

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

MICHAEL MOLLER,

Defendant.

1:20CR88MSM-LDA  
Criminal Case No. \_\_\_\_\_  
In violation of 18 U.S.C. § 1344(2)

**INFORMATION**

The United States Attorney charges that:

**COUNT 1**  
(Bank Fraud)

Introduction

1. At all times relevant to this Information, defendant MICHAEL MOLLER (“MOLLER”) resided within the States of Rhode Island and Massachusetts.

The CARES ACT and the Paycheck Protection Program

2. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act is a federal law enacted on March 29, 2020 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.

3. 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 2.5 months. 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.

4. The PPP is overseen by the Small Business Administration (“SBA”). Individual PPP loans 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.

5. At all times relevant to this Information, the deposits of 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 (collectively, the “Financial Institutions”) were federally insured by the Federal Deposit Insurance Corporation.

**Scheme and Artifice to Defraud**

6. From on or about April 6, 2020, and continuing until on or about August 14, 2020, in the District of Rhode Island and elsewhere, defendant MICHAEL MOLLER knowingly executed and attempted to execute a scheme and artifice to obtain the money, funds, assets and other property owned by, or under the custody and control of the Financial Institutions by means of false and fraudulent pretenses, representations and promises.

**Object of the Scheme to Defraud**

7. It was the object of the scheme to defraud for MICHAEL MOLLER to fraudulently obtain forgivable PPP loans issued by the Financial Institutions by falsely representing to the Financial Institutions that entities under his control and the control of his family members and associates employed numerous individuals and had significant monthly payrolls.

**Manner and Means**

8. On or about April 6, 2020, MOLLER applied to The Farmer's State Bank of Oakley, Kansas ("Farmer's State Bank") for a loan under the PPP. MOLLER submitted the application on behalf of entity "Top Notch Tile," and requested a loan in the amount of \$212,100. In the loan application, MOLLER fraudulently represented that Top Notch Tile had an average monthly payroll of \$84,861.05 and that it had 10 employees. In truth and in fact, Top Notch Tile had little to no payroll or employees. Based on the

fraudulent representations made by MOLLER, Farmer's State Bank approved the PPP loan application and wired \$212,100 into MOLLER's personal bank account.

9. On or about April 24, 2020, MOLLER submitted to Farmer's State Bank a PPP application in the name of M.S., d/b/a "Alves Top Notch." M.S. is the 21-year old son of MOLLER's girlfriend. In this PPP application, MOLLER fraudulently 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. In truth and in fact, Alves Top Notch had no employees or payroll. Farmer's State Bank denied this PPP application.

10. From on or about April 23, 2020 through April 28, 2020, MOLLER submitted PPP loan applications in the name of M.S., d/b/a "Alves Top Notch," to Bank Newport, The Washington Trust Company and Northeast Bank. These loan applications each requested a loan in the amount of \$734,300. In each of these PPP applications, MOLLER fraudulently represented that Alves Top Notch had an average monthly payroll of \$293,720 with 37 employees. In truth and in fact, Alves Top Notch had no employees or payroll. Bank Newport, The Washington Trust Company and Northeast Bank each denied these loan applications.

11. From on or about April 29, 2020 through May 4, 2020, MOLLER submitted PPP loan applications in the name of M.S., d/b/a "Alves Top Notch," to First Bank, First Fidelity Bank and the Cooperative Bank of Cape Cod. These loan applications each

requested a loan in the amount of \$359,704.16. In each of these PPP applications, MOLLER fraudulently represented that Alves Top Notch had an average monthly payroll of \$143,881.66 with 15 employees. In truth and in fact, Alves Top Notch had no employees or payroll. First Bank, First Fidelity Bank and the Cooperative Bank of Cape Cod each denied these loan applications.

12. On or about April 28, 2020, MOLLER submitted a PPP loan application in the name of M.S., d/b/a "Alves Top Notch," to Leader Bank. This loan application requested a loan in the amount of \$297,710. In the loan application, MOLLER fraudulently represented that Alves Top Notch had an average monthly payroll of \$111,884 with 15 employees. In truth and in fact, Alves Top Notch had no employees or payroll. Leader Bank denied this loan application.

