UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

CR123-0021

UNITED STATES OF AMERICA	)	INDICTMENT NO.
	)	
v.	)	18 U.S.C. § 1349
	)	Conspiracy to Commit Wire Fraud
BRANDON JAMAL THURMOND	)	and Bank Fraud
and	)	
LA'KYERA ME'LIKA THURMOND	)	18 U.S.C. § 1344
	)	Bank Fraud

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. **BRANDON JAMAL THURMOND** was an individual residing in Georgia. He has been incarcerated in Wheeler Correctional Facility in Alamo, Georgia, which is in the Southern District of Georgia, since approximately 2019.

2. **LA'KYERA ME'LIKA THURMOND** was an individual residing in Georgia.

3. Harvest Small Business Finance, LLC ("Harvest") was a financial institution within the meaning of 18 U.S.C. § 20. Harvest was a non-bank lender and mortgage lending business that provided Payroll Protection Program loans to small businesses under the CARES Act.

4. Renasant Bank was a financial institution within the meaning of 18 U.S.C. § 20. Its deposits were insured by the Federal Deposit Insurance Corporation.

5. SRP Federal Credit Union was a financial institution within the meaning of 18 U.S.C. § 20. Its accounts were insured by the National Credit Union Share Insurance Fund.

The COVID-19 Pandemic and the CARES Act

6. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was 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. Among other relief efforts, the United States sought to provide financial support to eligible businesses that could be used to offset certain business expenses.

7. The SBA was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The SBA was headquartered in Washington, DC and maintained its computer servers outside of the State of Georgia. The SBA's mission was 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.

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

Economic Injury Disaster Loans

9. One source of relief provided by the CARES Act was the authorization for the SBA to provide EIDLs to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic.

10. In order to obtain an EIDL, 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, 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 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.

The Paycheck Protection Program

13. Another 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.

14. In order to obtain a PPP loan, a qualifying business had to submit a PPP loan application 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 then used to calculate the amount of money the small business was eligible to receive under the PPP. In addition, a business applying for a PPP loan had to provide documentation showing its payroll expenses.

15. A PPP loan application had to be processed by a participating lender, such as a financial institution. If a PPP loan was approved, the participating lender funded the PPP loan using its own monies, which were 100% guaranteed by the SBA. Data from the application, including the 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.

16. The PPP loan proceeds had 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 of 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 on payroll expenses.

Unemployment Insurance

17. Unemployment Insurance ("UI") was a joint state and federal program that provided monetary benefits to eligible workers. Each state administered a separate unemployment insurance program through its state workforce agency ("SWA").

18. In Arizona, the Department of Economic Security ("DES") administered the UI program.

19. In California, the Employment Development Department ("EDD") administered the UI program.

20. In Georgia, the Georgia Department of Labor ("DOL") administered the UI program.

21. In Virginia, the Virginia Employment Commission ("VEC") administered the UI program.

22. In West Virginia, the Department of Commerce's Workforce West Virginia ("WWV") administered the UI program.

23. Beginning in or around March 2020, in response to the COVID-19 pandemic, several federal programs expanded UI eligibility and increased UI benefits. These programs were the Pandemic Unemployment Assistance Program ("PUA"), Federal Pandemic Unemployment Compensation ("FPUC"), and the Lost Wages Assistance Program ("LWAP") (collectively, "pandemic benefits").

24. In order to receive pandemic benefits, an applicant was required to file a claim with their SWA. Separate claims were not filed for PUA, FPUC, and LWAP.

Rather, a single claim for PUA, if approved, resulted in an approved claim for the additional FPUC and LWAP benefits as well. Unemployed workers in Arizona, California, Georgia, Virginia, and West Virginia could file for UI benefits either by phone or through an on-line portal.

25. After the SWA processed and authorized the claim, a financial institution, pursuant to a contract with the state government, received and disbursed the authorized benefits, either by direct deposit into the account the claimant designated to receive such funds or onto a prepaid debit card mailed to the address included in the claimant's application for benefits.

