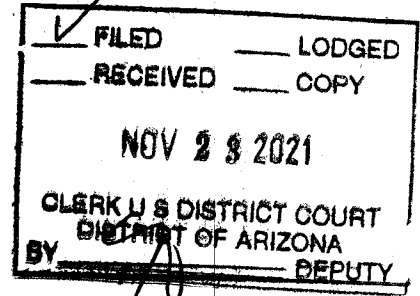


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SEALED

11 IN THE UNITED STATES DISTRICT COURT  
12  
13 FOR THE DISTRICT OF ARIZONA

14 United States of America,  
15  
16 Plaintiff,

17 v.

18 1. Willie Mitchell  
a.k.a. Blu Mitchell,  
19 (Counts 1-18)  
20  
21 2. Erica Padilla,  
(Counts 1-18)  
22  
23 3. Sean Swaringer,  
(Counts 1-18)  
24 Defendants.

No. **CR-21-00983-PHX-GMS**

**INDICTMENT**

VIO: 18 U.S.C. § 371  
(Conspiracy)  
Count 1  
  
18 U.S.C. § 1344  
(Bank Fraud)  
Count 2  
  
18 U.S.C. § 1957(a)  
(Transactional Money Laundering)  
Counts 3-18  
  
18 U.S.C. § 981(a)(1)(C);  
18 U.S.C. § 982(a)(1);  
21 U.S.C. § 853;  
28 U.S.C. § 2461(c)  
(Forfeiture Allegations)

25  
26  
27 THE GRAND JURY CHARGES:  
28

1 **INTRODUCTION**

2 1. At all times relevant to this Indictment, defendants WILLIE MITCHELL,  
3 a.k.a. BLU MITCHELL, and ERICA PADILLA, purporting to do business as Sigma CUTS  
4 Medical Training Academy, and defendant SEAN SWARINGER, conspired and schemed,  
5 with each other and others, to prepare and submit a false and fraudulent Paycheck  
6 Protection Program (“PPP”) loan application to Western State Bank, a participating lender  
7 helping to provide government-backed, emergency financial assistance to businesses  
8 suffering from the economic impact of the Covid pandemic. Defendants submitted a loan  
9 application replete with false and fraudulent information, including fake employment data  
10 and fictitious payroll. As a result, defendants obtained \$1,812,600 in government-  
11 guaranteed loans, which were intended for real businesses actually harmed by the COVID-  
12 19 pandemic. After receiving the loan proceeds, defendants used the funds for personal  
13 expenses, disguised business expenses to enrich themselves and confederates, and  
14 transferred funds to various bank accounts they personally controlled.

15 **SMALL BUSINESS ADMINISTRATION**

16 2. The United States Small Business Administration (“SBA”) was an executive-  
17 branch agency of the United States government that provided financial support to  
18 entrepreneurs and small businesses. The mission of the SBA was to maintain and  
19 strengthen the nation’s economy by enabling the establishment and viability of small  
20 businesses and by assisting in the economic recovery of communities after disasters. As  
21 part of this effort, the SBA facilitated loans through banks, credit unions, and other lenders.  
22 These loans had government-backed guarantees if certain requirements were met.

23 **PAYCHECK PROTECTION PROGRAM BACKGROUND**

24 3. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a  
25 federal law enacted in March 2020 and was designed to provide emergency financial  
26 assistance to the millions of Americans suffering from the economic effects caused by the  
27 COVID-19 pandemic. One source of relief the CARES Act provided, through a program  
28 referred to as the Paycheck Protection Program (“PPP”), was authorization of up to \$349

1 billion in potentially forgivable loans to small businesses for payroll, job retention,  
2 mortgage interest, rent/lease, utilities, and certain other applicable expenses.

3 4. The first phase of the PPP loan process was implemented between March  
4 2020 and March 31, 2021. PPP loans had an interest rate of one percent. Loans issued  
5 prior to June 5, 2020, had a maturity of two years, while loans issued after June 5, 2020,  
6 had a maturity of five years. Each loan draw had a specific application process and  
7 requirements. SBA would forgive PPP loans if all employee retention criteria were met,  
8 and the funds were used for eligible expenses within a designated period as set forth in the  
9 PPP.

#### 10 **PPP LOAN APPLICATION PROCESS**

11 5. The SBA oversaw the entire PPP and fully guaranteed every legitimate PPP  
12 loan. The individual PPP loans, however, were issued by private, SBA-approved lenders  
13 who received and processed the PPP applications. Thus, the loans were made from the  
14 lenders' own funds.

