

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA	)	SECOND SUPERSEDING
	)	INDICTMENT
	)	No. 1:20-cr-106-JRH-BKE
v.)	
	)	18 U.S.C. § 1343
	)	Wire Fraud
ORELL PLUMMER)	
	)	18 U.S.C. § 1014
	)	False Statement on Loan
	)	Application
)	
	)	15 U.S.C. § 645(a)
	)	False Statements to the Small
	)	Business Administration
)	
	)	18 U.S.C. § 1623
	)	Perjury
)	
	)	18 U.S.C. § 2
	)	Aiding and Abetting

FILED
U.S. DISTRICT COURT
2021 DEC -7 P 4:22
CLERK
S.D. DIST. OF GA.

THE GRAND JURY CHARGES THAT:

At times relevant to this Second Superseding Indictment:

1. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act is a federal law enacted in or about March 2020 designed to provide emergency financial assistance to the millions who are suffering the economic effects caused by the COVID-19 pandemic.

2. Among other relief efforts, the United States sought to provide financial support to eligible businesses that could be used to offset certain business expenses.

3. Defendant **ORELL PLUMMER** and A.H., aided and abetted by each other and others known and unknown, fraudulently sought relief payments by making false and fraudulent representations to the Small Business Administration (“SBA”).

4. **PLUMMER** is an individual residing in the Southern District of Georgia, Augusta Division.

5. “O International Enterprise, LLC” is a “business” located in the Southern District of Georgia, Augusta Division. **PLUMMER** is its purported owner.

The Coronavirus Aid, Relief, and Economic Security Act

6. The SBA is an executive branch agency of the United States government that provides support to entrepreneurs and small businesses. The SBA is headquartered in Washington, DC and maintains its computer servers outside of the State of Georgia. The SBA’s mission 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.

7. As part of this effort, the SBA enables and provides for loans through banks, credit unions, and other lenders. These loans have government-backed guarantees. In addition, the SBA provides loans that come directly from the U.S. Government.

8. One source of relief provided by the CARES Act was the authorization for the SBA to provide Economic Injury Disaster Loans (“EIDL”) to eligible small

businesses experiencing substantial financial disruption due to the COVID-19 pandemic.

9. 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 (“EIDL Advance”). The amount of the EIDL Advance was determined by the number of employees the applicant certified having.

10. In order to obtain an EIDL and/or EIDL Advance, a qualifying business had to submit an online application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the twelve-month period preceding the disaster, and the cost of goods the business sold in the twelve-month period preceding the disaster. In the case of EIDLs and EIDL Advances for COVID-19 relief, the twelve-month period was that preceding January 31, 2020. The applicant also had to certify that all the information in its application was true and correct to the best of the applicant’s knowledge.

11. EIDL applications were submitted directly to the SBA online at <https://covid19relief.sba.gov/#!/> and processed by the agency with support from a government contractor, Rapid Finance. The amount of each loan was determined based, in part, on the information provided by the application about employment, revenue, and cost of goods, as described above. Any funds issued under an EIDL or EIDL Advance were issued directly by the SBA.

12. EIDL funds could be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

COUNT ONE

Wire Fraud

18 U.S.C. § 1343 and § 2

13. The Grand Jury re-alleges and incorporates by reference the allegations in the proceeding paragraphs.

14. Beginning in about June 2020 until in or about August 2020, in the Southern District of Georgia, Defendant **PLUMMER**, aided and abetted by “A.H.,” did knowingly devise and intend 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.

The Object of the Scheme

15. The object of the scheme described in Paragraph 14 for Defendant **PLUMMER** was to unjustly enrich himself and others by obtaining EIDL proceeds under false and misleading pretenses, including by making false statements about the number of individuals **PLUMMER**’s company employed and his company’s gross revenue.

Means and Manner

16. On or about July 6, 2020, **PLUMMER**, aided and abetted by “A.H.,” caused to be submitted an electronic application for an EIDL from the SBA (“EIDL Application -9921”) on behalf of O International Enterprise, LLC at <https://covid19relief.sba.gov/#/>. EIDL Application 9921 falsely affirmed, among other information, that O International Enterprise, LLC had 10 employees, and that in the twelve months prior to the disaster the business had \$180,000 in gross revenue. EIDL

Application 9921 also falsely affirmed that he had owned the business since July 16, 2006 and that it was a clothing/apparel company.