26. Once their initial claim was approved, the claimant could then file to receive benefits on a weekly basis by certifying online that they remained unemployed and eligible for benefits. SWAs received and processed these certifications via the Internet through their respective websites. Based on the claimant's certifications, the SWA would continue to authorize payment of available UI benefits as described herein.

27. Individuals were only eligible for pandemic benefits if they were unemployed for reasons related to the COVID-19 pandemic and were otherwise available to work and were seeking employment.

28. An SWA participating in the UI program had an account in the United States Treasury's "Automated Standard Application for Payments" program, commonly referred to as "ASAP." ASAP was an electronic system that federal agencies used to securely transfer money to recipient organizations. An SWA, as such

a recipient organization, could draw funds from its ASAP account to make payments to individual recipients. Before being able to draw down those funds, the funds had to first be placed in the SWA's ASAP account. When the SWA for which the account was funded was ready to receive the funds, the SWA would make a payment request using the ASAP web interface, and Treasury would then disburse the funds to the SWA's bank account for the SWA's use. Whether an SWA's bank account was located in the same state as the SWA or elsewhere, UI funds disbursed from an SWA's bank account would have necessarily flowed through interstate payment channels before being disbursed to a UI beneficiary.

COUNT ONE

Conspiracy to Commit Wire Fraud and Bank Fraud
18 U.S.C. § 1349

29. Paragraphs One through Twenty-Eight of this Indictment are incorporated by reference as if fully set forth herein.

30. Beginning at least as early as June 2020, and continuing to in or about May 2021, within the Southern District of Georgia and elsewhere, the defendants,

BRANDON JAMAL THURMOND and LA'KYERA ME'LIKA THURMOND,

with others, known and unknown, did conspire, confederate, and agree with each other to commit the following offenses:

a. wire fraud, that is, to devise and intend to devise a scheme and artifice to defraud individuals and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing this scheme, and attempting to do so, to cause to be transmitted by means of wire communication in interstate commerce signals and sounds, all in violation of Section 1343 of Title 18 of the United States Code; and

b. bank fraud, that is, to knowingly execute or attempt to execute a scheme and artifice to obtain any of the moneys, funds, credits, assets, securities, and other property under the custody and control of a financial institution by means of false and fraudulent pretenses, representations, and promises, all in violation of Section 1344 of Title 18 of the United States Code.

The Object of the Conspiracy

31. It was the object of the conspiracy for the Defendants and others to unlawfully enrich themselves by, among other things, obtaining EIDL and PPP proceeds and UI benefits under false and fraudulent pretenses.

The Manner and Means of the Conspiracy

32. It was part of the conspiracy, and the manner and means thereof, that one or both of the Defendants submitted, or caused to be submitted, (1) multiple false and fraudulent applications for PPP loans to financial institutions, (2) at least one electronic application for an EIDL from the SBA at https://covid19relief.sba.gov/#/, knowing the same to contain material false representations, and (3) multiple electronic applications for UI benefits, including pandemic unemployment benefits, from the states of Arizona, California, Georgia, Virginia, and West Virginia at each state's SWA's online portal, knowing the same to contain material false representations.

33. From June 2020 to August 2020, one or both of the Defendants submitted, or caused to be submitted, at least the following nine electronic applications for UI benefits. Each application contained false affirmations that the applicant resided in and/or was eligible for unemployment benefits in the state to which the application was submitted:

a. On or about June 6, 2020, application to WWV for Brandon Thurmond;
b. On or about June 10, 2020, application to Arizona DES for Brandon Thurmond;

c. On or about June 15, 2020, application to Arizona DES for Individual 1;

d. On or about June 15, 2020, application to Arizona DES for Individual 2;

e. On or about June 15, 2020, application to Arizona DES for Individual 3;

f. On or about June 16, 2020, application to Arizona DES for Individual 4;

g. On or about July 13, 2020, application to Georgia DOL for Brandon Thurmond;

h. On or about August 9, 2020, application to VEC for Brandon Thurmond;

i. On or about August 11, 2020, application to California EDD for Brandon Thurmond.

