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SEP 08 2025

KEVIN P WEIMER, Clerk
By: Matthew H Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

VS.

KARL LUCIUS DELANO a/k/a

CARL DELANO TORJAGBO

CASE NO 1:22-CR-171-MLB-CDC

MOTION TO VACATE OR SET ASIDE CONVICTION PURSUANT TO 28 USCS.2255

COMES NOW The Defendant, KARL LUCIUS DELANO, files this motion PRO SE pursuant to 28 USCS.2255, requesting the court to vacate the convictions on all 10 counts of the Indictment on the following grounds.

BACKGROUND

On July 1st 2025 Mr. Torjagbo was indicted by a Grand Jury on a 10 count 3rd superseding indictment. The charges include Bank Fraud, wire fraud, concealment money laundry and transactional money laundry. On July 21st 2025, the case proceeded to trial and on July 25th 2025, a Jury convicted Mr. Torjagbo of all 10 counts of the indictment. Pursuant to 28 USCS.2255 paragraph (b), If a court finds that there has been such a denial or infringement of the constitutional rights of a prisoner as to render a Judgment vulnerable to collateral attack, the court shall vacate and set aside and shall discharge the prisoner or re sentence him as may appear appropriate. It is my assertion that two of my constitutional rights, both 14th amendment and 6th amendment rights were infringe upon pretrial and during the trial. In support of my motion, I state the following.

VIOLATION OF 14TH AMENDMENT RIGHTS

1. **Use Of Fabricated Evidence;** The evidence presented and used by prosecutors from Turbo Tax was fabricated. Each time a tax return is submitted to the IRS, the agency generates a submission code. A look at the events that occurred in the IRS data base from the time the first return was submitted till a refund was issued shows only two submission codes. (Exb.3 pg9 and pg17 bottom). It also shows the number of times a file was rejected and in the case of Social Security Number (SSN) ending in 0540, only one occurrence (Exb3 pg9). Furthermore Turbo Tax issued only two certificates of rejections. One for SSN ending in 6010 for 02/06 6:05pm (Exb2) and one for SSN ending in 0540 at 6:15pm on 02/12 (Exb1). The excel spread sheet was fabricated to make it appear to the Jury and the court that on 02/06 two submissions were made for SSN 6010 and 0540 and both were rejected the same day. **Then on 02/12 another submission was made for both SSN 6010 and 0540 at 6:15pm and 6:37pm (Exb202pg2) misleading the jury to believe, this had to be done by one person or if there were two people, they had to have been together.** The Turbo Tax expert testified that the Tax returns were processed in batches. What actually happened was on 02/06 SSN 6010 was submitted and rejected at 6:05pm (Exb2). A submission was made for

0540 on 02/06 but that was not processed until 02/12 and was rejected at 6:15pm (Exb1). A subsequent submission was made for 6010 on 02/12 at 6:37pm (Exb4)which was accepted and on 02/13 08:42am a re submission was made SSN ending in 0540 which was also accepted (Exb5). This matches the IRS data base of events and certificates from Turbo Tax itself. My account of what happened was, I asked Andrea previously if she could help with filing my taxes. She promised to do it but was preoccupied with other things and kept giving excuses. The day before I was heading for Miami ,while I was in the subdivision clubhouse, she came and filed the taxes. She thought I had already left for Miami so she did not bother calling. I had previously told her all the information required was on my laptop and she mistakenly used the information for the social security number ending in 6010. When I came home from the clubhouse, I filed the tax return using my correct social security number ending in 0540 not knowing that she had already filed a return. I headed for Miami the next morning and was there for about 5days. On my way back I got an email and text alert that my tax return had been rejected by the IRS because the Employer Identification number (EIN) used was issued in 2021 and could not be used for a 2020 tax return. I got home late that night and the following morning resubmitted the tax return using the EIN that was issued in 2018. Andrea got the same message earlier and came back to the home office and resubmitted the one ending in 6010 with the EIN issued in 2018. When I spoke to her later that day she advised me of what happened. I called Turbo Tax and attempted to cancel the one Andre filed but was told it had already been accepted and I would just have to wait until the IRS contacts me. By the way Andrea has been working as my assistant since 2017. She typically works from my home office or on site at the mining fields. She has a key to my home office and there is nothing all of a sudden or strange about her coming to my home. My previous attorneys Kendall Silas, Jodi Yoshi and the paralegal Sarah for 2 years knew about Michael Lee and his brothers as well as Andrea Lewis, and so did my current attorney Leigh Finlayson.

2. **False Testimony by Turbo Tax Expert;** The Turbo Tax expert testified falsely to support the fabricated evidence further misleading the Jury and the court. He testified (1) that the tax submissions were processed in batches. (2) if there is a rejection the file is sent back to the applicant and only the applicant can correct the error. (3) An error or rejection code is generated only if an applicant submitted a file.(4) An internal re submission of a file by Turbo tax does not generate a code.(5) he also testified that codes on the excel spread sheet were generated by a computer ruling out the possibility of human error, which is false because the only codes generated by the submission of files to the IRS are 02/12/2021 440893202103704ANJ07 and 02/13/21 440894202104303VIKQ6 (Exb3 pg9,pg17). Any other codes or submission and rejection on the excel spread sheet for SSN 0540 to the IRS was fabricated by someone. Furthermore, prosecutors reinforced the fabricated evidence and false testimony in their closing arguments of what they wanted the Jury and Court to believe happened. A false testimony is one that is given concerning a material matter with the willful intent to

provide false testimony rather than as a result of confusion, mistake or faulty memory. Both the prosecutors and the Turbo Tax expert knew there were only two submissions and one rejection for SSN 0540 since Turbo Tax issued the certificates of rejection. The prosecutors also knew this since they had this information in the IRS special agent report in the discovery. The fabrication and testimonies were done with the intent to mislead the Jury that it was the same person who resubmitted or edited the files since they were within 17 minutes of each other and even if there were two people, they had to be together. This is sort of like making up evidence to place someone on a murder scene, when they were in fact somewhere else.

3. **False Testimony by SBA And Chase Bank Experts;** Both the SBA expert and the Chase Bank expert falsely testified that in order to be eligible for the PPP loan, the business had to be located in the United States. The Chase bank expert also falsely testified that the documents that were required to be submitted to the Bank for the loan application, had to be filed with the IRS. Once again these statements were made under oath with the willful intent to manipulate the Jury and to mislead them to believe that applying for a loan that I knew I was not qualified for, Is in itself a knowing and willful misrepresentation of material facts to Chase Bank. There is no where in the rules of the PPP program that states the business had to be located in the United States (Exb6 pg2 para 2). There is no where in the documentation instructions that states documents provided for the loan application had to be filed. It only requires you to submit estimates

if you had not yet filed your taxes. Was I late in paying 940 and 941? Yes. Were the estimates accurate? Yes they were. Would I have paid and filed the 940,941 if the tax laws obligated overseas located business to do so? Yes I would have.

