. on or about June 16, 2020. On June 16, 2020, check #107 for \$172,000 was drawn on the account and issued to MICHAEL MOLLER. The memo section of the check states “Business Transfer”.

40. Almost all of the funds disbursed by Webster Bank to R.M. were quickly moved to the account of defendant MICHAEL MOLLER. Following the receipt of these funds, between June 17, 2020 and July 13, 2020, MOLLER withdrew \$32,032 in cash, \$16,335 was utilized for online money transfer applications, and \$31,084 was withdrawn for what appears to be a trip to

Caesar's Palace Casino in Las Vegas, NV. MOLLER purchased three bank checks during this time period in the amounts of \$80,000, \$73,000 and \$30,000. The \$80,000 and \$73,000 bank checks were later redeposited to the same account. The \$30,000 check was made payable to L.M. and deposited into R.M.'s Citizens Bank account on July 6, 2020 and \$25,000 was withdrawn in cash on the same day. The remainder of the funds in MICHAEL MOLLER's account were transferred to other accounts or spent on items that appear personal in nature. No funds have been identified that appear to be for issuance of payroll or business operations.

41. Agents have been unable to identify any bank accounts that were opened in the name of TNT Tile. In bank accounts that were opened in the name of MOLLER and R.M., there are no payments made since at least January 1, 2019 that appear to be payroll related.

**Webster Bank PPP Application from F.B.(Jr), d/b/a "A Top Notch Remodel"**

42. A loan application under the PPP was received by Webster Bank on or about August 6, 2020. The loan application was from F.B.(Jr), d/b/a "A Top Notch Remodel" and requested a loan in the amount of \$214,926. F.B. Jr. is believed to be the brother of S.B., the live-in girlfriend of defendant MICHAEL MOLLER. F.B. Jr.'s social security number (SSN) is listed on the application as xxx-xx-4523; the same number as the EIN provided on the application (xx-xxx4523). This SSN belongs to an individual residing in Fremont, NH named A.D. A.D. has no apparent relationship to F.B. Jr., MOLLER or A Top Notch Remodel. F.B. Jr.'s SSN actually is xxx-xx-4513; one digit altered from the SSN included in the application. The application indicates that the average monthly payroll of A Top Notch Remodel Tile is \$85,971.00 with 16 employees. The email address listed on the application is A\_topnotchremodel@yahoo.com. The business address of A Top Notch Remodel is identified as "456 S. Main st, Attleboro, MA 02702". The 100% owner of A Top Notch Remodel is listed as



F.B. Jr. F.B. Jr.'s known residential address is 224 Plain St, Fall River, MA; the same address that was used on the Cooperative Bank of Cape Cod, First Bank, First Fidelity Bank, BankNewport, Northeast Bank, Washington Trust and Farmer's State Bank loans. The phone number utilized on the application is 774-220-8322.

43. Four separate 941 Forms were submitted with the application to Webster Bank provided for A Top Notch Remodel. The 941 Forms list wages for 1st Quarter and 2<sup>nd</sup> Quarter 2020 to be \$290,597.91 and \$258,632.23, respectively. The section asking for the number of employees indicates that the business had 16 employees in both quarters. The 941 Forms lists wages for 3rd Quarter and 4th Quarter 2019 to be \$229,721.86 and \$252,693.96 respectively. The section asking for the number of employees indicates that the business had 15 employees in both quarters.

44. On August 11, 2020, Webster Bank approved the PPP loan in the amount of \$214,926. The loan funds were wired into the Citizens Bank account of F.B. Jr. on or about August 14, 2020. This account was established on August 12, 2020 and contained only \$75 prior to August 14, 2020. On August 14, 2020, \$200,000 was transferred to MOLLER's Citizens Bank account; the same bank account which previously received MOLLER's PPP loan proceeds and R.M.'s PPP loan proceeds.