15 6. To apply for a PPP loan, a qualifying business was required to submit a PPP  
16 loan application to a participating lender. The lender then transmitted the relevant data for  
17 processing the loan to the SBA. This included the borrower's information, the total amount  
18 of the loan, and the listed number of employees.

19 7. In the PPP loan application (SBA Form 2483), the small business (through  
20 its authorized representative) had to verify its average monthly payroll, and the total  
21 number of employees. These figures were used to calculate the amount of money the  
22 business was eligible to receive under the PPP. The maximum PPP loan amount a business  
23 could receive was 2.5 times the business's average monthly payroll costs, up to \$10 million.

24 8. Thus, the PPP loan application required the business (through its authorized  
25 representative) to make several affirmative certifications. Among them, the authorized  
26 representative was required to certify that each of the following statements were true:

- 27 a. The Application business was in operation on February 15, 2020 and  
28 has employees for whom it paid salaries and payroll taxes or paid

1 independent contractors, as reported on Internal Revenue Services  
2 (“IRS”) Form(s) 1099-MISC;

3 b. The funds would be used to retain workers and maintain payroll or  
4 make mortgage interest payments, lease payments, and utility  
5 payments, as specified under the PPP Rules; and

6 c. The information provided in the application and information provided  
7 in all supporting documents and forms was true and accurate in all  
8 material respects.

9 **PPP LOAN FORGIVENESS APPLICATION PROCESS**

10 9. Under the applicable PPP rules, the full principal of the PPP loan and any  
11 accrued interest was eligible for forgiveness if, during the 8-to-24-week period following  
12 loan disbursement, the business used the PPP loan on permissible business-related  
13 expenses, and used a certain portion of the loan proceeds towards payroll costs. To apply  
14 for loan forgiveness, the borrower was required to complete a Loan Forgiveness  
15 Application (SBA Form 3508) and submit it to its lender, or the lender that was servicing  
16 the PPP loan. The Loan Forgiveness Application then required the borrower to submit: (1)  
17 a PPP Loan Forgiveness Calculation Form; (2) PPP Schedule A; and (3) a Schedule A  
18 Worksheet.

19 10. At any time up to the maturity date of the loan, a borrower could apply for  
20 loan forgiveness so long as all the loan proceeds for which the borrower was requesting  
21 forgiveness had been used.

22 11. Borrowers were eligible for forgiveness of eligible payroll costs if at least  
23 60% of the loan proceeds were spent on actual payroll costs during the eight-week covered  
24 period. Borrowers were also eligible for forgiveness of nonpayroll costs such as mortgage  
25 payments, rent or lease payments, and utility payments. To be eligible, nonpayroll costs  
26 could not exceed 25% of the total forgiveness amount.

1           12. If borrowers did not apply for forgiveness within ten months after the last  
2 day of the covered period, then PPP loan payments were no longer deferred, and borrowers  
3 were required to repay their loans to their PPP lender.

4           13. Like the PPP loan application, the PPP Loan Forgiveness Application  
5 required the business (through its authorized representative) to make several affirmative  
6 certifications. Among them, the business's authorized representative was required to  
7 certify the following statements were true:

- 8                   a. The dollar amount for which forgiveness is requested “was used to  
9 pay costs that are eligible for forgiveness (payroll costs to retain  
10 employees; business mortgage interest payments; business rent or  
11 lease payments; or business utility payments)”;
- 12                   b. “The borrower understands that if the funds were knowingly used for  
13 unauthorized purposes, the federal government may pursue recovery  
14 of loan amounts and/or civil or criminal fraud charge”; and
- 15                   c. “The information provided in this application and the information  
16 provided in all supporting documents and forms is true and correct in  
17 all material respects.”

18                                   **DEFENDANTS AND RELATED ENTITY**

19           14. Sigma CUTS Medical Training Academy (“Sigma CUTS Medical”) was a  
20 business incorporated on or about April 1, 2019 in the State of Arizona. Sigma CUTS  
21 Medical was incorporated by defendants as an educational business.

22           15. Defendant WILLIE MITCHELL, a.k.a. BLU MITCHELL (“MITCHELL”),  
23 was a resident within the District of Arizona. MITCHELL was CEO and statutory agent  
24 of Sigma CUTS Medical.