To establish due process violation based on the use of fabricated evidence and perjured testimony, movant must prove that (1) Fabricated evidence and false testimony was used, (2) The prosecutors should have known that the statements or evidence are false or allowed it to go on uncorrected, (3) The false testimony or fabricated evidence could have affected the Jury verdict. All the instances stated above, meet if not exceeds these requirements. Napue V United States 360 US 254 259.79S ct 1173 3L ED 2d 1217(1959) also United States V Flores lagonas 993 F3d 550 562 (8 cir 2021).

Violation Of 6th amendment rights due to Ineffective assistance of counsel

1. **Refusal to present evidence in discovery that would prove or expose fabricated evidence used by prosecutors;** When my attorney revealed to me the exhibits that the prosecutors intended to use at trial, I expressed concern about the excel spread sheet being presented, versus my recollection of what happened or resulted in the duplicate Tax return filed by my assistant Andrea Lewis. The Fabricated evidence presented made it appear that both Taxes for Social Security numbers ending in 6010 and 0540 were filed or **edited and resubmitted** within 17 minutes intervals 6:15pm and 6:37pm respectively. I went digging through the IRS special agent report in the discovery material provided by prosecutors and found evidence that supported my suspicion. **The**

Turbo tax certificates of rejection and a detailed account of events that occurred from when the Tax returns were submitted until the refund was issued in the IRS data base (Exb 1,2,3,4and5). I brought the evidence to my attorney's attention and he concurred that there was something fishy about the spread sheet, but brushed it off and said we can look at those later. I brought it to his attention again the second time right before trial started expressing my concern that this might mislead the Jury, again he agreed with me but said he was tired and we had several other evidence and recordings to look through so we can deal with that later. Trial started on July 21st and on the 4th day of trial, I brought the exhibits to the court room. They were in a bright Green folder and rest of all the other evidence in a bright Red folder. During the short break, I brought this to his attention again. This time his response was "I don't want to get into all of that you can do that on your own". After lunch I asked him again, but this time I said we don't have to go through the evidence in the IRS data base just the two certificates of rejection issued and certified by Turbo Tax. This time he got angry that I brought this up again and said "if you want to do that, do it on you own. I already told you I don't want to get into that". He then got up abruptly and left the defense table and started talking to some unknown people in the back of the room. These actions are equivalent to the flat out refusal to defend a client when there is clear evidence that evidence being used by prosecutors against his client were fabricated.

2. **Failure to challenge validity of questionable evidence used by prosecutors against the defendant;** Soon after I received the PPP loan and after I had transferred $3 million to my PNC bank account, my Chase bank account was frozen. After calling Chase bank numerous times, I was asked to present additional evidence in order to unfreeze the account. The Customer Service Representative mentioned a number of documents including an EIN letter that was needed. I went to the Chase bank on chapel hill road in douglasville and gave them a copy of the EIN letter that the IRS gave me when I applied for it.

Prosecutors presented a letter that they claimed was altered or bogus because

1. The address was spelled wrongly in the data base, Leatherly instead of leatherleaf

2. The controlling name was different, KREM instead of TORJ

3. The letter bore semblance to another EIN letter sent by the IRS so it had to be that letter that was altered.

4. EIN letter had no way of reaching me because the address was wrong.(Exb 106).

5. She also claimed the date on the letter was the same as the one which it bore semblance to. That is categorically false. The date on the letter is 2018 and for Tax year 2019 (Exb 106). Also she made some false claims that I stated the post office opened the letter and changed the address. That is false as well. I said if you put a wrong zip code on an address, the post office can figure it out. I expressed concern about this evidence to my attorney but his response was "I don't think the Jury will care too much about this. Kremkov is Carl Delano Torjagbo and Carl Delano Torjagbo is Kremkov. If the EIN was

fake that would be a problem". I proceeded to explain I had no way of altering a printed letter. That would be like altering this very motion you are reading right this moment. The only way that could be done was if I had a letterhead from the IRS with all of its security features in order to conjure up something like that. The other issue is there are no stamps or markings from the bank that show that this was the actual document that I presented to the bank. All other documents example the ones submitted to chase bank had the SBA stamps or makings to show this was the actual documents submitted (Gov Exb 101pg10 can only be seen when viewed digitally). The only true way to actually know if the letter had been altered is if prosecutors had a copy of the actual letter sent to me from the IRS and compared it to the one submitted. The IRS agent testified that they do not have a copy of the original letter that was mailed to me. Just because the letter bares semblance to another from the IRS does not mean it was altered to look like that. And also, supposing the prosecutors hypothesis was correct and the letter never made it to me because the address was incorrect. The only way for me to know that I had an EIN number ending in 1377 was if I received a letter from the IRS telling me so. What I believed most likely or probably happened was the data base had to be either **deliberately altered or maybe accidentally altered during an address change to cause a mismatch.** Knowing everything I just told him, you would expect my attorney to raise a strong objection to the use of that evidence or challenge it so that its excluded. Just like the preceding example he refused to do anything. Not even a re battle on cross examination. The only thing he did that was close to saying something was in his closing arguments, where he said "prosecutors want you to believe that the government does not make mistakes"

3. **Failure to properly or adequately prepare expert witness;** My attorney Mr. Finlayson called an expert witness Dr. Owusu to testify on my behalf regarding family mining or small scale mining business in Ghana. He failed to qualify him as an expert first of all and also failed to ask the witness if he had any knowledge of pay rates of Chinese co-operated mines in Ghana. In his testimony, he eluded to the fact that the Chinese co-operated mines had all kinds of sophisticated equipment and they pay more, but did not know how much the pay rate was. His testimony about the average pay of small family owned mines that employ teenagers of $500 a month is no way in comparison to a small scale mining business with a multi-million dollar investment from a Chinese super-pack whose production rate averages a 100 kilos of gold a month. The price of 1 kilo of gold in 2019 was $78,000 per kilo. This means a mining business of this caliber produces $7.8 million worth of gold monthly. A handful of these Chinese co-operated mining business's pay between $45 to $50 an hour, because we have sophisticated equipment like drones with ground penetrating radars, cable lifts, jack hammers, fork lift, mining carts and so forth that result in a faster production rate while maintaining the status of a small scale mining business. A comparison with most of the other family mining business who have no special equipment and scourer the land aimlessly looking for gold with a production rate of few kilos a year pay far less. Same

concept as a commercial pilot flying a Cessna Caravan who makes about $2500 per month because he can only carry 6 passengers. The same commercial pilot flying a B777 makes $20,000 per month because he can carry more passengers. A very big difference in pay rates. Furthermore, online research shows pay rates range from $90,000 to $160,000 per year according to Mining Review Africa and World bank, with Chinese co-operated mines paying as high as 60% more than domestically owned and operated mines in Africa. This falls in line with what we paid our employees which is about a Net pay of $60,000 after taxes (Exb 8 pg1 pg2 pg3).