#### **Undercover Telephone Conversation**

45. On May 11, 2020, an undercover FBI agent, posing as a compliance officer with Leader Bank, had a recorded telephone conversation with an individual who identified himself as M.S. concerning the PPP application submitted in the name of M.S., d/b/a "Alves Top Notch." The person who identified himself as M.S. (believed to be defendant MICHAEL MOLLER) was utilizing telephone number 774-955-4527. The individual stated that Alves Top Notch is a sole

proprietorship and that the business started on January 1, 2020 and closed on March 31, 2020 due to the pandemic. The individual stated that Alves Top Notch operates from rented space located at 224 Plain St, Fall River, MA and performs residential remodeling work. The individual identified B.O., F.B., F.B.(Jr), J.B., L.M., M.B., M.S., Michael Moller, N.T., R.M., R.M., S.B., S.C., S.J. and T.R. as the employees of Alves Top Notch and stated that the purpose of the SBA loan was to bring them back to work and pay their wages. The individual stated that taxes were being withheld from employees' wages. Minutes after the telephone conversation ended, the undercover agent received a text message from 774-955-4527, in which "M.S." indicated that he wanted to withdraw his request for PPP funds.

#### **Telephone Records**

46. AT&T telephone records were obtained for 774-955-4527 and 508-493-7973, which were utilized in the above-described PPP loan applications. The telephone subscriber records indicate that S.B. is the financially liable party for both telephone lines. S.B. is believed to be the mother of M.S. and is in a personal relationship with MOLLER. S.B.'s email address identified on both of the accounts is [topnotch\\_tile@yahoo.com](mailto:topnotch_tile@yahoo.com), registered to R.M., and utilizing 774-955-4527 and 508-493-7973. A review of the phone toll records has identified numerous calls between 774-955-4527 (utilized on the Farmer's State Bank, BankNewport, The Washington Trust Company, Leader Bank, First Bank, First Fidelity Bank, Northeast Bank and the Cooperative Bank of Cape Cod loan applications) and 508-493-7973 (utilized on the Farmer's State Bank, The Washington Trust Company, Northeast Bank and Webster Bank loan applications).

47. Additional analysis of the telephone records has disclosed that during April and May 2020, 774-955-4527 contacted telephone numbers known to be utilized by Titan Bank,

Wells Fargo Bank, Apple Pie Finance, Bank of America, Florence Bank, Navy Federal Credit Union, Points West Community Bank and Key Bank.

48. Additional analysis of the telephone records has disclosed that during April and May 2020, 508-493-7973 contacted telephone numbers known to be utilized by Farmer's State Bank, Bank of America, The Washington Trust Company, Resource Bank, Webster Bank, Coastway Community Bank, MidWestOne Bank, Stockman Bank, Keybank, Points West Community Bank, First National Bank, Rhode Island Commerce Corporation, and Rockland Trust Co.

49. Investigators have gathered significant evidence that telephone number (774) 955-4527 is utilized by defendant MICHAEL MOLLER. This evidence includes: (i) banking records from Citizens Bank and Santander Bank which indicate that MOLLER utilizes phone number (774) 955-4527 as his contact number, (ii) records obtained from Twin River -Tiverton, LLC, a casino located in Tiverton, RI, also indicate that MOLLER utilizes phone number (774) 955-4527 as his contact number, (iii) Cox Communications, Inc. records indicate that MICHAEL MOLLER has an account at 1 Wood Rd, Middletown, RI and that his contact phone number is 774-955-4527 and (iv) the United States Probation Department, District of Massachusetts, which is currently supervising MOLLER, has (774) 955-4527 listed as MOLLER's telephone number. This telephone number is significant because it appears on many of the aforementioned PPP applications and was the phone number used in the undercover conversation with the person representing himself to be M.S.

50. Information obtained from AT&T has identified that phone numbers 774-955-4527 and 508-493-7973 regularly communicated with each other. Location data collected for

both numbers also has identified that the two telephones were in the same approximate locations during the filings of several of the above PPP loan applications and at numerous other times.