25           16. Defendant ERICA PADILLA (“PADILLA”) was a resident within the  
26 District of Arizona. PADILLA was a director of Sigma CUTS Medical.

27           17. Defendant SEAN SWARINGER (“SWARINGER”) was a resident within  
28 the District of Arizona. SWARINGER controlled U.S. Bank account #2039.

1                   **FINANCIAL INSTITUTION AND PARTICIPATING PPP LENDER**

2           18.     Western State Bank is a financial institution headquartered in West Fargo,  
3 North Dakota, with branches located in the District of Arizona and whose deposits were  
4 insured by the Federal Deposit Insurance Corporation (“FDIC”). Western State Bank  
5 participated in the SBA’s PPP as a lender, and as such, was authorized to lend funds to  
6 eligible borrowers under the terms of the PPP.

7                   **SIGMA CUTS MEDICAL TRAINING ACADEMY’S PPP LOAN APPLICATION**

8           19.     On or about February 7, 2021, defendants submitted a PPP application with  
9 Western State Bank on behalf of Sigma CUTS Medical. MITCHELL was listed as having  
10 90% ownership in Sigma CUTS Medical. In the application, defendants falsely  
11 represented that Sigma CUTS Medical had an average monthly payroll of \$725,339, had  
12 110 employees, and needed the PPP loan to support its ongoing operation. But the  
13 application was false. Sigma CUTS Medical had no employees and no payroll.

14           20.     As part of the application, defendant MITCHELL signed as Sigma CUTS  
15 Medical’s authorized representative and signed next to each of the following certifications:

- 16                   a. Sigma CUTS Medical “was in operation on February 15, 2020 and  
17                   had employees for whom it paid salaries and payroll taxes or paid  
18                   independent contractors, as reported on Form(s) 1099-MISC”;
- 19                   b. “The funds will be used to retain workers and maintain payroll or  
20                   make mortgage interest payments, lease payments, and utility  
21                   payments... [and] if the funds are knowingly used for unauthorized  
22                   purposes, the federal government may hold [applicant] liable, such as  
23                   for charges of fraud”; and
- 24                   c. “[T]he information provided in the application and in the information  
25                   provided in all supporting documents and forms is true and accurate  
26                   in all material respects.”
- 27
- 28

1           21. Each of these certifications was false. Defendants knew Sigma CUTS  
2 Medical had zero employees and that it paid no salaries or payroll taxes to any employees  
3 or independent contractors.

4           22. Defendants also falsely and fraudulently represented that the funds sought in  
5 the Sigma CUTS Medical application would be “used to retain workers and maintain  
6 payroll or make mortgage interest payments, lease payments, and utility payments” when,  
7 in fact, they intended to divert the funds to their personal use and benefit.

8           23. Defendant MITCHELL signed a promissory note with Western State Bank  
9 for the PPP loan in the amount of \$1,812,600 that was to be disbursed via cashier’s check.

10           24. The Sigma CUTS Medical application included additional false and  
11 fraudulent information about its purported payroll, as well as fraudulent documentation  
12 purporting to establish that Sigma CUTS Medical made substantial monthly payroll  
13 disbursements. For example:

14                   a. The Sigma CUTS Medical application included a fictitious payroll  
15 ledger purporting to show the monthly wages of 108 Sigma CUTS  
16 Medical employees with an average monthly payroll of approximately  
17 \$725,339. In fact, at the time the Sigma CUTS Medical application  
18 was filed on February 7, 2021, the Arizona Department of Economic  
19 Security did not have any tax or wage reports for 2020.

20           25. Despite these representations, it was not until the first quarter of 2021 that  
21 Sigma CUTS Medical submitted, for the first time, seven employee wage submissions for  
22 a total of approximately \$17,450 in wages paid in the first quarter. During the second  
23 quarter of 2021, Sigma CUTS Medical submitted thirteen employee wage submissions for  
24 a total of approximately \$172,116.43 in wages paid in the second quarter. Defendants  
25 PADILLA and MITCHELL were both listed as employees along with other individuals.

26           26. On or about February 11, 2021, Western State Bank approved Sigma CUTS  
27 Medical’s PPP application and funded the loan by issuing a cashier’s check for \$1,812,600.  
28

1           27. On or about February 16, 2021, defendants opened an account at Comerica  
2 Bank (account #2868). Defendant MITCHELL was the authorized signatory on the  
3 account.

4           28. On or about February 16, 2021, defendants opened a second account at  
5 Comerica Bank (account #1949). Defendant MITCHELL was the authorized signatory on  
6 the account.

