

FILED

JUN 10 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

UNITED STATES OF AMERICA)
)
)
v.)
)
PORSHA TIMS BUSH)
)

No. 3:21-cr-74

Judges: Crytzel / Guyton

INFORMATION

The United States Attorney for the Eastern District of Tennessee charges:

COUNT ONE

**Wire Fraud
(18 U.S.C. § 1343)**

A. Background

1. At all times material to this information, the defendant, PORSHA TIMS BUSH, was a resident of Knoxville, Tennessee, in the Eastern District of Tennessee.

2. At all times material to this information, BUSH was the primary owner, or claimed to be the primary owner, of several small businesses that were purportedly incorporated in Tennessee, Mississippi, and Texas.

3. Enlightenment Family Care, Inc., was registered with the State of Tennessee and lists its principal address as a residence in Knoxville, Tennessee. BUSH is listed as the entity's registered agent with the State of Tennessee. BUSH's former residential address in Knoxville, Tennessee, is the same as the entity's primary office address in Knoxville, Tennessee.

4. Enlightenment Enterprises was registered with the State of Tennessee and lists its principal address as a residence in Knoxville, Tennessee. BUSH's residential address in Knoxville, Tennessee, is the same as the entity's primary office address in Knoxville, Tennessee.

5. Enlightenment Family Care LLC, Enlightenment Family Ministries, Motivational Moments with Porsha, and PT Financial Solutions were entities purportedly owned and operated by BUSH.

Paycheck Protection Program

6. The Coronavirus Aid, Relief, and Economic Security Act (“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 were suffering the economic effects 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, Congress authorized over \$300 billion in additional PPP funding. The purpose of loans issued under the PPP was to enable small businesses suffering from the economic downturn to continue to pay salaries or wages to their employees.

7. The PPP was administered by the Small Business Administration (“SBA”), which promulgated regulations concerning eligibility for a PPP loan. Eligible businesses seeking a loan under the PPP could apply for such a loan through a federally insured depository institution.

8. To obtain a PPP loan, a qualifying business must submit a PPP loan application, which is signed by an authorized representative of the business. The PPP loan application requires the business (through its authorized representative) to acknowledge the program rules and make certain affirmative certifications to be eligible to obtain the PPP loan. In the PPP loan application, the small business (through its authorized representative) must state, 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 must include documentation showing their payroll expenses and other information as part of the application.

9. A PPP loan application must be processed by a participating lender. If a PPP loan application is approved, the participating lender funds the PPP loan using its own monies, which are 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, is transmitted by the lender to the SBA in the course of processing the loan.

10. PPP loan proceeds must be used by the business on certain permissible expenses: payroll costs, interest on mortgages, rent, and utilities. The PPP allows the interest and principal on the PPP loan to be entirely forgiven if the business spends the loan proceeds on these expense items within a designated period of time after receiving the proceeds and uses a certain amount of the PPP loan proceeds on payroll expenses.

11. The proceeds of a PPP loan were not permitted to be used to purchase consumer goods, automobiles, personal residences, clothing, jewelry, to pay the borrower's personal federal income taxes, or to fund the borrower's ordinary day-to-day living expenses unrelated to the specified authorized expenses.

Economic Injury Disaster Loans

12. The Economic Injury Disaster Loan ("EIDL") program was an SBA program that provided low-interest loans to small businesses, renters, and homeowners in regions affected by declared disasters.

13. The CARES Act also authorized the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing substantial financial disruptions due to the COVID-19 pandemic. In addition, the CARES Act authorized the SBA to issue advances of up to \$10,000 to small businesses within three days of applying for an EIDL.

14. In order to obtain an EIDL and advance, a qualifying business was required to submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenue for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDLs for COVID-19 relief, the 12-month period was the period preceding January 31, 2020. For a business to be eligible for an EIDL, the business must have been in operation before February 1, 2020. The applicant was also required to certify that all the information in the application was true and correct to the best of the applicant's knowledge.

