

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

UNITED STATES OF AMERICA,

v.

ANTHONY C. BONCIMINO,

Defendant.

NO.:1:21-MJ- 22

CRIMINAL COMPLAINT

I, Mark Grant, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief. Beginning on or about April 1, 2020, and continuing until the present, in the MIDDLE DISTRICT OF GEORGIA, the above-named defendant acted, in violation of Title 18, United States Code, Section(s) 1001(a)(2) ("False Statements Within the Jurisdiction of an Agency of the United States"); and (b) Title 18, United States Code, Section(s) 1344 (Bank Fraud).

I further state that I am a Special Agent with the treasury Office of Inspector General for Tax Administration ("TIGTA"), and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:

Yes

No

*Mark Grant*

S.A. Mark Grant

Treasury Inspector General Tax Administration

*(by TQL w/express permission)*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim, P. 4.1 by telephone.

This 21st day of May, 2021.

*Thomas Q. Langstaff*  
THOMAS Q. LANGSTAFF  
UNITED STATES MAGISTRATE JUDGE  
MIDDLE DISTRICT OF GEORGIA



## Affidavit

### AGENT BACKGROUND

1. I, Mark Grant, am a Special Agent for the Treasury Inspector General for Tax Administration (“TIGTA”) Office of Investigations assigned to the South East Field Division, Atlanta Group. As a Special Agent of TIGTA, I am a “federal law enforcement officer of the United States” within the meaning of Treasury Order 115-01. As such, I am empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 26, USC, Section 7608(b)(2).

2. I am currently employed as a Special Agent with TIGTA and have been so employed since 2019 and am a graduate of the Federal Law Enforcement Training Center. Prior to being employed by TIGTA, I was employed as a law enforcement officer within the State of Georgia since 1997. During that time, I was a supervisor and criminal investigator for approximately sixteen years. While employed within the State of Georgia as an investigator I have worked various assignments including undercover operations, fraud, public corruption, narcotics and fugitive investigations. Simultaneously, I was also assigned to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) for approximately fifteen years as a Task Force Officer (TFO). As a FBI TFO I have received extensive training as an undercover employee and terrorism. As such I have conducted related domestic and international terrorism related investigations.

### INTRODUCTION

3. The United States is investigating fraudulent applications submitted for the Coronavirus Aid, Relief, and Economic Security Act (“CARES”) Act loans by ANTHONY BONCIMINO.<sup>1</sup> Your affiant has probable cause that BONCIMINO has committed bank fraud

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<sup>1</sup> *The CARES Act provided for \$2.2 trillion dollars in economic stimulus in response to the economic decline caused by the COVID-19 pandemic in the United States. The CARES Act was passed by the 116th U.S. Congress and signed into law*

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in order to obtain federal monies and has made false statements to the Small Business Administration, in particular, violations of 18 U.S.C. § 1344 (Bank Fraud) and 18 U.S.C. § 1001(a)(2) (False Statements).

### The Small Business Administration, the CARES Act and the Payroll Protection Plan

#### **The Small Business Administration:**

4. The United States Small Business Administration (SBA) is an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA is to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

5. As part of this effort, the SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government-backed guarantees.

6. On March 13, 2020, President Donald J. Trump declared an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in response to the Coronavirus 2019 (COVID-19).

7. On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, which was designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. The CARES Act established several new temporary programs and provided for the expansion of others, including programs created and/or administered by the SBA, to administer the emergency relief.

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*by President Donald Trump in March 2020.*

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8. One source of relief that the CARES Act provided was the authorization of up to \$349 billion in forgivable loans to small businesses for payroll, mortgage interest, rent/lease, and utilities, through a program referred to as the Paycheck Protection Program (PPP). In April 2020, Congress authorized up to \$310 billion in additional PPP funding.

9. The PPP allowed qualifying small businesses and other organizations to receive PPP loans. Businesses must use PPP loan proceeds for payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on these expense items within a designated period of time and used a certain percentage of the PPP loan proceeds for payroll expenses.

10. The amount of a PPP loan that a small business may have been entitled to receive was determined by the number of employees employed by the business and the business's average monthly payroll costs.

11. In order to obtain a PPP loan, a qualifying business was required to submit a PPP loan application to the SBA and to a sponsoring federally-insured financial institution. The application must be 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) had to state, among other things, its (a) average monthly payroll expenses and (b) number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP. In addition, businesses applying for a PPP loan had to provide documentation showing their payroll expenses.