7           29. On or about February 16, 2021, a cashier's check for \$1,812,600 for the  
8 Sigma CUTS Medical PPP loan was deposited in Comerica Account #2868. At the time  
9 of the deposit, account #2868's balance was approximately \$0.00.

10           30. On or about March 1, 2021, defendants caused \$1,750,000 of the \$1,812,600  
11 fraudulently procured PPP loan to be transferred to Comerica account #1949. At the time  
12 of the transfer, account #1949's balance was approximately \$0.00.

13           31. Prior to the PPP loan deposit, Comerica accounts #2868 and 1949 showed  
14 no evidence of processing payroll. Only *after* the PPP loan deposit, did transactions  
15 through a payroll provider finally begin. Indeed, defendants issued payroll for the *first*  
16 *time* on March 5, 2021, in anticipation of presenting this information to Western State Bank  
17 as part of a PPP Loan Forgiveness Application, which required that 60% of the funds be  
18 used on payroll costs.

19           32. In sum, defendants' fraudulent representations are summarized as follows:

	<b>Before PPP Application</b>	<b>On PPP Application [Avg. Monthly]</b>	<b>After Loan Deposited [Avg. Jan.-Jun.]</b>
Payroll	\$0	\$725,339	\$31,594.41
# of Employees	0	110	7

23           33. After the fraudulent loan proceeds were deposited into the Comerica Account  
24 #2868, Sigma CUTS Medical diverted and caused to be diverted some of the fraudulently  
25 obtained funds for personal and unauthorized purposes, including but not limited to:

- 26           a. On or about March 1, 2021, defendants wire transferred  
27 approximately \$1,750,000 from Comerica account #2868 to  
28 Comerica account #1949, which was controlled by MITCHELL.



- 1 b. On or about March 17, 2021, defendants wire transferred  
2 approximately \$200,000 from Comerica account #1949 to SEAN  
3 SWARINGER via U.S. Bank account #2039.
- 4 c. On or about March 22, 2021, defendants wire transferred  
5 approximately \$160,000 from Comerica account #1949 to SEAN  
6 SWARINGER via U.S. Bank account #2039.
- 7 d. On or about March 23, 2021, defendants wire transferred \$690,979.15  
8 from Comerica account #1949 to Security Title for a purchase of real  
9 property located at 320, 324, 334, 334, 330, and 328 E. Hatcher Rd.,  
10 Phoenix, Arizona 85020.
- 11 e. On or about March 19, 2021, April 2, 2021, April 16, 2021, April 30,  
12 2021, May 14, 2021, May 28, 2021, June 11, 2021, June 25, 2021,  
13 July 9, 2021, July 23, 2021, August 6, 2021, and August 20, 2021,  
14 defendants caused other withdrawals to be processed for fictitious  
15 payroll.

16  
17 **COUNT 1**  
18 **Conspiracy**  
19 **[18 U.S.C. § 371]**

20 34. The factual allegations in the preceding paragraphs are incorporated by  
21 reference and re-alleged as though fully set forth herein.

22 35. Beginning on or about February 2021, and continuing through on or about  
23 the date of the Indictment, in the District of Arizona and elsewhere, defendants  
24 MITCHELL, PADILLA, and SWARINGER, did conspire, confederate, and agree with  
25 each other and others known and unknown to the Grand Jury, to willfully and knowingly  
26 devise a scheme and artifice to defraud Western State Bank and the United States Small  
27 Business Administration by means of false and fraudulent pretenses, representation, and  
28 promises, including preparing and submitting a false and fraudulent PPP loan application  
in order to obtain \$1,812,600 in government-guaranteed loans through the PPP.

1 **OBJECT OF THE CONSPIRACY**

2 36. It was the object of the conspiracy for defendants MITCHELL, PADILLA,  
3 and SWARINGER, and their co-conspirators, to commit bank fraud in violation of 18  
4 U.S.C. § 1344, and transactional money laundering in violation of 18 U.S.C. § 1957.