4. **Failure to properly cross examine IRS agent;** I expressed concern to my attorney about how prosecutors might cause the IRS agent to give a one sided testimony or half the truth that could be very misleading to the Jury. My concern was the estimates of my Tax liabilities submitted to Chase bank (940, 941) which I ended not filing due foreign earned income tax laws, could be twisted or misconstrued to make it look like I was being deceptive and did not pay any taxes at all. My previous attorney Kendall Silas warned of this so the first thing I did when my current attorney Mr. Leigh Finlayson took over the case was, explain the situation regarding this issue and to make the case to him that we needed an expert witness. Someone to testify on the defense side on how the IRS handles revenue generated inside the United States (Internal Revenue), and revenue generated outside the United States (External Revenue). Any income earned outside the united states which exceeds the threshold to be exempted from foreign earned income is

taxable (more than approximately $130,000 a year Exb.9 pg3). Typically the tax owed due to income in excess of this amount is payed individually via wire transfer, the IRS free debit system or check. **The IRS does not keep records of individual tax payments once the account is credited**. You are told to keep records of your wire transfer or check as proof of payment in case you are audited. A search for records for an employee working for a foreign based company will yield no records found since their employers do not file W2, W4 or 940and 941 with the IRS and Social Security administration (Exb 9). A good example is my Tax returns while working for Fly-Dubai Airlines. Another example is Hunter Biden. He worked for a Ukrainian Energy company and was payed millions of dollars. Since he made more than the Foreign income exempt threshold, this income was taxable. Hunter had to make that payment individually and any search of records for W2 940 and 941 will yield no records because non was filed with the IRS. Only records will be Hunter's bank records or wire transfer records after the payment is credited to his account. This contrast needed to be made clear to the Jury and the court that the 940 and 941 submitted by me to Chase Bank were estimates, per Instructions from the Bank to loan applicants stating estimates could be submitted if Taxes had not been filed yet. **Upon a later review of the laws regarding these filings with my assistant, we came to the realization that 940,941 and W2 were not required to be filed or paid with the IRS if the workers were employed and worked outside the United States**. The employee's had to pay this individually. I also explained my Tax filings. The approximately $10 million made in 2020 was income generated from the trade of Gold, and the loss of $12 million reported as loss in excess of $10 million, was the cost of Environmental impact assessment, mining exploration and 3 months of labor cost prior to getting to the Gold. As one who was paying Taxes as an individual, my book keeping software only tells you what your Tax liability is based on how much you earned. **The software is not meant to replace the IRS**. Based on what it said, I made that payment to the IRS via wire transfer through Michael Lee as an individual the only difference is I happened to have an EIN number. Mr lee paid all transactions such as payroll, and equipment purchases himself to make sure every dollar that was invested was used for the right purpose. I simply just paid him back in Gold. My attorney agreed this was critical and it was a good idea to get an expert to testify in this regards. He also eluded to the fact that the IRS agent for the government will mostly testify to things that favored the governments case. About 3 weeks to trial, he visited and told me he wanted to continue the trial for October because the **Pro Bono money for experts had run out**. He also said there will be no more money until October but Judge brown will not agree to a continuance. So I told him the best way out was to draw out answers we were seeking for the Jury to understand the difference. I wrote a memorandum titled "Angle of Defense" based on what I knew from my personal experience and from consultations Andrea and I had with Tax firms So he could craft or ask simple questions like

1. Does the IRS handle foreign earned income differently

2.Are the records treated differently or are those records kept after the account is credited

3. Do foreign base companies have to pay of file 940,941 and W2

4. Was there anything wrong with the way Mr. Delano filed his taxes

5. Without an Audit can you say that Mr. Delano committed any Fraud as to the information on his tax returns.

During cross examination, he appeared not to want to ask any questions to draw this contrast to the Jury. When he came back to the defense table, I wrote down a number of questions for him to ask the agent but he only asked one. He asked “can you make a payment via wire transfer or check to the IRS”.

5. **Refusal to Subpoena or obtain information he knew was favorable to my defense;** On the first day I met with Mr. Finlayson, I had a memorandum written to him requesting him to subpoena

1. The documentation Instructions Chase bank gave to applicants applying for the PPP loan

2. Letters sent by Chase Bank warning borrowers of deadlines of when to apply for loan forgiveness.

I did so because my previous attorney Kendall Silas previously told me he saw the letters I was referring to in the discovery. However when I looked through all the discovery material, I could not find the letters nor the instructions. I immediately suspected a **Brady violation** so I requested Mr. Finlayson to subpoena those documents. Chase Bank expert witness did testify that those letters were sent. The content of the letter was important since they said something to the effect that, if one does not apply for forgiveness by a certain date, the loan becomes a regular loan that the applicant had to repay on their own. It also mirrored some of the examples of the SBA will direct you to repay the loan if lets say you borrowed money for one McDonald but use the money for another one. The point I am trying to make is that these letters, Instructions and regulatory material were pivotal in my decision to use some of the loan proceeds to expand FlyingJack. Put it plain and simple, I would have returned the money to Chase Bank if it were not for the information I received and read from the Bank and SBA. **It is also critical for the Jury and the Court to know this because if the crux of the crime or what made the conduct criminal was knowingly and willfully deceiving the bank, then this is adequate prove that my actions were not some sort of a grand scheme to knowingly and willfully defraud the Bank but rather my actions and decisions were a result of the information I received.** Prosecutors will argue that I spent $100,000 before I got my Tax refund and that was from PPP funds to get into a binding contract for my house and pay some bills. **That is true however this $100,000 was my paycheck in accordance and in compliance with the program** (Exb 6pg13 paragraph r). Mr. Finlayson action also falls under exculpatory evidence. He relied solely on evidence provided to him by prosecutors and made no effort whatsoever to investigate anything even after he was repeatedly told of the existence of evidence favorable to the defendant. **Failure to investigate a critical source of potentially exculpatory evidence presents a case of constitutionality defective representation.** United States Vs Trevillion 759 F3d 281 393 n2s (3rd Cir 2019), United States Vs Baynes 622 F2d 66 69 (3rd Cir 1980).

6. **Failure to call witness;** I told my attorney, Brahim Ganzou and Kate Flourney are two potentially good witnesses that can testify in my favor as to the use of funds in FlyingJack and corroborate a lot of the things I did including my train of thoughts. I discussed a lot of things in company meetings with my workers. He agreed that was good because a lot of the case had to do with my intentions and what I was thinking. As we got closer to trial, he told me he could not locate Kate Flourney and Brahim Ganzou did not want to testify. Brahim Ganzou told him the exact opposite. He told Mr Finlayson he would be glad to testify regarding things that happened in Flying Jack such as letters I received, use of funds and anything that was relevant to the trail. Brahim's testimony would have made it clear to the court and Jury that the reason why I co mingled the funds and transferred most of it to my savings account was not because I was trying to conceal its use, but it was safer in that account. Kate and Brahim had access to the Kremkov and Flying Jack accounts in order to make purchases or pay bills on behalf of the company. For this reason, I limited the amount of funds in these accounts. Also in order to execute a wire transfer from my savings account, It required an actual in person visit to the Bank whereas a wire transfer from the business account

can be made in minutes with a click of a button. **The main reason was to keep the money safe** and to prevent a scandal like what happened to Dodgers Baseball player Ohatani, whose bookkeeper transferred millions from his account before he caught on to it.