34. From April to May 2021, one or both of the Defendants submitted, or caused to be submitted, at least the following six PPP loan applications to Harvest on behalf of various purported businesses. Each application falsely represented the applicant's average monthly payroll. To support the false payroll amounts in each PPP application, the Defendants created fabricated IRS forms Schedule C that were submitted with the PPP applications:

a. On or about April 14, 2021, application for "Brandon Thurmond" containing a false Schedule C reflecting $100,000 in gross receipts for 2019;

b. On or about April 26, 2021, application for "Business 1" containing a false Schedule C reflecting $100,000 in gross receipts for 2019.

c. On or about April 28, 2021, application for "Business 2" containing a false Schedule C reflecting $100,000 in gross receipts for 2019;

d. On or about May 8, 2021, application for "Brandon Thurmond" containing a false Schedule C reflecting $100,000 in gross receipts for 2019;

e. On or about May 28, 2021, application for "Business 2" containing a false Schedule C reflecting $100,000 in gross receipts for 2019;

f. On or about May 28, 2021, application for "Business 3" containing a false Schedule C reflecting $100,000 in gross receipts for 2019.

35. In June 2020 one or both of the Defendants submitted, or caused to be submitted, the following EIDL application that falsely represented a purported business's gross revenues and number of employees:

a. On or about June 16, 2020, application for a purported business called "Brandon Thurmond" with $98,325.00 in gross revenues in the 12 months preceding January 31, 2020, and 10 employees.

36. In reliance on the false representations made in that EIDL application the SBA, by means of interstate wire communication, disbursed a $10,000 grant into **BRANDON JAMAL THURMOND**'s bank account.

COUNT TWO
Bank Fraud
18 U.S.C. § 1344

37. On or about July 21, 2020, within the Southern District of Georgia and elsewhere, the defendant,

LA'KYERA ME'LIKA THURMOND,

knowingly executed and attempted to execute a scheme and artifice to obtain any of the moneys, funds, credits, assets, securities, and other property owned by Renasant Bank by means of materially false and fraudulent pretenses, representations, and promises; that is, she misrepresented her income to Renasant Bank in a residential loan application and provided that financial institution with false and fraudulent documents overstating her income, and made a $2,000 payment by wire, all in order to obtain a residential mortgage for $269,000.00.

All in violation of Title 18, United States Code, Section 1344.

COUNT THREE
Bank Fraud
18 U.S.C. § 1344

38. On or about October 2, 2020, within the Southern District of Georgia and elsewhere, the defendant,

LA'KYERA ME'LIKA THURMOND,

knowingly executed and attempted to execute a scheme and artifice to obtain any of the moneys, funds, credits, assets, securities, and other property owned by SRP Federal Credit Union by means of materially false and fraudulent pretenses, representations, and promises; that is, she misrepresented her income to SRP Federal Credit Union in a loan application and provided that financial institution with false and fraudulent documents overstating her income, all in order to obtain a loan for $31,518.23 that she used to purchase a 2020 Dodge Charger and pay off a loan for a 2017 Dodge Charger.

All in violation of Title 18, United States Code, Section 1344.

FORFEITURE ALLEGATIONS

The allegations contained in Counts One through Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A) and Title 28, United States Code, Section 2461(c).

Upon conviction of any of the Title 18 offenses set forth in Counts One through Three of this Indictment, the Defendants, **BRANDON JAMAL THURMOND AND LA'KYERA ME'LIKA THURMOND**, shall forfeit to the United States pursuant to Title 18, United States Code, 981(a)(1)(C) and 982(a)(2)(A), any property, real or personal, which constitutes or is derived from proceeds traceable to the charged offense.

That property includes, but is not limited to:

a. Residence at 4619 Chafin Point Court, Snellville, Georgia 30039

b. 2020 Dodge Charger, VIN2C3CDXBG4LH208925

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

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.

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