5 **MANNER AND MEANS OF THE CONSPIRACY AND FRAUD SCHEME**

6 37. The manner and means by which the defendants sought to accomplish the  
7 objectives of the conspiracy and fraud scheme included, among other things, the following:

- 8 a. Defendants included a fictitious payroll ledger purporting to show monthly  
9 wages of 108 Sigma CUTS Medical employees, with an average monthly  
10 payroll of approximately \$725,339. In fact, at the time the Sigma CUTS  
11 Medical application was filed, Sigma CUTS Medical had zero employees  
12 and no monthly payroll expenses.
- 13 b. Defendants falsely represented that Sigma CUTS Medical needed the PPP  
14 loan to support its ongoing operation. In fact, at the time the Sigma CUTS  
15 Medical application was filed, Sigma CUTS Medical was not doing any  
16 business and had no ongoing operations.
- 17 c. After the PPP loan was deposited, defendants set up a phony company  
18 payroll with a payroll provider - and funded it with fraudulent loan proceeds  
19 - to issue fraudulent biweekly payroll disbursements to fictitious employees  
20 in a fraudulent attempt to be eligible for PPP loan forgiveness.

21 **OVERT ACTS**

22 38. In furtherance of the conspiracy, and to effect the objects thereof, the  
23 following overt acts, among others, were committed in the District of Arizona, and  
24 elsewhere:

- 25 a. On or about February 7, 2021, defendants prepared and submitted, or caused  
26 to be prepared and submitted, a fraudulent PPP application for Sigma CUTS  
27 Medical that was submitted to Western State Bank. Among other things, the  
28 PPP application included false representations about Sigma CUTS Medical's

1 number of employees and average monthly payroll, and it also falsified tax  
2 documentation.

3 b. On or about March 1, 2021, defendants caused approximately \$1,750,000 of  
4 the \$1,812,600 fraudulently procured PPP loan to be wire transferred from  
5 Comerica account #2868 to Comerica account #1949, which was controlled  
6 by defendant MITCHELL.

7 c. On or about March 17, 2021, defendants caused approximately \$200,000 of  
8 the \$1,812,600 fraudulently procured PPP loan to be wire transferred from  
9 Comerica account #1949 to SEAN SWARINGER via U.S. Bank account  
10 #2039.

11 d. On or about March 22, 2021, defendants caused approximately \$160,000 of  
12 the \$1,812,600 fraudulently procured PPP loan to be wire transferred from  
13 Comerica account #1949 to SEAN SWARINGER via U.S. Bank account  
14 #2039.

15 e. On or about March 22, 2021, defendants caused \$690,979.15 of the  
16 \$1,812,600 fraudulently procured PPP loan to be wire transferred from  
17 Comerica account #1949 to Security Title for a purchase of real property  
18 located at 320, 324, 334, 334, 330, and 328 E. Hatcher Rd., Phoenix, Arizona  
19 85020.

20 f. On or about March 19, 2021, April 2, 2021, April 16, 2021, April 30, 2021,  
21 May 14, 2021, May 28, 2021, June 11, 2021, June 25, 2021, July 9, 2021,  
22 July 23, 2021, August 6, 2021, and August 20, 2021, defendants caused  
23 withdrawals from the \$1,812,600 fraudulently procured PPP loan to be  
24 processed to a payroll provider for fictitious payroll.

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

26  
27 **COUNT 2**  
**Bank Fraud**  
28 **[18 U.S.C. § 1344]**

1            39.    The factual allegations in the preceding paragraphs of this Indictment are re-  
 2 alleged and incorporated as though fully set forth herein.

3            40.    On or about the date set forth below, in the District of Arizona and elsewhere,  
 4 defendants MITCHELL, PADILLA, SWARINGER, and others known and unknown to  
 5 the Grand Jury, did knowingly execute a scheme and artifice to defraud Western State  
 6 Bank, the deposits of which were insured by the Federal Deposit Insurance Corporation,  
 7 and to obtain, by means of materially false and fraudulent pretenses, representations, and  
 8 promises, moneys, funds, credits, assets, securities, and other property owned by and under  
 9 the custody and control of Western State Bank, and caused Western State Bank to issue a  
 10 cashier's check for deposit into an account controlled by the defendants.

Count	Date	Monetary Transaction	Transaction Amount	Institution
2	2/16/2021	Deposit by cashier's check of PPP Loan Funds	\$1,812,600	Comerica Bank Account #2868

14            All in violation of Title 18, United States Code, Section 1344.

15                                    **COUNTS 3-18**  
 16                                    **Transactional Money Laundering**  
 17                                    **[18 U.S.C. § 1957(a)]**

18            41.    The factual allegations in the preceding paragraphs of this Indictment are re-  
 19 alleged and incorporated as though fully set forth herein.