7. **Failure to object to prosecutors use of events that happened when I was minor;** Although it was told to the Jury that certain portions of the case were not to be used to adjudicate guilt, prosecutors went overboard when they started pressuring hard in an effort to establish that I lied to the Government during my visa interview to the United States. Mr. Finlayson new I was a minor then,16 years about to turn 17 years so he should have made a strong objection when prosecutors went overboard. Instead he allowed them to continue to taint me or present me as someone who was deceptive. He clearly knew that I was acting under direction from my parents because I told him my Father obtained the passport for me. A sixteen year old could not get a passport on his own. My father also accompanied me to the visa interview at the U. S embassy in Accra Ghana.

Taking into consideration the totality of all the circumstances, **Mr Finlayson's actions and inaction's were so deficient that he was not functioning as counsel guaranteed under the 6th amendment rights. His deficiency was so prejudicial that it deprived me the right to a fair trial whose result was reliable.** Strickland Vs Washington 466 US 688,687,1045 ct 2052, 80L ED 2d 674 (1984). Coupled with the fabricated evidence and false testimonies presented by prosecutors, these convictions if allowed to prevail will constitute a fundamental defect resulting in a complete miscarriage of justice. The outcome of the trial would have been different if it were not for these misconducts.

I therefore humbly request the court to **vacate the convictions on all 10 counts** of the indictment and any other relief that the court may deem just and proper.

Respectfully Submitted,

Karl Lucius Delano

Pro Se

CERTIFICATE OF SERVICE

This is to certify that I have mailed a copy of this motion to Ms. Kelly Connors and Mr. Nick Evert at

600 U.S. Courthouse
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

Dated: This 5th day of September,2025

Karl Lucius Delano
Pro Se

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TRDPG 771-36-0540 30202012                    AAIA ACCESS CODE:QA PAGE:001 OF 004
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:1040        OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
LINE #  ENTITY/ATTRIBUTE                     VALUE                 CHANGED VALUE

     INDIVIDUAL NAME                :
       FILER SSN                       771-36-0540
       TAXPAYER CODE                   P
       T NAME CONTROL NAME             TORJ

     INDIVIDUAL NAME                :
       FIRST NAME                      CARL
       LAST NAME                       TORJAGBO

     ADDRESS                        :
       STREET ADDRESS                  3081 LEATHERLEAF TRL
       CITY NAME                       DOUGLASVILLE
       STATE CODE                      GA
       ZIP CODE                        30135
       ZIP PLUS FOUR CODE              8930


TRDPG 771-36-0540 30202012                    AAIA ACCESS CODE:QA PAGE:002 OF 004
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:1040        OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
LINE #  ENTITY/ATTRIBUTE                     VALUE                 CHANGED VALUE

     INDIVIDUAL RETURN              :
1      WAGES AMOUNT                        $9,199,411.00
8      ADDITIONAL INCOME AMOUNT            $9,999,360.00-
9      TOTAL INCOME AMOUNT                   $799,949.00-
11     ADJUSTED GROSS INCOME AMOUNT          $799,949.00-
23     TOTAL OTHER TAX AMOUNT                 $88,194.00
24     TOTAL TAX AMOUNT                       $88,194.00
25D    WITHHLD FEDERL INCM TAX AMOUNT      $3,459,835.00
30     RECOVERY REBATE CR AMOUNT               $1,800.00
32     REFUNDABLE CREDIT AMOUNT                $1,800.00                     .00
33     TOTAL PAYMENT AMOUNT                $3,461,635.00        3,459,835.00
       T BAL DUE OR REFUND AMOUNT          $3,373,441.00-

     DIRECT DEPOSIT                 :
35B    ROUTING TRANSIT NUMBER          054000030
35D    DIRECT DEPOSIT ACCOUNT NUMBER   5571329849
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Exb.3

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TRDPG 771-36-0540 30202012                    AAIA ACCESS CODE:QA PAGE:003 OF 004
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:1040        OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
LINE #  ENTITY/ATTRIBUTE                       VALUE                CHANGED VALUE


     INDIVIDUAL RETURN                   :
S1 5   SUPPLEMNTL INCM OR LOSS AMOUNT        $9,999,360.00-
S2 8   F8959 8960 OTHER TAX AMOUNT              $88,194.00
       STANDARD DEDUCTION AMOUNT                $12,400.00
       COMPUTED TOTAL TAX AMOUNT                $88,194.00
       TOTAL TAX LIABILITY AMOUNT               $88,194.00
       TOTAL TAX ASSESSMENT AMOUNT              $88,194.00
       ADJSTD TAX PER TXPYR AMOUNT              $88,194.00
       COMPUTED BAL DUE REFUND AMOUNT        $3,371,641.00-
       INTEREST PENALTY DATE               2021-04-15
       INTRST RDCTN OVRPYMNT AMOUNT          $3,371,641.00-

     MEF GENERATED                       :
       IP ADDRESS                          73.106.108.92
       EFIN NUMBER                         440894
       SOFTWARE ID NUMBER                  20011235
       PRIMARY IPPIN INDICATOR             Y


TRDPG 771-36-0540 30202012                    AAIA ACCESS CODE:QA PAGE:004 OF 004
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:1040        OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
LINE #  ENTITY/ATTRIBUTE                       VALUE                CHANGED VALUE

