

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada Bar Number 13644
JAMIE MICKELSON
3 JESSICA OLIVA
Assistant United States Attorneys
4 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
5 Telephone: (702) 388-62336
Email: jamie.mickelson@usdoj.gov
6 Email: Jessica.oliva@usdoj.gov

7 DANIEL S. KAHN
Acting Chief, Fraud Section
8 Criminal Division, U.S. Department of Justice
JOSEPH MCFARLANE
9 Trial Attorney
1400 New York Ave NW
10 Washington, D.C. 20530
Telephone: (202) 514-0687
11 Email: joseph.mcfarlane@usdoj.gov

12 *Attorneys for the United States*

13
14 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 BRYAN ROBINSON,

19 Defendant.

CRIMINAL INDICTMENT

Case No. 2:20-CR-333 APG BNW

VIOLATIONS:

Title 18, United States Code, Section 1343
– Wire Fraud;

Title 18, United States Code, Section 1957
– Engaging in Transactions in Unlawful
Proceeds

FORFEITURE ALLEGATION

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21
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23 THE GRAND JURY CHARGES THAT:
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Introductory Allegations

At all times relevant to the Indictment, unless otherwise stated:

1. Defendant BRYAN ROBINSON (“ROBINSON”) was a United States citizen, residing in Las Vegas, Nevada, and then in Henderson, Nevada.

2. ROBINSON incorporated ATeam as a limited liability company under the laws of the State of Nevada in July 2018. ROBINSON was the managing member of ATeam.

Paycheck Protection Program

3. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 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 forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”).

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

1 5. A PPP loan application was processed by a participating lender, such as a
2 financial institution. If a PPP loan application was approved, the participating lender
3 funded the PPP loan using its own monies. While the lender issued the PPP loan, the Small
4 Business Administration (“SBA”) provided a guarantee to the lender for the PPP loan.
5 Data from the application, including information about the borrower, the total amount of
6 the loan, and the listed number of employees, was transmitted by the lender to the SBA in
7 the course of processing the loan.

8 6. PPP loan proceeds were required to be used by the business on certain
9 permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP
10 allowed the interest and principal on the PPP loan to be entirely forgiven if the business
11 spent the loan proceeds on these expense items within a designated period of time and used
12 a certain percentage of the PPP loan proceeds on payroll expenses.

13 *The Economic Injury Disaster Relief Program*

14 7. The Economic Injury Disaster Loan (“EIDL”) program was a SBA program
15 that provided low-interest financing to small businesses, renters, and homeowners in regions
16 affected by declared disasters.

17 8. Another source of relief provided by the CARES Act was the authorization
18 for the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing
19 substantial financial disruption due to the COVID-19 pandemic. In addition, the CARES
20 Act authorized the SBA to issue advances of up to \$10,000 to small businesses within three
21 days of applying for an EIDL. The amount of the advance was determined by the number
22 of employees that the applicant certified it had. The advances did not have to be repaid.

23 9. In order to obtain an EIDL and advance, a qualifying business was required
24 to submit an application to the SBA and provide information about its operations, such as

1 the number of employees, gross revenues for the 12-month period preceding the disaster,
2 and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDLs
3 for COVID-19 relief, the 12-month period was that preceding January 31, 2020. The
4 applicant also certified that all the information in the application was true and correct to the
5 best of the applicant's knowledge.

6 10. EIDL applications were submitted directly to the SBA and processed by the
7 agency with support from a government contractor, Rapid Finance. The amount of the
8 loan, if the application was approved, was determined based, in part, on the information
9 provided by the application about employment, revenue, and cost of goods, as described
10 above. Any funds issued under an EIDL or advance were issued directly by the SBA.
11 EIDL funds could be used for payroll expenses, sick leave, production costs, and business
12 obligations, such as debts, rent, and mortgage payments. If the applicant also obtained a
13 loan under the PPP, the EIDL funds could not be used for the same purpose as the PPP
14 funds.

15 Relevant Financial Institutions

16 11. In August 2018, ROBINSON opened a bank account at Bank 1, a federally
17 insured financial institution, on behalf of ATeam ("Account 6138"). The account opening
18 documents stated that ATeam was a "dance company" with eight (8) employees and annual
19 gross sales of \$50,000. ROBINSON was listed as the sole owner of ATeam.

20 12. In January 2020, ROBINSON opened another bank account at Bank 1 on
21 behalf of ATeam ("Account 9853"). Once again, the account opening documents stated
22 that ATeam had eight (8) employees and annual gross sales of \$50,000.

23 13. Institution 1 was an online financial technology company that specializes in
24 small business lending. Institution 1 participated as a non-bank PPP lender to small

1 businesses. Institution 1 did not fund the PPP loans itself; rather Institution 1 processed the
2 loan application and the funds came from a different entity, typically a bank.

3 14. Bank 2 was a federally insured financial institution. Bank 2 funded the PPP
4 loan to ATeam that was processed by Institution 1.

