UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 21-60064-CR-RKA

UNITED STATES OF AMERICA

vs.

JOSHUA BELLAMY,

Defendant.
_________________________________/

FACTUAL PROFFER

The United States and Defendant Joshua Bellamy ("Defendant") agree that had this case proceeded to trial, the United States of America would have proven, beyond a reasonable doubt, the following facts, among others, pertaining to violations of Title 18, United States Code, Sections 371 and 1343, which occurred in the Southern District of Florida and elsewhere.

From in around May 2020, through in or around at least August 2020, Defendant knowingly and willfully conspired and agreed with Individual 1, Wyleia Williams, and others to submit and cause the submission of millions of dollars' worth of fraudulent Paycheck Protection Program ("PPP") loan applications. PPP loans are forgivable business loans for small businesses, created as part of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, the general purpose of which was to help businesses pay their expenses during the COVID-19 Pandemic and to encourage them to retain their employees. Generally, a business could seek a PPP loan in the amount of 2.5 times its average monthly payroll.

A PPP loan application was processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies. While it was the participating lender that issued the PPP loan, the loan was 100% guaranteed by the Small

Business Administration ("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.

PPP loan proceeds were required to be used by the business on certain permissible expenses—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 defined portion of the PPP loan proceeds on payroll expenses.

In furtherance of the conspiracy, and to accomplish its object and purpose, Defendant caused the submission of a PPP loan application on behalf of his company, Drip Entertainment, LLC ("Drip Entertainment"), that Defendant knew contained materially false and fraudulent representations. Specifically, between the approximate dates of May 14 and May 27, 2020, Individual 1 and Wyleia Williams, in coordination with Defendant and at Defendant's request, electronically submitted to Bank 1, through Bank Processor 1, a PPP loan application package on behalf of Drip Entertainment seeking a loan in the amount of $1,246,565 (the "Drip Entertainment Loan"). The loan application documents falsely claimed that Drip Entertainment had 47 employees and an average monthly payroll of $498,626. And the supporting documents submitted by Defendant's co-conspirators, which included a purported company bank statement and IRS Forms 941 for 2019 (Employer's Quarterly Federal Tax Return) signed with the name "Joshua Bellamy," were forgeries. Florida Department of Revenue records reflected that Drip Entertainment did not report any wages to employees for 2019. IRS records showed that Drip Entertainment did not file any Forms 941 in 2019.

As a result of the knowing and willful false and fraudulent representations made by

Defendant and his co-conspirators in the loan documents, Bank Processor 1 approved the Drip Entertainment Loan, which Bank 1 funded by making an electronic wire transfer in the amount of $1,246,565 to Defendant's personal bank account. Defendant then proceeded to spend those funds, which were supposed to go to payroll, on personal items, including luxury items such as jewelry, and charges at the Seminole Hard Rock Hotel and Casino. Defendant also wired approximately $311,641.67 to Individual 1 as a kickback for his assistance in preparing and submitting the fraudulent Drip Entertainment loan.

In addition to obtaining a fraudulent PPP loan for his own company, Defendant referred friends and associates to Individual 1 for the purpose of submitting additional fraudulent PPP loan applications. Based on text message communications between Defendant and Individual 1, as well as records obtained from Bank Processor 1, investigators identified two fraudulent loan applications seeking approximately $1,648,413 that came from Defendant's referrals. Those loan applications, however, were ultimately rejected by Bank Processor 1.

The parties agree that the fraud scheme in this case involved the use of interstate wires, including those required to submit the fraudulent Drip Entertainment PPP loan application.

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The information contained in this proffer is not a complete recitation of the facts and circumstances of this case, but the parties agree it is sufficient to prove the Information beyond a reasonable doubt.

JUAN ANTONIO GONZALEZ
ACTING UNITED STATES ATTORNEY

Date: 6/8/21 By: ______________________
DAVID S. TURKEN
ASSISTANT UNITED STATES ATTORNEY

DANIEL KAHN
ACTING CHIEF, FRAUD SECTION

Date: 6/8/21 By: ______________________
For PHILIP B. TROUT
TRIAL ATTORNEY

Date: 6/8/21 By: ______________________
DIEGO WEINER
ATTORNEY FOR THE DEFENDANT

Date: 06 / 08 / 2021 By: ______________________
JOSHUA BELLAMY
DEFENDANT