PX 2

DECLARATION OF SUSAN E. STREICH
PURSUANT TO 28 U.S.C. § 1746

I, Susan E. Streich, hereby state that I have personal knowledge of the facts as set forth below and am competent to testify about them.

1. I am a citizen of the United States and am over eighteen 18 years of age. I am Director of the Office of Credit Risk Management (OCRM) with the U.S. Small Business Administration ("SBA"). I have been in this position for 2 years and 4 months and am responsible for managing the portfolio performance of the SBA 7(a), 504 and Microlender Intermediary programs, monitoring credit risk and lender performance and compliance with SBA requirements. Collectively, the SBA loan programs comprise a portfolio of over $126 billion and encompasses over 4,400 lending partners. OCRM conducts lender oversight via Risk Based Reviews for Federally Regulated Institutions, and Safety and Soundness Examinations of SBA Supervised Lenders. OCRM also has the authority to take supervision and enforcement actions against participating lenders when appropriate.
2. On or around April 2, 2020, SBA was contacted by a consumer who had been solicited by "SBA Loan Program" to apply for small business loan assistance through its programs. According to the consumer's complaint, SBA Loan Program was misrepresenting itself to small businesses that it was capable of providing direct stimulus funding under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), including the Paycheck Protection Program ("PPP").
3. On April 3, a representative for Ponte advised SBA that SBA Loan Program held 1000 applications for the PPP loan program.

4. On April 10, SBA discovered that the SBA Loan Program website represented that it was an approved SBA lender.
5. I learned that SBA Loan Program was a d/b/a for Ponte Investments, LLC ("Ponte"), which is owned by John Ponte.
6. On or about April 9, 2020, SBA received an application from Ponte Investments, LLC for approval as a non-bank lender under the PPP. Neither Ponte Investments, LLC nor John Ponte had previously been authorized by SBA to make PPP loans.
7. SBA has determined that, both prior to and after Ponte's April 9 application, Ponte represented that it was an SBA-approved lender.
8. On or about April 10, 2020, SBA sent Ponte a cease and desist letter, stating among other things that "SBA does not have any record" that Ponte "is a participating lender and SBA believes this assertion to be false." A true and correct copy is attached as **Attachment A**.
9. SBA received a response to this cease and desist letter from Mr. Ponte on April 13, 2020. A true and correct copy of this response is attached as **Attachment B**.
10. As of the date of this declaration, neither Ponte Investments, LLC nor John Ponte has been authorized by SBA to make PPP loans. SBA has reason to believe that the small businesses that submitted applications for PPP loans to Ponte have not obtained PPP loans through SBA Loan Program.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington DC on April 17, 2020.

_*Susan E. Streich*__
Susan E. Streich

Attachment A

U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

OFFICE OF GENERAL COUNSEL

April 10, 2020

Ponte Investments LLC
d/b/a sbaloanprogram.com
1300 Division Rd, Suite 305
West Warwick RI 02893

Re: Website Advertisements for sbaloanprogram.com
CEASE AND DESIST NOTICE

To Whom It May Concern:

This letter is in reference to the loan services currently being advertised on Ponte Investments LLC website, www.sbaloanprogram.com. The U.S. Small Business Administration ("SBA") has reviewed this website and has determined that Ponte Investments LLC is advertising as an approved direct lender in SBA's 7(a) PPP loan program. SBA does not have any record that Ponte Investments LLC is a participating lender and SBA believes this assertion to be false.

In view of the foregoing, SBA hereby demands that Ponte Investments LLC immediately CEASE AND DESIST from holding itself out to the public as an SBA approved lender on its company website and in all marketing materials. Further, SBA demands that Ponte Investments LLC immediately inform all business concerns that have submitted applications to Ponte Investments LLC that it is not an approved SBA direct lender.

Finally, SBA demands that Ponte Investments LLC inform SBA in writing within three days of its receipt of this notification that it will fully comply with the terms outlined in this demand letter. Because of the current national emergency, Ponte Investments LLC reply should be emailed to mary.cvengros@sba.gov.

If Ponte Investments LLC fails to timely inform SBA of its intent to comply with the above directives or provide SBA with facts affirming that it is in fact an SBA approved lender, SBA will take appropriate legal action.

If you have any questions regarding this notification, you may contact Mary Cvengros at (312) 353-4663.