12. Specifically, the applicant had to certify the following:

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13. The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments, as specified under the Paycheck Protection Program Rule; I understand that if the funds are knowingly used for unauthorized purposes, the federal government may hold me legally liable, such as for charges of fraud.

14. The SBA oversaw the PPP. However, individual PPP loans were issued by private, approved lenders who received and processed PPP applications and supporting documentation directly or through third-party processors, and then made loans using the lenders' own funds, which were 100% guaranteed by the SBA. Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

### **The Financial Institutions Boncimino Made False Representations to:**

15. Celtic Bank is an FDIC-insured financial institution based in Salt Lake City, Utah and an SBA-approved lender and participated as a PPP lender.

16. Synovus Bank is an FDIC-insured financial institution based in Columbus, Georgia, and an SBA-approved lender and participated as a PPP lender.

17. Customers Bank is an FDIC-insured financial institution based in West Reading, Pennsylvania, and is an SBA-approved lender and participated as a PPP lender.

18. Under the CARES Act, businesses affected by the Covid-19 pandemic could apply for an SBA Paycheck Protection Program (PPP) loan. Under this program the funds could be used to help fund payroll costs, including benefits, and may also be used to pay for mortgage interest, rent, utilities, worker protection costs related to COVID-19, uninsured property damage costs caused by looting or vandalism during 2020, and certain supplier costs and expenses for operations.

### **TAX ADMINISTRATION**

## **Affidavit**

19. TIGTA and the SBA-OIG reviewed PPP loan applications to identify those applications submitted using Employer Identification Numbers (EINs) which were issued after the statutory cutoff date, February 15, 2020. To be eligible for a PPP loan, among other eligibility requirements, an applicant had to be in operation on February 15, 2020. Businesses not in operation prior to this date were ineligible to obtain PPP loans. The use of an EIN issued after the cutoff date, during the PPP loan application process, suggests that the application may have been fraudulent.

20. On April 9, 2020, an EIN application for “Meridian Park Ventures” (MPV) was submitted to the Internal Revenue Service (“IRS”) via the IRS’s online web portal. The name of the applicant was listed as ANTHONY BONCIMINO. On the same date, April 9, 2020, an EIN application for “Oak Harbor Investments” (OHI) was submitted to the Internal Revenue Service (IRS) via the IRS’s online web portal.

### **SBA PPP LOAN APPLICATIONS**

21. On April 27, 2020, BONCIMINO submitted SBA PPP loan application form for Precision Movers, Inc. (PMI) and entered EIN 75-3079858. BONCIMINO listed a business address as 1630 Industrial Drive, Sycamore, Georgia 31790, within the Albany Division of the Middle District of Georgia. BONCIMINO stated the monthly payroll for PMI was \$266,793.00 for 24 employees and requested \$666,983.37 in PPP funds. BONCIMINO provided the email address of tony@precisionmovers.us and a business phone number (404) 994-3163. BONCIMINO stated the purpose of loan was for payroll, lease/mortgage, and utilities. BONCIMINO listed himself as being 50% owner, Taxpayer Identification Number (TIN) as 319-76-8791. BONCIMINO listed a business address of 1630 Industrial Drive Sycamore, Georgia 31790. This SBA guaranteed PPP loan was funded by Synovus Bank.

## Affidavit

22. On April 27, 2020, BONCIMINO submitted SBA PPP a loan application form for MPV and entered EIN 85-0673793. BONCIMINO listed a business address as 1630 Industrial Drive, Sycamore, Georgia 31790. BONCIMINO stated the monthly payroll is \$286,502.00 for 44 employees and requested \$716,255.00. BONCIMINO provided the email address of tony@meridianparkventures.com and a business phone number (229) 567-1350. BONCIMINO stated the purpose of the loan was for payroll, lease/mortgage, and utilities. BONCIMINO listed himself as being 100% owner, TIN as 319-76-8791 and owner address of 367 South Brown Avenue, Sycamore, Georgia 31790. This SBA guaranteed PPP loan to MPV was funded by Celtic Bank.