       SECONDARY IPPIN INDICATOR           Y
       BANK PRODUCT DISBURSMNT CODE        2
       BANK ROUTING NUMBER                 054000030
       BANK ACCOUNT NUMBER                 5571329849
```

TRDPG 771-36-0540 30202012 AAIB ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:SCH-E OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

LINE #	ENTITY/ATTRIBUTE	VALUE	CHANGED VALUE
	PRTNRSHP AND CORP INCM OR LOSS:		
II29BI	TOTAL NONPASSIVE LOSS AMOUNT	$9,999,360.00	
II31	TOTAL LOSS AMOUNT	$9,999,360.00	
	TOTAL INCOME OR LOSS AMOUNT	$9,999,360.00-	

TRDPG 771-36-0540 30202012 AAIC ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:W-2 OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

LINE #	ENTITY/ATTRIBUTE	VALUE	CHANGED VALUE
	MEF GENERATED :		
	W2 EMPLOYER ADDRESS	US 30135	
	W2 WAGES AMOUNT	$9,199,411.00	
	W2 WITHHOLDING AMOUNT	$3,371,641.00	
	W2 EMPLOYER EIN	83-1821377	

TRDPG 771-36-0540 30202012 AAID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:8959 OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

LINE #	ENTITY/ATTRIBUTE	VALUE	CHANGED VALUE
	ADDITIONAL MEDICARE TAX :		
I1	MEDICARE WAGES AMOUNT	$9,999,360.00	
I7	ADDNL MEDI TAX WAGES AMOUNT	$88,194.00	
IV18	TOTAL ADD MEDICARE TAX AMOUNT	$88,194.00	
V19	MEDICARE TAX WITHHELD AMOUNT	$233,185.00	
	REGULAR MEDI TX WITHHLD AMOUNT	$144,990.72	
	AD MDCR TX MDCR WGS AMOUNT	$88,194.28	
V24	TOT ADD MEDTX WITHHLD AMOUNT	$88,194.00	

TRDPG 771-36-0540 30202012 AAIE ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:CHANG-HIST OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

STATUS-CODE	STATUS-DATE	STATUS
19	2021-04-08	ERS CORRECTED

ST	FORM	#	LN	RF	SEQ	ATTRIBUTE NAME	DATA
19	1040	01	32			REFUNDABLE_CREDIT_AMOUNT	.00
19	1040	01	33			TOTAL_PAYMENT_AMOUNT	3,459,835.00

TRDPG 771-36-0540 30202012 AAIF ACCESS CODE:QA PAGE:001 OF 002
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:CODES OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

STATUS-CODE	STATUS-DATE	STATUS
33	2021-04-08	MF POSTED
19	2021-04-08	ERS CORRECTED

STAT	STATUS-DATE	FORM	OCCURRENCE	CODE TYPE	CODE
19	2021-04-08	SCH-E	01	UNALLOWED PRIOR LOSS	2
19	2021-04-08	1040	01	ACCOUNT CODE	S
19	2021-04-08	1040	01	DIRECT DEPOSIT REJECT REASON	10
19	2021-04-08	1040	01	EC 343	343
19	2021-04-08	1040	01	ENTITY	1
19	2021-04-08	1040	01	ERR-CD-362-CD	362
19	2021-04-08	1040	01	EXEMPTION NUMBER	01
19	2021-04-08	1040	01	EXEMPTION-1	1
19	2021-04-08	1040	01	FILING STATUS	1
19	2021-04-08	1040	01	INPUT SYSTEM SOURCE	M
19	2021-04-08	1040	01	MATH STATUS	1
33	2021-04-08	1040	01	NOTICE CODE	683
19	2021-04-08	1040	01	RETURNS PROCESSING	B

TRDPG 771-36-0540 30202012 AAIF ACCESS CODE:QA PAGE:002 OF 002
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE: INPUT-SOURCE:MEFILE
FORM:CODES OCCURRENCE: 1 CURRENT-STATUS:MF POSTED

STAT	STATUS-DATE	FORM	OCCURRENCE	CODE TYPE	CODE
19	2021-04-08	1040	01	RETURNS PROCESSING	G
19	2021-04-08	1040	01	RETURNS PROCESSING	J
19	2021-04-08	1040	01	TABULARIZED TAXABLE INCOME IND	1
19	2021-04-08	1040	01	TAX PERIOD GENERATED IND	1
19	2021-04-08	1040	01	TAXPAYER NOTICE	683
19	2021-04-08	1040	01	VIRTUAL CURRENCY TRANS	2

```
TRDPG 771-36-0540 30202012                    AAIG ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:STAT-HIST  OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
STATUS-CODE  STATUS-DATE   STATUS                                 RETURN-DUE-DATE

        33   2021-04-08   MF POSTED                                 2021-04-15
        20   2021-04-08   GMF PERFECTED                             2021-04-18
        19   2021-04-08   ERS CORRECTED                             2021-04-18
        14   2021-02-16   IN ERS CORRECTION

STATUS     TRANS   CYCLE    CP23     RETURN DUE    ASED        RSED        CSED
CODE       CODE    POSTED   DATE       DATE        DATE        DATE        DATE
33          150    202114 2021-04-26 2021-04-15 2024-04-15 2024-05-17 2031-04-26

STAT             TAX FILING              TRANS             REF BAL
CODE  TIN   MFT  PER  STAT CONTROL DLN   CODE    TRANS DLN   IND DUE   ELF DCN
20 771360540 30 202012 1                  150 32221451354581 Y
19 771360540 30 202012 1                  150 32221451354581 Y
14 771360540 30 202012                    150 32221451354581




TRDPG 771-36-0540 30202012                    AAIH ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-04-08
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:1 REFUND:Y BAL DUE:  INPUT-SOURCE:MEFILE
FORM:SSN-VALDN  OCCURRENCE: 1 CURRENT-STATUS:MF POSTED
LINE #  ENTITY/ATTRIBUTE                VALUE                CHANGED VALUE

     SSN VALIDATION                :
       SOURCE TIN TYPE                PRIMARY
       NAME CONTROL UNDERPRINT NAME   TORJ
       NAP EIF RESPONSE CODE          S
       AGE COUNT                                     41
       BIRTH DATE                     1979-09-10
       ECONOMIC IMPACT PAYMENT AMOUNT          $1,200.00
       PRIM ECON IMPCT PYMT2 AMOUNT              $600.00
```

TRDPG 771-36-0540 30202012 ABIH ACCESS CODE:AB PAGE 001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:TORJ TXPYR:P FILING STATUS: REFUND: BAL DUE: INPUT-SOURCE:MEFILE
CURRENT-STATUS:MEF REJECTED

ACC-CODE	FORM-TYPE	FORM-COUNT	ACC-CODE	FORM-TYPE	FORM-COUNT
IA	REJECTED	1			
IB	RULES	1			
IC	STAT-HIST	1			
ID	SSN-VALDN	1			

TRDPG 771-36-0540 30202012 ABIA ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:TORJ TXPYR:P FILING STATUS: REFUND: BAL DUE: INPUT-SOURCE:MEFILE
FORM:REJECTED OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED

LINE #	ENTITY/ATTRIBUTE	VALUE	CHANGED VALUE
	FILER :		
	FILER TIN	771360540	
	T NAME CONTROL	TORJ	
	TAXPAYER CODE	P	

```
TRDPG 771-36-0540 30202012                    ABIB ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020    TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:RULES       OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                    VALUE                CHANGED VALUE

     BUSINESS RULE ERROR              :
       SEQUENCE NUMBER                                    1
       ERROR DESCRIPTION                 FW2-505-01
```

```
TRDPG 771-36-0540 30202012                    ABIC ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020    TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:STAT-HIST  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
STATUS-CODE  STATUS-DATE   STATUS/SUBMISSION-ID                 RETURN-DUE-DATE

        12    2021-02-13    440894202104303VIKQ6

STAT              TAX FILING             TRANS              REF BAL
CODE  TIN    MFT  PER  STAT CONTROL DLN  CODE    TRANS DLN  IND DUE
12 771360540 30 202012
```

```
TRDPG 771-36-0540 30202012                ABID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020   TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:SSN-VALDN  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                VALUE                CHANGED VALUE

     SSN VALIDATION                  :
       SOURCE TIN TYPE                 PRIMARY
       NAME CONTROL UNDERPRINT NAME    TORJ
       NAP ACCESS CODE                 S
       NAP EIF RESPONSE CODE           S
       ORIG DUP CHECK UNDRPRT SSN      771-36-0540
       BIRTH DATE                      1979-09-10
       DUP CHECK PRIORITY ACCESS CODE 0
```

```
TRDPG 771-36-0540 30202012                ACID ACCESS CODE:AC PAGE 001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
                              CURRENT-STATUS:MEF REJECTED
ACC-CODE FORM-TYPE   FORM-COUNT        ACC-CODE FORM-TYPE   FORM-COUNT
   IA    REJECTED             1
   IB    RULES                1
   IC    STAT-HIST            1
   ID    SSN-VALDN            1
```