15. EIDL applications were submitted directly to the SBA and processed by the agency with support from a government contractor, Rapid Finance. Approval of a loan application and the amount of a loan was based, in part, on the information provided on the application about the number of employees, gross revenue, and cost of goods, as described above. Upon approval of an application for an EIDL or advance, SBA will disburse the funds. EIDL loan proceeds were permitted to be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

B. The Scheme

Beginning on or about March 30, 2020, and continuing up to and including at least in or around June 2020, the defendant, PORSHA TIMS BUSH, knowingly and willfully devised and intended to devise a scheme and artifice to defraud, and to obtain money and property, by means of materially false and fraudulent pretenses, representations, and promises.

C. Purpose and Object of the Scheme

It was the purpose and object of the scheme for BUSH to unjustly enrich herself and others by obtaining EIDL and PPP loan proceeds under false and misleading pretenses, including

by making false statements about the number of individuals her company employed, gross revenues, payroll taxes, her identity, and the intended use of the loan proceeds.

D. Manner and Means

1. It was part of the scheme that defendant, PORSHA TIMS BUSH, submitted online loan applications, or caused to be submitted online loan applications, for small businesses that purportedly provided counseling and mental-health services to individuals.

2. It was further part of the scheme that defendant, PORSHA TIMS BUSH, created fraudulent Internal Service Revenue (“IRS”) documents, including IRS Form 941, Employer Quarterly Federal Tax Return, in which BUSH claimed that the purported companies employed multiple individuals and paid quarterly payroll taxes to the IRS. BUSH knew that these IRS documents (i) contained fraudulent information; (ii) were not filed with the IRS; and (iii) were created by BUSH solely for the purpose of obtaining loan proceeds.

3. It was further part of the scheme that defendant, PORSHA TIMS BUSH, caused the loan proceeds to be deposited into various bank accounts that she controlled, including her personal checking and savings accounts.

4. It was further part of the scheme that defendant, PORSHA TIMS BUSH, opened new bank accounts on or after May 11, 2020, the purpose of which was to transfer EIDL and PPP proceeds among them.

5. It was further part of the scheme that defendant, PORSHA TIMS BUSH, used the fraudulently obtained proceeds for unauthorized purposes, including purchasing clothes and electronics, paying off personal debt, and paying for personal travel and her daily lifestyle.

E. Execution of the Scheme

On or about March 30, 2020, in the Eastern District of Tennessee, the defendant, PORSHA TIMS BUSH, for the purpose of executing the scheme and artifice described above,

caused to be transmitted by means of wire communication in interstate commerce a writing, sign, or signal—that is, an electronic submission of an EIDL loan application on behalf of Enlightenment Family Care, Inc., from BUSH’s electronic device in Knoxville, Tennessee, to the SBA’s computer servers located outside the state of Tennessee.

All in violation of 18 U.S.C. § 1343.

Forfeiture Allegations

The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 1343, the defendant Porsha T. Bush, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. The properties to be forfeited include, but are not limited to, the following:

BANK ACCOUNTS

- a) Funds in the amount of \$2,014.74 from Bank of America account number ending 6282, account name Porsha T. Bush;
- b) Funds in the amount of \$69,878.73 from Bank of America account number ending 6295, account name Porsha T. Bush; and
- c) Funds in the amount of \$5,926.97 from Bank of America account number ending 7527, account name Enlightenment Family Care, Inc.

The total value of the forfeited funds is \$77,820.44.

MONEY JUDGMENT

A personal money judgment in the amount of \$393,800.56 in U.S. currency, which represents the minimum amount of proceeds the defendant, Porsha T. Bush, personally obtained

as a result of an offense in violation of 18 U.S.C. § 1343. If any of the property subject to forfeiture, as a result of any act or omission of a defendant,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, 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 that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and by Title 28, United States Code, Section 2461.

FRANCIS M. HAMILTON III
Acting United States Attorney

By:



William A. Roach, Jr.
Assistant United States Attorney