23. On April 24, 2020, BONCIMINO submitted SBA PPP loan application form for OHI and entered EIN 85-0699743. BONCIMINO listed a business address of 1630 Industrial Drive, Sycamore, Georgia 31790. BONCIMINO stated the monthly payroll was \$248,660.00 for 38 employees and requested \$621,650.00. BONCIMINO provided the email address of a\_boncimino@hotmail.com and a business phone number (229) 567-1350. BONCIMINO stated that the purpose of loan is for payroll, lease/mortgage, and utilities. BONCIMINO listed himself as being 100% owner, TIN as 319-76-8791 and owner address of 367 South Brown Avenue, Sycamore, Georgia 31790. This SBA guaranteed PPP loan to OHI was funded by Customers Bank.

24. BONCIMINO certified in each of the three SBA PPP loan applications that the applicant business was in operation on February 15, 2020, and had numerous employees for whom it paid salaries and payroll taxes or paid as independent contractors.

25. BONCIMINO acknowledged the funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments.

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26. BONCIMINO certified the information provided in the applications and the information provided in all supporting documents and forms was true and accurate in all material respects.

27. BONCIMINO signed the application understanding that knowingly making a false statement to obtain a guaranteed loan from the SBA is punishable under the law.

*<sup>1</sup>BONCIMINO submitted all three loan applications to the SBA. BONCIMINO included in each loan application fraudulent IRS Forms 941 (Employer's Quarterly Federal Tax Return for 1st Quarter of 2020 (January, February, March). The IRS 941 Forms were fraudulent in that they claimed that the Boncimino business entity in question, PMI, MPV or OHI, had each employed approximately 40 individuals and had withheld federal payroll taxes. Boncimino represented that many of the same employees were employed at all three entities.*

### THE BANKS

28. On April 29, 2020, BONCIMINO received SBA guaranteed PPP loan proceeds from Synovus Bank in the amount of \$666,983.37. These funds were deposited into BONCIMINO's business account at Synovus Bank for PMI. Synovus is an FDIC-insured bank. (BONCIMINO would later apply for a second SBA-guaranteed loan from Synovus.)

29. From the initial deposit of SBA-PPP funds through August 2020, BONCIMINO transferred approximately \$310,661.82 to other business entities he owns and withdrew approximately \$273,488.60 for payments to Georgia Department(s) of Labor and Revenue, for federal tax payments and other payments. BONCIMINO used approximately \$584,150.42 (87%) of SBA PPP loan funds for non-business related purposes.

30. On February 8, 2021, <sup>amb</sup>Synovus Bank funded a second SBA-insured PPP loan in the amount of \$666,983.37 to BONCIMINO and JAMES BONCIMINO for PMI.



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31. From the initial deposit of SBA-PPP funds through August 2020, BONCIMINO transferred approximately \$117,000.00 to other business entities he owns.

32. On April 30, 2020, Customers Bank approved an SBA-guaranteed PPP loan to OHI in the amount of \$621,650. These funds were then deposited into BONCIMINO's Azlo Business account at BBVA Bank. Azlo Business is an on-line bank which is majority-owned by BBVA. BBVA is an FDIC-insured bank. By August 2020, BONCIMINO had transferred approximately \$290,661.82 of the loan proceeds intended for OHI to other business entities he controls.

33. BONCIMINO withdrew approximately \$99,598.10 for payments to the Georgia Department(s) of Labor and Revenue, to the IRS for federal taxes, and for credit card bills.

34. BONCIMINO used approximately \$390,259.92 (62%) of SBA-guaranteed PPP loan funds for purposes unrelated to the ordinary business or payroll of OHI. (SBA required that at least 60% of PPP loan proceeds be used to cover payroll in order to be eligible for loan forgiveness.)

35. On May 12, 2020, Celtic Bank approved SBA-guaranteed PPP loan to MPV in the amount of \$716,255. These funds were deposited into BONCIMINO's Azlo Business account at BBVA Bank. By September 2020, BONCIMINO had transferred approximately \$593,378.65 of the MPV loan proceeds to other business entities he controlled.

36. BONCIMINO withdrew approximately \$118,879.58 of the loan proceeds for payments to Georgia Department(s) of Labor and Revenue, to the IRS for federal taxes, and to pay his credit card bills. BONCIMINO used approximately \$712,258.23 (82%) of SBA-guaranteed PPP loan funds for purposes unrelated to the ordinary business or payroll of MPV.