5 **The Scheme to Defraud**

6 15. Beginning in or around June 2020 and continuing until in or around July
7 2020, ROBINSON, and others knowingly devised, intended to devise, and participated in a
8 scheme and artifice to defraud the SBA, Bank 1, Bank 2, and Institution 1 and to obtain
9 money and property by means of materially false and fraudulent pretenses, representations,
10 and promises, as further described below.

11 **Purpose of the Scheme to Defraud**

12 16. It was the purpose of the scheme for ROBINSON (1) to unjustly enrich
13 himself and others by fraudulently obtaining EIDL and PPP loan proceeds, and (2) to
14 conceal his misappropriation of the PPP loan proceeds by laundering them through other
15 business entities.

16 **Manner and Means of the Scheme to Defraud**

17 *PPP Loan Application for ATeam*

18 17. ROBINSON submitted a complete PPP loan application for ATeam to
19 Institution 1, dated June 9, 2020. The loan application requested a loan of \$1,502,270.

20 18. The PPP loan application listed ROBINSON as the sole owner of ATeam.
21 He also uploaded a copy of a voided check for Account 9853 and directed the loan proceeds
22 to that account.

23 19. In order to obtain the loan from Institution 1, ROBINSON provided
24 Institution 1 with fraudulent information. First, in order to support the requested loan

1 amount of \$1,502,270, he falsely represented that ATeam had 37 employees and an average
2 monthly payroll of \$600,908. To support this claim, ROBINSON submitted a false Internal
3 Revenue Service (“IRS”) W-3 Transmittal of Wages and Tax Statement, dated May 29,
4 2020. The W-3 stated that, for the year 2019, ATeam had 37 employees and paid
5 \$7,210,896 in wages.

6 20. Additionally, in order to obtain the loan, ROBINSON falsely answered “no”
7 to the following question on the PPP loan application: “Is the Applicant (if an individual) or
8 any individual owning 20% or more of the equity of the Applicant subject to an indictment,
9 criminal information, arraignment, or other means by which formal criminal charges are
10 brought in any jurisdiction, or presently incarcerated, or on probation or parole?”

11 ROBINSON also falsely answered “no” to the following question: “Within the last five (5)
12 years, for any felony, has the Applicant (if an individual) or any owner of the Applicant 1)
13 been convicted; 2) pleaded guilty; 3) pleaded nolo contendere; 4) been placed on pretrial
14 diversion; or 5) been placed on any form of parole or probation (including probation before
15 judgment)?” The application further warned that if that question was answered “Yes,” that
16 “the loan will not be approved.”

17 21. The loan was approved. On or about June 11, 2020, the PPP loan proceeds of
18 \$1,502,270 were received for ATeam in Account 9853. Information obtained by the SBA
19 shows that the funds were sent from Bank 2’s servers in Pennsylvania via interstate wire to
20 Institution 1’s account at Bank 1. The funds were then moved via ACH from Institution 1’s
21 account at Bank 1 to Account 9853 at Bank 1 in Nevada.

22 EIDL for ATeam

23 22. On or about May 29, 2020, ROBINSON submitted an application to the SBA
24 in support of a \$150,000 EIDL for ATeam.

1 23. On the loan application received by the SBA, ROBINSON falsely represented
2 that ATeam was in the agriculture industry and had 37 employees. He also falsely
3 represented that gross revenues were \$12,500,000, cost of goods sold were \$10,750,000, and
4 the agriculture cost was \$1,500,000 for the twelve months ending January 31, 2020.

5 24. On ATeam's EIDL loan application received by the SBA, ROBINSON
6 falsely stated that he has not been convicted of a felony within the last five years. At the
7 time of ROBINSON's EIDL loan application for ATeam, an applicant had to certify that
8 the applicant, if an individual or any owner of the applicant business, had not been
9 convicted of a felony or been placed on parole in the prior five years. As part of the
10 ATeam's EIDL loan application, ROBINSON falsely answered "No" to this question,
11 which read, "Within the last five (5) years, for any felony, have you ever been convicted,
12 plead guilty, plead nolo contendere, been placed on pretrial diversion, or been placed on any
13 form of parole or probation (including probation before judgment)?"

14 25. On or about June 4, 2020, pursuant to the EIDL loan application, an EIDL
15 advance of \$10,000 was received into Account 9853. The application was approved. On or
16 about June 22, 2020, Account 9853 received \$149,900 from SBA pursuant to ATeam's loan
17 under the EIDL program

18 *Use of EIDL and PPP Loan Proceeds*

19 26. As stated above, ROBINSON directed the proceeds of the loans be deposited
20 in Account 9853 in the name of ATeam, which he controlled. ROBINSON was the only
21 authorized signatory on the account.

22 27. To obtain the PPP loan proceeds, ROBINSON, as the authorized
23 representative of ATeam, certified that "[t]he funds will be used to retain workers and
24 maintain payroll or make mortgage interest payments, lease payments, and utility

1 payments.” Similarly, the EIDL application required the applicant to certify that, “the
 2 borrower will use all the proceeds of this Loan solely as working capital to alleviate
 3 economic injury.” These certifications were false. In fact, the funds were used to pay
 4 personal expenses for ROBINSON and transferred to other businesses and were not used to
 5 maintain payroll or make mortgage payments, lease payments, or utility payments.