Sincerely,

/s/ Eric S. Benderson
Associate General Counsel for Litigation

Attachment B

SBA LOAN PROGRAM
a division of Ponte Investments, LLC

April 10, 2020

Mary Cvengros
Senior Counsel
Office of General Counsel
Small Business Administration
Washington, D.C. 20416

Re: Cease and Desist Notice for sbaloanprogram.com/Ponte Investments LLC

Dear Ms. Cvengros:

Please accept this letter and accompanying attachments as our written receipt of the Cease and Desist Notice of April 10, 2020 and our compliance as set forth in I would like to begin by apologizing and assuring you that in no manner did we intend to misrepresent ourselves to anyone. Our office has applied to be a Paycheck Protection Program direct lender and on Friday, we received correspondence regarding our application approval. It was my understanding of the correspondence that we needed to provide one additional document to the SBA. In my excitement, I acted hastily and contacted our web developer to revise our website. In no way did I intend to misrepresent or mislead any client.

There were two locations that the direct lender statement was placed; the Paycheck Protection Program Page and the pop-up attached to our home page.

I requested NPR Consultants LLC, our web developer and marketing consultants, to pull website revision logs and screenshots of them to document the timeline and the corrective action taken upon receipt of your notice. I have attached the screenshots for your review. As the logs will show, the initial changes were made at 14:24 (2:24 PM EST) on April 10, 2020. I have provided screenshots of the revision history. These screenshots are:

1. SBA LP April 8 Revision History: Sent to document what the page "Paycheck Protection Program" had as a title prior to April 10. That title was CARES Act Paycheck Protection Program.
2. SBA LP Initial Revision April 10 226 PM EST: Sent to show when the change was initially made to "Paycheck Protection Program" page title making direct lender reference.
3. SBA LP Corr Revision April 10 633 PM EST: Sent to show when our web developer made the correction to "Paycheck Protection Program" page title returning it "CARES Act Paycheck Protection Program".
4. SBA LP PopUp Initial Revision April 20 224 PM EST: Sent to show when direct lender statement was added to pop-up.
5. SBA LP PopUp Revision April 10 633 PM EST: Sent to document corrective action taken, removing direct lender reference.

SBA LOAN PROGRAM
a division of Ponte Investments, LLC

As per your request, we have prepared an email correspondence to be sent to any information request received during the hours that the direct lender reference was on our site. I have attached a copy of the correspondence for your records.

In closing, I again want to express my deepest apologies for my mistake and for any impact it may have had on you, the SBA, and the business community at large. We appreciate the hard work you are all doing to get small businesses the help they need, and we also understand the size and scope of this project. If there is anything else that you would require, please let me know.

Sincerely,

John Ponte
Member

Email Notification for requests received April 10, 2020 @ 1424 through April 10, 2020 @ 1833

Subject: Important notice regarding your online Paycheck Protection Program inquiry

To whom it may concern:

Yesterday, the web developers that work for my company made material changes to Paycheck Protection Program page as well as the pop-up that appears when you land on our home page. These 2 areas of our site incorrectly identified us as a direct lender for this program. This was incorrect and has since been removed.

We are still able to process your request for submission to our SBA Preferred Lending Partner institutions with whom we have established and ongoing relationships with. If you wish to not pursue the Paycheck Protection Program loan with our company, please reply to this email requesting that we no move forward with your inquiry and we will honor your request. We will forward you a confirmation email letting you know that your request has been received and processed.

We apologize for any confusion or inconvenience our error may have caused you. We hope you and your staff and family remain healthy and safe during these times.

Sincerely,

John Ponte

Member

Ponte Investments LLC, dba sbaloanprogram.com

SBA Loan Program 23 2 + New Scalia Theme Options Forms Howdy [redacted]

All Pages
Add New
Comments 2
Popup Maker
News
Portfolios
Clients
Galleries
Quickfinders
Teams
Testimonials
NivoSlider
Contact 1
Appearance
Plugins 19

Previous Next

Revision by sbaloans
3 days ago (8 Apr @ 10:19)

Restore This Revision

Title

Paycheck Protection Program

Paycheck Protection Program

Content

– <p>[vc_row][vc_column][vc_column_text]</p>

<h2 style="text-align: center;">CARES Act Paycheck Protection Program</h2>

– <p>[/vc_column_text][/vc_column][/vc_row][vc_row][vc_column][sc_image position="centered" disable_lightbox="1" src="11802" alt="paycheck-protection-program" width="50%" height="50%"][/vc_column][/vc_row][vc_row][vc_column][vc_column_text]</p>