20            42.    On or about the dates listed below, in the District of Arizona and elsewhere,  
 21 defendants MITCHELL, PADILLA, SWARINGER, and other known and unknown to the  
 22 Grand Jury, knowingly engaged in monetary transactions, of a value greater than \$10,000,  
 23 occurring within the United States, with funds criminally derived from the bank fraud  
 24 alleged in Count 2 of this Indictment, with each transaction being a separate count of this  
 25 Indictment:

Count	Date	Monetary Transaction	Transaction Amount (Approx.)
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3	3/1/2021	Withdrawal from Comerica Bank Account #2868 to MITCHELL via Comerica Bank Account #1949	\$1,750,000
4	3/17/2021	Withdrawal from Comerica Bank Account #1949 to Sean SWARINGER via U.S. Bank account #2039	\$200,000
5	3/19/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$13,770.09
6	3/22/2021	Withdrawal from Comerica Bank Account #1949 to Sean SWARINGER via U.S. Bank account #2039	\$160,000
7	3/23/2021	Withdrawal from Comerica Bank Account #1949 to Security Title	\$690,979.15
8	4/2/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$18,828.64
9	4/16/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$20,249.92
10	4/30/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$21,829.59
11	5/14/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$22,379.10
12	5/28/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$25,174.03
13	6/11/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$26,752.48
14	6/25/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$27,405.72
15	7/9/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$28,012.30
16	7/23/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$25,704.18
17	8/6/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$26,441.66
18	8/20/2021	Withdrawal from Comerica Bank Account #2868 to a payroll provider	\$24,897.53

All in violation of Title 18, United States Code, Section 1957(a).

**FORFEITURE ALLEGATION**

[18 U.S.C. § 981(a)(1)(C); 18 U.S.C. § 982(a)(1);  
21 U.S.C. § 853; 28 U.S.C. § 2461(c)]

1           43. The factual allegations in Counts 1 through 18 in the preceding paragraphs  
2 of this Indictment are re-alleged and incorporated as though fully set forth herein.

3           44. Pursuant to Title 18, United States Code, Sections 981 and 982, Title 21,  
4 United States Code, Section 853, and Title 28, United States Code, Section 2461(c), and  
5 upon conviction of one or more of the offenses alleged in Counts 1 through 18 of this  
6 Indictment, defendant(s) shall forfeit to the United States all right, title, and interest in any  
7 and all property, real or personal, involved in such offense(s), or any property traceable to  
8 such property involved in the offense(s), or conspiracy to commit such offense(s),  
9 including the following: (a) all money or other property that was the subject of each  
10 transaction, transportation, transmission or transfer in violation of a statute listed in Title  
11 18, United States Code, Section 982, (b) all other property constituting proceeds obtained  
12 as a result of those violations, and (c) all property used in any manner or part to commit  
13 or to facilitate the commission of those violations including, but not limited to the sum of  
14 money representing the amount of money involved in the offense(s) and the property  
15 named below.

16           A sum of money equal to at least \$1,812,600.00 in United States currency,  
17 representing the amount of money involved in the offenses.

18           The real property located at 320, 324, 334, 334, 330, and 328 E. Hatcher Rd.,  
19 Phoenix, Arizona 85020.

20           If any of the above-described forfeitable property, as a result of any act or omission  
21 of the defendant(s):

- 22           (1) cannot be located upon the exercise of due diligence,  
23           (2) has been transferred or sold to, or deposited with, a third party,  
24           (3) has been placed beyond the jurisdiction of the court,  
25           (4) has been substantially diminished in value, or  
26           (5) has been commingled with other property which cannot be divided without  
27 difficulty,  
28

1 it is the intent of the United States to seek forfeiture of any other property of said  
2 defendant(s) up to the value of the above-described forfeitable property, pursuant to Title  
3 21, United States Code, Section 853(p).

4 All in accordance with Title 18, United States Code, Sections 981 and 982, Title 21,  
5 United States Code, Section 853, Title 28, United States Code, Section 2461(c), and Rule  
6 32.2, Federal Rules of Criminal Procedure.

7 A TRUE BILL

8  
9 s/  
FOREPERSON OF THE GRAND JURY  
Date: November 23, 2021

10 GLENN B. McCORMICK  
11 Acting United States Attorney  
District of Arizona

12  
13 s/  
LEIGHANN THOMAS  
14 KRISTEN BROOK  
PETER SEXTON  
15 Assistant U.S. Attorneys