6 **COUNTS ONE AND TWO**
 7 **Wire Fraud**
 8 **(18 U.S.C. § 1343)**

9 28. The allegations in paragraphs 1 through 27 are re-alleged and incorporated as
 10 if fully set forth herein.

11 29. On or about the dates set forth below, in the State and Federal District of
 12 Nevada, and elsewhere,

13 **BRYAN ROBINSON,**

14 defendant herein, having devised and participated in the above-described scheme and
 15 artifice to defraud, and to obtain money and property by means of false and fraudulent
 16 pretenses, representations, and promises, did, for the purpose of executing the scheme and
 17 artifice, transmit and cause to be transmitted by means of wire, radio, and television
 18 communication in interstate and foreign commerce, writings, signs, signals, pictures, and
 19 sounds, as further described below, with each wire communication constituting a separate
 20 violation of Title 18, United States Code, Section 1343:

COUNT	DATE	DESCRIPTION OF WIRE
ONE	June 11, 2020	Interstate wire transfer in the amount of \$1,502,270 from Bank 2’s servers in Pennsylvania to Institution 1’s account at Bank 1, and then to ATeam’s Account 9853 at Bank 1 in Nevada.
TWO	June 22, 2020	Interstate wire transfer in the amount of \$149,900 from the SBA’s servers in Colorado to ATeam’s Account 9853 in Nevada.

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COUNT THREE
Engaging in Transactions in Unlawful Proceeds
(18 U.S.C. § 1957)

30. The allegations in paragraphs 1 through 27 are re-alleged and incorporated as if fully set forth herein.

31. On or about June 13, 2020, in the State and Federal District of Nevada and elsewhere,

BRYAN ROBINSON,

defendant herein, knowingly engaged in a monetary transaction in criminally derived property of a value greater than \$10,000 that was in fact derived from specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, as alleged in Count One, to wit: ROBINSON purchased a cashier's check in the amount of \$150,581, payable to Dynasty Beverage LLC, which check was later deposited in a Mountain America Federal Credit Union account ending in 4233, all in violation of Title 18, United States Code, Section 1957.

FORFEITURE ALLEGATION ONE
(Wire Fraud)

1. The allegations contained in Counts One and Two of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(2)(A).

2. Upon conviction of any of the felony offenses charged in Counts One and Two of this Criminal Indictment,

BRYAN ROBINSON,

defendant herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense:

defendant herein, shall forfeit to the United States of America, any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of violations of 18 U.S.C. § 1343, affecting a financial institution, or a conspiracy to violate such offense:

1. an in personam criminal forfeiture money judgment including, but not limited to, at least \$1,652,170.

3. If any property being subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(2)(A), as a result of any act or omission of the defendant –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant for the property listed above.

All pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(A); 18 U.S.C. § 1343; and 21 U.S.C. § 853(p).

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FORFEITURE ALLEGATION TWO
(Engaging in Transactions in Unlawful Proceeds)

1. The allegations contained in Count Three of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 18 U.S.C. § 982(a)(1).

2. Upon conviction of the felony offense charged in Count Three of this Criminal Indictment,

BRYAN ROBINSON,

defendant herein, shall forfeit to the United States of America, any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. § 1957, or any property traceable to such property:

defendant herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense:

defendant herein, shall forfeit to the United States of America, any property, real or personal, involved in a violation of 18 U.S.C. § 1957, or any property traceable to such property:

- 1. an in personam criminal forfeiture money judgment including, but not limited to, at least \$150,581.

3. If any property being subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 18 U.S.C. § 982(a)(1), as a result of any act or omission of the defendant –

- 1 a. cannot be located upon the exercise of due diligence;
- 2 b. has been transferred or sold to, or deposited with, a third party;
- 3 c. has been placed beyond the jurisdiction of the court;
- 4 d. has been substantially diminished in value; or
- 5 e. has been commingled with other property which cannot be divided without
- 6 difficulty;

7 it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek
 8 forfeiture of any other property of the defendant for the property listed above.

9 All pursuant to 18 U.S.C. § 981(a)(1)(A) with 28 U.S.C. § 2461(c); 18 U.S.C. §
 10 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(1); 18 U.S.C. § 1957; and 21
 11 U.S.C. § 853(p).

12 **DATED** this 9th day of December, 2020.

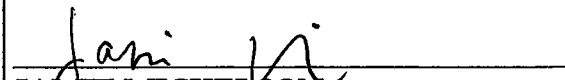
13 **A TRUE BILL:**

14 */s/*
 15 FOREPERSON OF THE GRAND JURY

16 DANIEL S. KAHN
 Acting Chief, Fraud Section

17 
 18 JOSEPH MCFARLANE
 Trial Attorney

20 NICHOLAS A. TRUTANICH
 United States Attorney

22 
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 JESSICA OLIVA
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