```
TRDPG 771-36-0540 30202012                    ACIA ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:REJECTED   OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                     VALUE                CHANGED VALUE

     FILER                          :
       FILER TIN                       771360540
       T NAME CONTROL                  TORJ
       TAXPAYER CODE                   P
```

```
TRDPG 771-36-0540 30202012                    ACIB ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:RULES      OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                     VALUE                CHANGED VALUE

     BUSINESS RULE ERROR            :
       SEQUENCE NUMBER                                1
       ERROR DESCRIPTION               FW2-505-01
```

```
TRDPG 771-36-0540 30202012                ACIC ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040      TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:STAT-HIST  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
STATUS-CODE  STATUS-DATE   STATUS/SUBMISSION-ID               RETURN-DUE-DATE

        12   2021-02-12   44089320210370 4ANJ07

STAT             TAX FILING              TRANS              REF BAL
CODE  TIN   MFT  PER  STAT CONTROL DLN  CODE    TRANS DLN  IND DUE
12 771360540 30 202012
```

```
TRDPG 771-36-0540 30202012                ACID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040      TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:TORJ TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:SSN-VALDN  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                 VALUE               CHANGED VALUE

     SSN VALIDATION                 :
       SOURCE TIN TYPE                 PRIMARY
       NAME CONTROL UNDERPRINT NAME    TORJ
       NAP ACCESS CODE                 S
       NAP EIF RESPONSE CODE           S
       ORIG DUP CHECK UNDRPRT SSN      771-36-0540
       BIRTH DATE                      1979-09-10
       DUP CHECK PRIORITY ACCESS CODE 0
```

```
TRDPG 771-36-0540 30202012                  ADID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020   TRDB-DT-RCVD:2021-02-13
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:SSN-VALDN  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                    VALUE                CHANGED VALUE

     SSN VALIDATION                    :
       SOURCE TIN TYPE                    PRIMARY
       NAME CONTROL UNDERPRINT NAME        0BY
       NAP ACCESS CODE                    +
       NAP EIF RESPONSE CODE              0
       DUP CHECK TIN ACCESS CODE          0
       DUP CHECK PRIORITY ACCESS CODE 0

     SSN VALIDATION                    :
       SOURCE TIN TYPE                    SPOUSE
       NAP ACCESS CODE                    +
       NAP EIF RESPONSE CODE              0
       DUP CHECK TIN ACCESS CODE          0
       DUP CHECK PRIORITY ACCESS CODE 0

     SSN VALIDATION                    :
       SOURCE TIN TYPE                    STUDENT
```

```
TRDPG 771-36-0540 30202012                  AEID ACCESS CODE:AE PAGE 001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
                                    CURRENT-STATUS:MEF REJECTED
ACC-CODE FORM-TYPE   FORM-COUNT         ACC-CODE FORM-TYPE   FORM-COUNT
   IA    REJECTED             1
   IB    RULES                1
   IC    STAT-HIST            1
   ID    SSN-VALDN            1
```

```
TRDPG 771-36-0540 30202012                    AEIA ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:REJECTED   OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                   VALUE                CHANGED VALUE

     FILER                            :
       FILER TIN                         771360540
       T NAME CONTROL                    1360
       TAXPAYER CODE                     P
```

```
TRDPG 771-36-0540 30202012                    AEIB ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040         TAXYR:2020   TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:RULES      OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                   VALUE                CHANGED VALUE

     BUSINESS RULE ERROR              :
       SEQUENCE NUMBER                                   1
       ERROR DESCRIPTION                 5-01
```

```
TRDPG 771-36-0540 30202012                AEIC ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020    TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:STAT-HIST  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
STATUS-CODE  STATUS-DATE   STATUS/SUBMISSION-ID               RETURN-DUE-DATE

       12    2021-02-12   440893202103704ANJ07

STAT             TAX FILING              TRANS              REF BAL
CODE  TIN   MFT  PER  STAT CONTROL DLN   CODE    TRANS DLN  IND DUE
12 771360540 30 202012
```

```
TRDPG 771-36-0540 30202012                AEID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040       TAXYR:2020    TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS:  REFUND:  BAL DUE:  INPUT-SOURCE:MEFILE
FORM:SSN-VALDN  OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED
LINE #  ENTITY/ATTRIBUTE                VALUE                CHANGED VALUE

     SSN VALIDATION                  :
       SOURCE TIN TYPE                 PRIMARY
       NAME CONTROL UNDERPRINT NAME     OBY
       NAP ACCESS CODE                 +
       NAP EIF RESPONSE CODE           0
       DUP CHECK TIN ACCESS CODE       0
       DUP CHECK PRIORITY ACCESS CODE  0

     SSN VALIDATION                  :
       SOURCE TIN TYPE                 SPOUSE
       NAP ACCESS CODE                 +
       NAP EIF RESPONSE CODE           0
       DUP CHECK TIN ACCESS CODE       0
       DUP CHECK PRIORITY ACCESS CODE  0