13. On or about June 10, 2020, MOLLER submitted a PPP loan application in the name of R.M., d/b/a "TNT Tile," to Webster Bank. R.M. is the father of defendant MICHAEL MOLLER. The loan application requested a loan in the amount of \$172,225. In this PPP application, MOLLER fraudulently represented that TNT Tile had an average monthly payroll of \$68,890 with 9 employees. In truth and in fact, TNT Tile had no employees or payroll. Based on the fraudulent representations made by MOLLER, Webster Bank approved this PPP loan application and, on June 16, 2020, wired \$172,225 into the bank account of R.M. That same day, R.M. wrote a check to defendant

MICHAEL MOLLER for \$172,000 and MOLLER deposited that check into his personal bank account.

14. On or about August 6, 2020, MOLLER submitted a PPP loan application in the name of F.B. Jr., d/b/a "A Top Notch Remodel," to Webster Bank. F.B. Jr. is the brother of MOLLER's girlfriend. The loan application requested a loan in the amount of \$214,926. In this PPP application, MOLLER fraudulently represented that A Top Notch Remodel had an average monthly payroll of \$85,971 with 16 employees. In truth and in fact, A Top Notch Remodel had no employees or payroll. Based on the fraudulent representations made by MOLLER, on August 14, 2020, Webster Bank approved this PPP loan application and wired \$214,926 into the bank account of F.B. Jr. Later that same day, \$200,000 was transferred from F.B. Jr.'s bank account into the personal bank account of MOLLER.

15. In his name and in the names of his father, the son of his girlfriend and the brother of his girlfriend, MOLLER submitted 11 fraudulent PPP loan applications to the Financial Institutions seeking \$4,725,742.65 in forgivable loans guaranteed by the SBA. In total, the Financial Institutions suffered losses in the amount of \$599,251. MOLLER received at least \$584,100 of these fraudulent proceeds. MOLLER spent most of the proceeds he received from this scheme on personal expenses, including on trips to Las Vegas and New Hampshire, numerous trips to local casinos, the purchase of a 1998

convertible Camaro automobile, the renovation of his residence, dining, rent for his parents' residence, and online video gaming.

All in violation of 18 U.S.C. § 1344(2).

FORFEITURE ALLEGATION

Upon conviction of the offense set forth in Count 1 of this Information, the Defendant shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(2)(A), all right, title and interest in any property constituting or derived from any proceeds obtained, directly or indirectly, as a result of the violation of 18 U.S.C. § 1344. The property to be forfeited includes \$126,430.78, which was seized by law enforcement in cash and from a bank account in defendant's name at TD Bank.

AARON L. WEISMAN  
UNITED STATES ATTORNEY



LEE H. VILKER

Assistant U.S. Attorney



SANDRA R. HEBERT

Assistant U.S. Attorney  
Deputy Criminal Chief

Date: October 19, 2020

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

BY:  INFORMATION  INDICTMENT  COMPLAINT

CASE NO. 1:20CR88MSM-LDA

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

USA vs.

Defendant: Michael J. Moller

Name of District Court, and/or Judge/Magistrate Location (City)

Address: [REDACTED]

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

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

Name of Asst. U.S. Attorney LEE H. VILKER  
 (if assigned)

Birth Date [REDACTED]  Male  Alien  
 Female (if applicable)

**PROCEEDING**

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

Social Security Number [REDACTED]

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

SHOW DOCKET NO.

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

MAG. JUDGE CASE NO.  
20-MJ-00073-LDA

Place of offense RHODE ISLAND County

**DEFENDANT**

Issue:  Warrant  Summons

Location Status:

Arrest Date 9/22/2020 or Date Transferred to Federal Custody \_\_\_\_\_

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): Kevin J. Fitzgerald, Esq.

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 1

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
1	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
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimated Trial Days: 3 days	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor



AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America

v.

Michael J. Moller

Defendant

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Case No. 1:20CR88MSM-LDA

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: 10/19/2020

Defendant's signature

Signature of defendant's attorney

Kevin J. Fitzgerald, Esq.

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title