17. On or about July 7, 2020, in reliance on the false representations in EIDL Application 9921 on behalf of O International Enterprise, LLC, the SBA deposited money into a bank account in **PLUMMER**'s name at "Bank 1" in the form of an EIDL Advance.

18. On or about July 7, 2020, in reliance on the false representations in EIDL Application 9921 on behalf of O International Enterprise, LLC, the SBA made a separate deposit into a bank account in **PLUMMER**'s name at "Bank 1" in the form of an EIDL. Thereafter, **PLUMMER** paid "A.H." \$1,000 for "accounting services."

The Wirings

19. From July 2020 until August 2020, in the Southern District of Georgia, and elsewhere, **PLUMMER**, aided and abetted by "A.H.," did transmit, or cause to be transmitted, by means of wire communication in interstate commerce a writing, signal, picture, and sound, *to wit*, an electronic EIDL Application, an electronic EIDL Loan Authorization Agreement, wire transfers, and other financial transactions in interstate commerce.

20. All in violation of Title 18, United States Code, Section 1343.

COUNT TWO

False Statements on a Loan Application

18 U.S.C. § 1014 and § 2

21. The Grand Jury re-alleges and incorporates by reference the allegations in the proceeding paragraphs.

22. On or about July 6, 2020, in the Southern District of Georgia, **PLUMMER**, aided and abetted by “A.H.,” did knowingly submit a loan application to the SBA that **PLUMMER** knew contained false information with the intent to influence the action of the SBA with respect to that loan. More particularly, **PLUMMER**, aided and abetted by “A.H.,” knowingly made a false statement for the purpose of influencing the action of the SBA in connection with EIDL Application 9921 on behalf of O International Enterprise, LLC by stating falsely that O International Enterprise (a) had 10 employees; (b) had \$180,000 in gross revenue in the 12 months prior to the disaster; and (c) was in existence since July 17, 2006.

All in violation of Title 18, United States Code, Section 1014 and Section 2.

COUNT THREE

False Statements to the SBA
15 U.S.C. § 645(a) and 18 U.S.C. § 2

23. The Grand Jury re-alleges and incorporates by reference in the allegations in the proceeding paragraphs.

24. On or about July 7, 2020, in the Southern District of Georgia, **PLUMMER**, aided and abetted by “A.H.,” knowingly made a false statement for the purpose of influencing the action of the SBA in connection with receiving an EIDL on behalf of O International Enterprise, LLC by virtue of **PLUMMER** signing the Loan Authorization and Agreement sent to him by the SBA that included the following false certification: “All representations in the Borrower’s Loan application (including all supplementary submissions) are true, correct and complete and are offered to induce the SBA to make this Loan.”

All in violation of Title 15, United States Code, Section 645(a) and Title 18, United States Code, Section 2.

COUNT FOUR

Perjury

18 U.S.C. § 1623

25. On or about August 3, 2021, **PLUMMER**, in the Southern District of Georgia, while under oath and testifying in a proceeding before the District Court, knowingly did make one or more false material declarations, that is to say: (1) **PLUMMER** did not know about EIDL Application 9921 when he spoke to law enforcement in August 2020, and (2) “A.H.” “did not get with [**PLUMMER**] about” the EIDL Application 9921 when “A.H.” filled it out on his behalf. In truth and in fact, **PLUMMER** knew that “A.H.” had filled out the EIDL Application on July 6, 2020, when the application was submitted on his behalf to the SBA, and he discussed the contents of the EIDL application with “A.H.” while A.H. filled out the application on **PLUMMER**’s behalf.

All in violation of Title 18, United States Code, Section 1623.

FORFEITURE ALLEGATIONS

The allegations contained in Counts One and Two of this Second Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of one or both of the Title 18 offenses set forth in Counts One and Two of this Second Superseding Indictment, the Defendant **ORELL PLUMMER** shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), any property, real or personal, which constitutes or is derived from proceeds traceable to the charged offense.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or 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 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A True Bill.

David H. Estes
Acting United States Attorney

Jennifer A. Stanley
Assistant United States Attorney
*Lead Counsel

Karl Knoche
Assistant United States Attorney
Chief, Criminal Division

Patrick J. Schwedler
Assistant United States Attorney
*Co-lead Counsel