     SSN VALIDATION                  :
       SOURCE TIN TYPE                 STUDENT
```

SENDERID	SSN	FILING_ID	AGENCYREFCODE	STATUS	FILINGTYPE	PERIOD
13563577987327949	592716010	364733461114	440893202103704ak3zf	REJECTED_AGENCY	IRS-IIT-FILING	Y:2020
13563577989602499	771360540	364956767114	440893202103704anj07	REJECTED_AGENCY	IRS-IIT-FILING	Y:2020
13563577989602499	771360540	364956768114	440893202103704anj08	REJECTED_AGENCY	GA-IIT-FILING	Y:2020
13563577989602499	771360540	265146377214	440894202104303vikq6	REJECTED_AGENCY	IRS-IIT-FILING	Y:2020
13563577989602499	771360540	265146378214	440894202104303vikq7	REJECTED_AGENCY	GA-IIT-FILING	Y:2020
13563577987327949	592716010	265217511214	440894202104303vjoug	SUCCEEDED_AGENCY	IRS-IIT-FILING	Y:2020
13563577989602499	771360540	266686054214	440894202104403w6asf	SUCCEEDED_AGENCY	IRS-IIT-FILING	Y:2020
13563577989602499	771360540	266686058214	440894202104403w6asi	SUCCEEDED_AGENCY	GA-IIT-FILING	Y:2020

Exb 202

APPLICATION	RECEIVEDTIMESTAMP	POSTMARKTIMESTAMP	LEGALNAME
TURBOTAX-ONLINE	Feb 6, 2021 6:05:57 PM	Feb 6, 2021 6:05:57 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 6, 2021 11:06:01 PM	Feb 6, 2021 11:06:01 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 6, 2021 11:06:01 PM	Feb 6, 2021 11:06:01 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 12, 2021 6:15:26 PM	Feb 12, 2021 6:15:26 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 12, 2021 6:15:26 PM	Feb 12, 2021 6:15:26 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 12, 2021 6:37:59 PM	Feb 12, 2021 6:37:59 PM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 13, 2021 8:42:10 AM	Feb 13, 2021 8:42:10 AM	Carl Torjagbo
TURBOTAX-ONLINE	Feb 13, 2021 8:42:10 AM	Feb 13, 2021 8:42:10 AM	Carl Torjagbo

TAXPAYERADDRESS	TAXPAYERZIP	TAXPAYERPHONENUMBER	TAXPAYERDOB
2220 WESTCREEK LN APT E71, HOUSTON, TX	77027	4708899183	Sep 8, 1975 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM
2220 WESTCREEK LN APT E71, HOUSTON, TX	77027	4708899183	Sep 8, 1975 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM
3081 LEATHERLEAF TRL, DOUGLASVILLE, GA	30135	4708899183	Sep 10, 1979 12:00:00 AM

SPOUSESSN	SPOUSELASTNAME	SPOUSEDOB	EMAILADDRESS	IPADDRESS
			CARLDELANO3@OUTLOOK.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92
			CARLDELANO3@OUTLOOK.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92
			TORJAGBOC@GMAIL.COM	73.106.108.92

MACHINE_ID	ORDER_NUMBER	BANKACCOUNT	ROUTINGNUMBER	PAYMENTAMOUNT
UnknownVisitorId:UnknownDeviceId	EFECD159232884	741438755	061092387	
UnknownVisitorId:UnknownDeviceId		5571329849	054000030	
UnknownVisitorId:UnknownDeviceId				0.0
UnknownVisitorId:UnknownDeviceId		5571329849	054000030	
UnknownVisitorId:UnknownDeviceId				0.0
UnknownVisitorId:UnknownDeviceId	EFECD159873041	741438755	061092387	
UnknownVisitorId:UnknownDeviceId		5571329849	054000030	
UnknownVisitorId:UnknownDeviceId				0.0

REFUNDAMOUNT	EFIN	XPATH	ERRORCODE
3015573.0		/efile:Return/efile:ReturnData/efile:IRSW2[1]/efile:EmployerEIN	FW2-505-01
3373441.0		/efile:Return/efile:ReturnData/efile:IRSW2[1]/efile:EmployerEIN	FW2-505-01
0.0		0000	REJ001
3373441.0		/efile:Return/efile:ReturnData/efile:IRSW2[1]/efile:EmployerEIN	FW2-505-01
0.0		0000	REJ001
3015573.0			
3373441.0			
0.0			

ELECTRONIC POSTMARK - CERTIFICATION OF ELECTRONIC FILING

Taxpayer: Carl Torjagbo
Primary SSN: 771-36-0540

Federal Return Submitted: February 12, 2021 06:15 PM PST
Federal Return Acceptance Date: ________

Your return has been rejected by the IRS

The Intuit Electronic Postmark shows the date and time Intuit received your federal tax return. The Intuit Electronic Postmark documents the filing date of your income tax return, and the electronic postmark information should be kept on file with your tax return and other tax-related documentation.

There are two important aspects of the Intuit Electronic Postmark:

1. THE INTUIT ELECTRONIC POSTMARK.
The electronic postmark shows the date and time Intuit received the federal return, and is deemed the filing date if the date of the electronic postmark is on or before the date prescribed for filing of the federal individual income tax return.

TIMELY FILING:
For your federal return to be considered filed on time, your return must be postmarked on or before midnight May 17, 2021. Intuit's electronic postmark is issued in the Pacific Time (PT) zone. If you are not filing in the PT zone, you will need to add or subtract hours from the Intuit Electronic Postmark time to determine your local postmark time. For example, if you are filing in the Eastern Time (ET) zone and you electronically file your return at 9 AM on May 17, 2021, your Intuit electronic postmark will indicate May 17, 2021, 6 AM. If your federal tax return is rejected, the IRS still considers it filed on time if the electronic postmark is on or before May 17, 2021, and a corrected return is submitted and accepted before May 22, 2021. If your return is submitted after May 22, 2021, a new time stamp is issued to reflect that your return was submitted after the IRS deadline and, consequently, is no longer considered to have been filed on time.

If you request an automatic six-month extension, your return must be electronically postmarked by midnight October 15, 2021. If your federal tax return is rejected, the IRS will still consider it filed on time if the electronic postmark is on or before October 15, 2021, and the corrected return is submitted and accepted by October 20, 2021.

2. THE ACCEPTANCE DATE.
Once the IRS accepts the electronically filed return, the acceptance date will be provided by the Intuit Electronic Filing Center. This date is proof that the IRS accepted the electronically filed return.

ELECTRONIC POSTMARK - CERTIFICATION OF ELECTRONIC FILING

Taxpayer: Carl Torjagbo
Primary SSN: 592-71-6010

Federal Return Submitted: February 06, 2021 06:05 PM PST
Federal Return Acceptance Date: ___________

Your return has been rejected by the IRS

The Intuit Electronic Postmark shows the date and time Intuit received your federal tax return. The Intuit Electronic Postmark documents the filing date of your income tax return, and the electronic postmark information should be kept on file with your tax return and other tax-related documentation.

There are two important aspects of the Intuit Electronic Postmark:

1. THE INTUIT ELECTRONIC POSTMARK.
The electronic postmark shows the date and time Intuit received the federal return, and is deemed the filing date if the date of the electronic postmark is on or before the date prescribed for filing of the federal individual income tax return.

TIMELY FILING:
For your federal return to be considered filed on time, your return must be postmarked on or before midnight May 17, 2021. Intuit's electronic postmark is issued in the Pacific Time (PT) zone. If you are not filing in the PT zone, you will need to add or subtract hours from the Intuit Electronic Postmark time to determine your local postmark time. For example, if you are filing in the Eastern Time (ET) zone and you electronically file your return at 9 AM on May 17, 2021, your Intuit electronic postmark will indicate May 17, 2021, 6 AM. If your federal tax return is rejected, the IRS still considers it filed on time if the electronic postmark is on or before May 17, 2021, and a corrected return is submitted and accepted before May 22, 2021. If your return is submitted after May 22, 2021, a new time stamp is issued to reflect that your return was submitted after the IRS deadline and, consequently, is no longer considered to have been filed on time.

If you request an automatic six-month extension, your return must be electronically postmarked by midnight October 15, 2021. If your federal tax return is rejected, the IRS will still consider it filed on time if the electronic postmark is on or before October 15, 2021, and the corrected return is submitted and accepted by October 20, 2021.

2. THE ACCEPTANCE DATE.
Once the IRS accepts the electronically filed return, the acceptance date will be provided by the Intuit Electronic Filing Center. This date is proof that the IRS accepted the electronically filed return.

Received Date	2021-02-13
IRS Received Date	
Primary SSN	592-71-6010
Filer Name	CARL<TORJAGBO
Primary Name Control	TORJ
Phone	(470) 889-9183
Filer U.S. Address	2220 Westcreek Ln APT E71 Houston, TX 770273606
Primary Date of Birth	1975-09-08
Primary Signature	******
Primary Signature Date	2021-02-12
Primary Prior Year AGI	0
PIN Type	Self-Select On-Line
DLN	76221452453931
Return Type	1040
Filing Type	
Tax Period	202012
Additional Return Summary Data	
Time Stamp	2021-02-12T18:37:59-08:00