<h2>The Paycheck Protection Program is being processed through lenders across the country participating in this program. No fee, No collateral, and No personal guaranty required. Lending is at a fixed 1.00% interest rate for two

+ [vc_row][vc_column][vc_column_text]

<h2 style="text-align: center;">CARES Act Paycheck Protection Program</h2>

+ [/vc_column_text][/vc_column][/vc_row][vc_row][vc_column][sc_image position="centered" disable_lightbox="1" src="11802" alt="paycheck-protection-program" width="50%" height="50%"][/vc_column][/vc_row][vc_row][vc_column][vc_column_text]

<h2>The Paycheck Protection Program is being processed through lenders across the country participating in this program. No fee, No collateral, and No personal guaranty required. Lending is at a fixed 1.00% interest rate for two

SBA Loan Program 23 2 New Scalia Theme Options Forms Howdy [redacted]

Pages

All Pages

Add New

Comments 2

Popup Maker

News

Portfolios

Clients

Galleries

Quickfinders

Teams

Testimonials

NivoSlider

Contact 1

Previous Next

Revision by sbaloans
20 hours ago (10 Apr @ 14:26)

Restore This Revision

Title

– Paycheck Protection Program

+ We are a Direct Lender for the Paycheck Protection Program

SBA Loan Program 23 2 New Scalia Theme Options Forms Howdy [redacted]

Pages

All Pages

Add New

Comments 2

Popup Maker

News

Portfolios

Clients

Galleries

Quickfinders

Teams

Testimonials

NivoSlider

Contact 1

Previous

Next

Current Revision by sbaloans

16 hours ago (10 Apr @ 18:33)

Restore This Revision

Title

– We are a Direct Lender for the Paycheck Protection Program

+ (no title)

SBA Loan Program 23 2 New Scalia Theme Options Forms Howdy, [redacted]

Comments 2

Popup Maker

All Popups

Add Popup

Popup Themes

Subscribers

Extend

Settings

Tools

Help & Support

News

Portfolios

Clients

Galleries

Quickfinders

Teams

Testimonials

Previous Next

Revision by sbaloans
21 hours ago (10 Apr @ 14:24)

Restore This Revision

Paycheck Protection Program	Paycheck Protection Program

Content

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<h4 style="text-align: center;"><span style="color:
#339966;"><strong>Paycheck Protection Program questions?
Can't get your bank to answer the phone? Get the personal
attention you need. Our staff are here to help.</strong>
</span></h4>

<img class="alignnone size-medium wp-image-11997
aligncenter" src="https://sbaloanprogram.com/wp-
content/uploads/2020/04/the-cares-act-300x150.png" alt=""
width="300" height="150" />

<h5 style="text-align: center;">On March 27, 2020, the
CARES Act was signed into law making the SBA Paycheck
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<h4 style="text-align: center;"><span style="color:
#339966;"><strong>Paycheck Protection Program questions?
Can't get your bank to answer the phone? Get the personal
attention you need. Our staff are here to help.</strong>
</span></h4>

+ <h2 style="text-align: center;">WE ARE A DIRECT LENDER FOR
THE PPP LOAN PROGRAM!</h2>

<img class="alignnone size-medium wp-image-11997
aligncenter" src="https://sbaloanprogram.com/wp-
content/uploads/2020/04/the-cares-act-300x150.png" alt=""
width="300" height="150" />

<h5 style="text-align: center;">On March 27, 2020, the
CARES Act was signed into law making the SBA Paycheck
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10:57 AM

SBA Loan Program 23 2 New Scalia Theme Options Forms Howdy [redacted]

Pages
Comments 2
Popup Maker
All Popups
Add Popup
Popup Themes
Subscribers
Extend
Settings
Tools
Help & Support
News
Portfolios
Clients
Galleries
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Previous

Next

Current Revision by sbaloans
16 hours ago (10 Apr @ 18:32)

Restore This Revision

Title

Paycheck Protection Program

Paycheck Protection Program

Content

```
- <h2 style="text-align: center;">WE ARE A DIRECT LENDER FOR
THE PPP LOAN PROGRAM!</h2>

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<h5 style="text-align: center;">On March 27, 2020, the
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