51. In response to a court authorized search warrant, AT&T provided investigators with historical cell-site information from January 1, 2020 to August 2020 concerning telephone numbers 774-955-4527 and 508-493-7973. Cell-site information is able to provide an approximate geographic location for a particular cell phone by providing the specific cell tower the cell phone utilizes at a given time. The cell-site information provided by AT&T for these two numbers shows that the user of these numbers appears to be living in the area of 1 Wood Road in Middletown, Rhode Island as the overwhelming majority of pings occur off of a cell tower near that location during both daytime and nighttime hours. In addition, cell-site information reveals that the cell phones utilizing these numbers were in the vicinity of 1 Wood Road, Middletown, RI at or about the same times in which an electronic device at 1 Wood Road, Middletown, RI communicated with the various banks concerning the PPP loan applications described above. As detailed above, Washington Trust Bank, Cooperative Bank of Cape Cod and Leader Bank all provided records that certain IP addresses were used on specific dates and times by the individual submitting PPP applications in the name of M.S., d/b/a “Alves Top Notch” to those institutions. Records from Cox Communications reveal that those IP addresses were assigned to defendant MOLLER at 1 Wood Road, Middletown, RI on those dates and times. The AT&T cell-site data confirms that the telephone numbers known to be utilized by MOLLER were in the vicinity of 1 Wood Road, Middletown, RI at or about the same dates and times that a person from within this address communicated with the aforementioned banks concerning the PPP loan applications.

**CONCLUSION**

52. Based on the forgoing, there is probable cause to believe that from on or about April 6, 2020 through August 14, 2020, defendant MICHAEL MOLLER: (i) knowingly made false statements for the purpose of obtaining a loan and for the purpose of influencing in any way the action of the Small Business Administration, in violation of 15 U.S.C. § 645(a) (Count One – Making False Statement to Influence the SBA); and (ii) knowingly executed a scheme to obtain money, funds and property owned by, or under the custody and control of, a financial institution, to wit The Farmer’s State Bank of Oakley, Kansas, BankNewport, Washington Trust Company, Northeast Bank, The Cooperative Bank of Cape Cod, First Fidelity Bank, First Bank, Leader Bank, and Webster Bank by means of false and fraudulent pretenses, representations and promises, in violation of 18 U.S.C. § 1344(2) (Count Two – Bank Fraud).



KIMBERLY JO  
LAWRENCE  
Special Agent

Special Agent

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed.

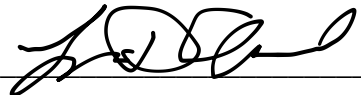
R. Crim. P. 4.1 by telephone.

\_\_\_\_\_  
September 18, 2020

*Date*

**Narragansett RI** \_\_\_\_\_

*City and State*

\_\_\_\_\_  


*Judge’s signature*

Lincoln D. Almond, US Magistrate Judge

*Printed name and title*

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  INFORMATION  INDICTMENT  COMPLAINT

CASE NO. 1:20MJ73LDA

Matter Sealed:  Juvenile  Other than Juvenile  
 Pre-Indictment Plea  Superseding  Defendant Added  
 Indictment  Charges/Counts Added  
 Information

USA vs.  
 Defendant: Michael J. Moller, a/k/a Michael Robinson

Address: 

Name of District Court, and/or Judge/Magistrate Location (City)  
 UNITED STATES DISTRICT COURT RHODE ISLAND  
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person AARON WEISMAN  
 Furnishing Information on  U.S. Atty  Other U.S. Agency  
 THIS FORM Phone No. (401) 709-5000  
 Name of Asst. U.S. Attorney LEE H. VILKER  
 (if assigned)

Interpreter Required Dialect: \_\_\_\_\_

Birth Date   Male  Alien  
 Female (if applicable)

Social Security Number 

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)  
FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court  
 (give name of court)

this person/proceeding transferred from another district  
 per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges  
 previously dismissed which were  
 dismissed on motion of:

U.S. Atty  Defense

this prosecution relates to a  
 pending case involving this same  
 defendant. (Notice of Related  
 Case must still be filed with the  
 Clerk.)

prior proceedings or appearance(s)  
 before U.S. Magistrate Judge  
 regarding this defendant were  
 recorded under

SHOW  
 DOCKET NO.

MAG. JUDGE  
 CASE NO.

Place of offense RHODE ISLAND County

**DEFENDANT**

Issue:  Warrant  Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): \_\_\_\_\_

FPD  CJA  RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

**OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS**

Total # of Counts 2

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
1	15 U.S.C. § 645(a)	Making False Statement to Influence the SBA	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Max	Penalty: 2yrs imprisonment; 1yr S/R;	\$5,000 fine; and \$100 special assessment	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
2	18 U.S.C. § 1344(2)	Bank Fraud	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Max	Penalty: 30yrs imprisonment; 5yrs S/R;	\$1,000,000 fine; and \$100 special assessment	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimated Trial Days: 7 days	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor