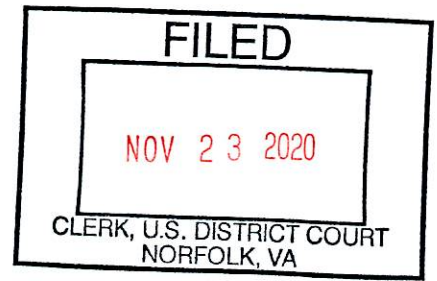


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION



UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 2:20cr 110
v.)	
)	18 U.S.C. § 1344
SCOTT SUBER,)	Bank Fraud
)	
Defendant.)	Forfeiture

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

In or about June 2020, in the Eastern District of Virginia and elsewhere, SCOTT SUBER, the defendant, knowingly executed and attempted to execute a scheme and artifice to defraud Celtic Bank, a financial institution with deposits insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by and under the custody and control of said financial institution, by means of materially false pretenses, representations and promises, which scheme and artifice, and the execution thereof, were in substance as follows:

1. The Paycheck Protection Program (“PPP”) is a program administered by the Small Business Administration. In or around March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, of which the PPP is one component. Through the PPP, Congress authorized the award of hundreds of billions of dollars in forgivable loans to small businesses, for the purpose of enabling those businesses to continue to pay salary or wages to their employees. To apply for a forgivable loan under the PPP, a business must submit an application to a participating financial institution. If a PPP loan application is approved, the

participating lender funds the PPP loan using its own money. The SBA, in turn, guarantees the repayment of the loan.

2. An applicant seeking a PPP loan is required to disclose to a participating lender, among other things, the applicant's number of employees and average payroll expenses. The applicant also must agree to use any funds disbursed through the program only "to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments as specified under the Paycheck Protection Program Rule."

3. The object of the scheme and artifice devised and executed by the defendant was to obtain monies for himself by submitting and causing to be submitted to Celtic Bank a fraudulent application for a PPP loan, and then to use the loan proceeds for impermissible purposes.

4. In his application to Celtic Bank for a PPP loan, the defendant represented that his business, Debris or Not Debris Property Preservation Inc., had eight (8) employees and an average monthly payroll of \$140,000. As the defendant well knew, these representations were completely false and fabricated.

5. In support of his fraudulent application, the defendant submitted a Form 941, Employer's Quarterly Federal Tax Return for Debris or Not Debris Property Preservation Inc. for the 4th quarter of 2019, claiming that the business had quarterly wages of \$420,000 and federal tax withholding of \$36,620. As the defendant well knew, these figures were completely false and fabricated.

6. In further support of his fraudulent application, the defendant submitted a Wells Fargo Bank monthly statement for Debris or Not Debris Property Preservation Inc. that he had altered.

7. In reliance on the representations in his application, Celtic Bank approved and funded

a PPP loan for Debris or Not Debris Property Preservation Inc. in the amount of \$350,000. The defendant directed Celtic Bank to wire transfer the funds to an account he maintained at Wells Fargo Bank.

8. In his loan application, the defendant stated that he would use the loan proceeds for purposes connected to his business, that is, for the costs of payroll, lease and utilities. Instead, the defendant used the proceeds for his own personal benefit, including, among other things, making large cash withdrawals and travel to Las Vegas.

(In violation of Title 18, United States Code, Section 1344.)

FORFEITURE

1. The defendant, SCOTT SUBER, if convicted of the offense set forth in this criminal information shall, as part of the sentencing of the defendant pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, forfeit to the United States any property constituting or derived from proceeds the defendant obtained, directly or indirectly, as a result of said violation, which is subject to criminal forfeiture pursuant to 18 U.S.C. § 982(a)(2)(A).

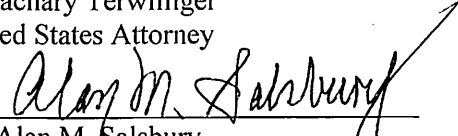
2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e).

3. The property subject to forfeiture includes, but is not limited to a monetary judgment in the amount of not less than \$350,000.

(In accordance with 18 U.S.C. § 982(a)(2)(A).)

G. Zachary Terwilliger
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Alan M. Salsbury", is written over a horizontal line. The signature is cursive and includes a long, sweeping flourish that extends upwards and to the right.

Alan M. Salsbury
Assistant United States Attorney
Virginia State Bar No. 15682
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Email: alan.salsbury@usdoj.gov

FILED UNDER SEAL PURSUANT TO THE E-GOVERNMENT ACT OF 2002

JS 45 (11/2002)

Criminal Case Cover Sheet

REDACTED

U.S. District Court

Place of Offense:		Under Seal: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Judge Assigned: <i>Robert G. Doumar</i>
City: EDVA	Criminal Complaint:		Criminal Number: <i>2:20CR110</i>
County/Parish:	Same Defendant:		New Defendant:
	Magistrate Judge Case Number:	Arraignment Date:	
	Search Warrant Case Number:	•	
	R 20/R 40 from District of _____		

Defendant Information:

Juvenile: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	FBI#		
Defendant Name: Scott Suber		Alias Name(s):	
Address: Virginia Beach VA			
Birth Date: '1981	SS#: 1270	Sex: Male	Race: Black
Nationality:		Place of Birth: New York	
Height: 6'0"	Weight: 190 lbs.	Hair: Black	Eyes: Brown
Scars/Tattoos:			
Interpreter: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	List Language and/or dialect:		

Location Status:

Arrest Date:		
<input type="checkbox"/> Already in Federal Custody as of: _____ in: _____		
<input type="checkbox"/> Already in State Custody	<input type="checkbox"/> On Pretrial Release	<input checked="" type="checkbox"/> Not in Custody
<input type="checkbox"/> Arrest Warrant Requested	<input type="checkbox"/> Fugitive	<input type="checkbox"/> Summons Requested
<input type="checkbox"/> Arrest Warrant Pending	<input type="checkbox"/> Detention Sought	<input type="checkbox"/> Bond

Defense Counsel Information:

Name: Scott F. Hallauer	<input type="checkbox"/> Court Appointed
Address: 520 S. Independence Blvd Suite 210 Virginia Beach, VA 23452	<input checked="" type="checkbox"/> Retained
Telephone: (757) 474-0089	<input type="checkbox"/> Public Defender
	<input type="checkbox"/> Office of Federal Public Defender should not be appointed due to conflict of interest
	<input type="checkbox"/> CJA attorney: _____ should not be appointed due to conflict of interest

U.S. Attorney Information:

AUSA: Alan Salsbury	Telephone No. 757-441-6331	Bar #:
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Complainant Agency, Address & Phone Number or Person & Title:

Federal Bureau of Investigation, 509 Resource Row, Chesapeake VA 23320 / Special Agent Julie Shields (757) 609-2668

U.S.C. Citations:

	Code/Section	Description of Offense Charged	Count(s)	Capital/Felony/Misd/Petty
Set 1	18 U.S.C. § 1344	Bank Fraud	1	Felony