## **PUBLIC RECORDS**

## **Affidavit**

37. Georgia Secretary of State Corporate Registration records do not list business records for MPV or OHI at 1630 Industrial Drive, Sycamore, GA 31790, or any other location. Georgia Secretary of State Registration Records list BONCIMINO as a registered agent for the following active companies: Patriot Investors, LLC, located at 367 South Brown Avenue, Post Office Box 210, Sycamore, Georgia 31790 and PMI, located at 1630 Industrial Drive, Post Office Box 210, Sycamore, Georgia 31790.

## **Jurisdiction**

38. Your affiant knows that the violations of law alleged to have occurred in this investigation took place in Turner County, within the Albany Division of Middle Judicial District of Georgia.

## **Fraudulent Acts Committed in 2021 by Boncimino**

39. On February 5, 2021, BONCIMINO applied for a second SBA-guaranteed PPP loan on behalf of PMI at Synovus Bank in the amount of \$666,983.37.

40. Synovus funded this loan and deposited this amount in BONCIMINO's Synovus account. Note, this is the second loan BONCIMINO applied for and received on behalf of PMI.

41. Boncimino applied for and received a first SBA-insured loan in the exact same amount on April 29, 2020.

42. Your affiant has determined that MPV and OHI are wholly fictitious entities that did not exist in any form before February 15, 2020, and have never paid employees in any number.

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43. I have further determined that PMI had an existence as a moving company, but by February 15, 2020, was no longer a going concern. None of the three entities employed the number of employees which Boncimino represented on SBA and bank applications.

44. On April 8, 2021, your affiant interviewed BONCIMINO in a non-custodial interview. Boncimino admitted that OHI and MPV were fictitious entities that existed only on paper. He admitted that he created these entities in order to obtain PPP loans by fraud.

45. BONCIMINO admitted he created fictitious payroll records for both companies, OHI and MPV using a "QuickBooks" program and submitted the same with his applications for PPP loans. He created fictitious IRS Form 941's and Form 941v's for MPV and OHI. He submitted these fraudulent records to the SBA. He admitted the funds were not spent on payroll, rent, or utilities. He confirmed Customers Bank funded the PPP loan for OHI and he did not spend any of the funds on payroll, rent, or utilities. BONCIMINO advised he returned the money to Customers Bank when they demanded it. He paid state and federal payroll taxes on the PPP loans for MPV and OHI. He completed and submitted IRS form 941x's to the IRS because he wanted to zero out the payroll. BONCIMINO advised he paid approximately \$15,000 to Georgia Department of Labor for each company, as well as, \$70,000 to the IRS for each company. He opened a BBVA account for both MPV and OHI. He is the only account holder for the BBVA account and did all the bookkeeping for both companies.

46. BONCIMINO admitted he knew all the documentation submitted for the PPP loans to the banks on behalf of MPV and OHI was fraudulent. (BONCIMINO refused to discuss with your affiants the business of PMI.) BONCIMINO advised he was located within Turner County Georgia when he submitted the PPP loan applications. BONCIMINO admitted the individuals listed on the payroll documents for MPV and OHI are previous employees and people from the community and were unaware that their personal identification information was

**Affidavit**

being used to obtain PPP loans. He advised no one received a W-2 as an employee for the companies. BONCIMINO advised he submitted IRS Form 7200 for each company and admitted he knew it was false when he submitted the filing for the 2nd quarter of 2020. He advised he was located within Turner County Georgia when he submitted the documents. He advised he has not filed 2020 taxes and did not apply for any economic injury disaster loans (EIDL) for MPV or OHI. BONCIMINO admitted obtaining the loans was easy and he “just kept clicking on the buttons” via the PPP loan websites to obtain the loans. BONCIMINO advised he was not out buying expensive items and he just wanted a safety net for his family and moving business.

**Conclusion**

47. Based on the information contained in this Affidavit, probable cause exists to believe that BONCIMINO violated Title 18, United States Code, Section 1001(a)(2)(“False Statements Within the Jurisdiction of an Agency off the United States”) and (b) Title 18, United States Code, Section(s) 1344 (Bank Fraud)

*Mark Grant*

S.A. TIGTA, Mark Grant

(by TQL  
w/express  
permission)

SO SWORN THIS 21<sup>st</sup> DAY OF MAY, 2021 BY TELEPHONE

*Thomas Q. Langstae*  
THOMAS Q. LANGSTAE  
UNITED STATES MAGISTRATE JUDGE