Tax Period Begin Date	2020-01-01
Tax Period End Date	2020-12-31
Software ID	20011235
Software Version	US2020.1.26.0_4.0.7
Primary PIN Entered By	Taxpayer
Tax Year	2020
Binary Attachment Count	0
Routing Transit Number	096017418
Depositor Account Number	9818011592716010
Email Address	carldelano3@outlook.com
IP Address	73.106.108.92
Device ID	9844F81E1408F6ECB932137D33BED7CFDCF518A3
Jurat Disclosure Code	Online Self Select PIN

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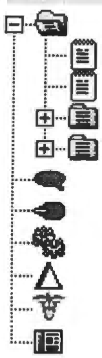
Received Date	2021-02-13
IRS Received Date	
Primary SSN	771-36-0540
Filer Name	CARL<TORJAGBO
Primary Name Control	TORJ
Phone	(470) 889-9183
Filer U.S. Address	3081 Leatherleaf Trl Douglasville, GA 301358930
Primary Date of Birth	1979-09-10
Primary Signature	******
Primary Signature Date	2021-02-13
Primary Prior Year AGI	8274
PIN Type	Self-Select On-Line
DLN	32221451354581
Return Type	1040
Filing Type	
Tax Period	202012
Additional Return Summary Data	
Time Stamp	2021-02-13T08:42:10-08:00
Tax Period Begin Date	2020-01-01
Tax Period End Date	2020-12-31
Software ID	20011235
Software Version	US2020.1.26.0_4.0.7
Primary PIN Entered By	Taxpayer
Tax Year	2020
Binary Attachment Count	0
Routing Transit Number	054000030
Depositor Account Number	5571329849
Email Address	torjagboc@gmail.com
IP Address	73.106.108.92
Device ID	9844F81E1408F6ECB932137D33BED7CFDCF518A3
Jurat Disclosure Code	Online Self Select PIN



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Exb 5

Rules and Regulations

Federal Register
Vol. 85, No. 73
Wednesday, April 15, 2020

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket No. SBA–2020–0015]

RIN 3245–AH34

Business Loan Program Temporary Changes; Paycheck Protection Program

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: This interim final rule announces the implementation of sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act or the Act). Section 1102 of the Act temporarily adds a new product, titled the "Paycheck Protection Program," to the U.S. Small Business Administration's (SBA's) 7(a) Loan Program. Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. The Paycheck Protection Program and loan forgiveness are intended to provide economic relief to small businesses nationwide adversely impacted under the Coronavirus Disease 2019 (COVID–19) Emergency Declaration (COVID–19 Emergency Declaration) issued by President Trump on March 13, 2020. This interim final rule outlines the key provisions of SBA's implementation of sections 1102 and 1106 of the Act in formal guidance and requests public comment.

DATES:

Effective date: This interim final rule is effective April 15, 2020.

Applicability date: This interim final rule applies to applications submitted under the Paycheck Protection Program through June 30, 2020, or until funds made available for this purpose are exhausted.

Comment Date: Comments must be received on or before May 15, 2020.

ADDRESSES: You may submit comments, identified by number SBA–2020–0015 through the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

SBA will post all comments on *www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov*, please send an email to *ppp-ifr@sba.gov*. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Call Center Representative at 833–572–0502, or the local SBA Field Office; the list of offices can be found at *https://www.sba.gov/tools/local-assistance/districtoffices*.

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 13, 2020, President Trump declared the ongoing Coronavirus Disease 2019 (COVID–19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, territories, and the District of Columbia. With the COVID–19 emergency, many small businesses nationwide are experiencing economic hardship as a direct result of the Federal, State, and local public health measures that are being taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, are being implemented nationwide and include the closures of restaurants, bars, and gyms. In addition, based on the advice of public health officials, other measures, such as keeping a safe distance from others or even stay-at-home orders, are being implemented, resulting in a dramatic decrease in economic activity as the public avoids malls, retail stores, and other businesses.

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act or the Act) (Pub. L. 116–136) to provide emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus pandemic. The Small Business Administration (SBA) received funding and authority through the Act to modify existing loan programs and establish a new loan program to assist small businesses nationwide adversely impacted by the COVID–19 emergency.

Section 1102 of the Act temporarily permits SBA to guarantee 100 percent of 7(a) loans under a new program titled the "Paycheck Protection Program." Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. A more detailed discussion of sections 1102 and 1106 of the Act is found in section III below.

II. Comments and Immediate Effective Date

The intent of the Act is that SBA provide relief to America's small businesses expeditiously. This intent, along with the dramatic decrease in economic activity nationwide, provides good cause for SBA to dispense with the 30-day delayed effective date provided in the Administrative Procedure Act. Specifically, small businesses need to be informed on how to apply for a loan and the terms of the loan under section 1102 of the Act as soon as possible because the last day to apply for and receive a loan is June 30, 2020. The immediate effective date of this interim final rule will benefit small businesses so that they can immediately apply for the loan with a full understanding of loan terms and conditions. This interim final rule is effective without advance notice and public comment because section 1114 of the Act authorizes SBA to issue regulations to implement Title 1 of the Act without regard to notice requirements. This rule is being issued to allow for immediate implementation of this program. Although this interim final rule is effective immediately, comments are solicited from interested members of the public on all aspects of the interim final rule, including section III below. These comments must be submitted on or before May 15, 2020. The SBA will consider these comments and the need for making any revisions as a result of these comments.

III. Temporary New Business Loan Program: Paycheck Protection Program

Overview

The CARES Act was enacted to provide immediate assistance to individuals, families, and businesses

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affected by the COVID–19 emergency. Among the provisions contained in the CARES Act are provisions authorizing SBA to temporarily guarantee loans under a new 7(a) loan program titled the "Paycheck Protection Program." Loans guaranteed under the Paycheck Protection Program (PPP) will be 100 percent guaranteed by SBA, and the full principal amount of the loans may qualify for loan forgiveness. The following outlines the key provisions of the PPP.

1. General

SBA is authorized to guarantee loans under the PPP through June 30, 2020. Congress authorized a program level of $349,000,000,000 to provide guaranteed loans under this new 7(a) program. The intent of the Act is that SBA provide relief to America's small businesses expeditiously, which is expressed in the Act by giving all lenders delegated authority and streamlining the requirements of the regular 7(a) loan program. For example, for loans made under the PPP, SBA will not require the lenders to comply with section 120.150 "What are SBA's lending criteria?." SBA will allow lenders to rely on certifications of the borrower in order to determine eligibility of the borrower and use of loan proceeds and to rely on specified documents provided by the borrower to determine qualifying loan amount and eligibility for loan forgiveness. Lenders must comply with the applicable lender obligations set forth in this interim final rule, but will be held harmless for borrowers' failure to comply with program criteria; remedies for borrower violations or fraud are separately addressed in this interim final rule. The program requirements of the PPP identified in this rule temporarily supersede any conflicting Loan Program Requirement (as defined in 13 CFR 120.10).

2. What do borrowers need to know and do?

a. Am I eligible?

You are eligible for a PPP loan if you have 500 or fewer employees whose principal place of residence is in the United States, or are a business that operates in a certain industry and meet the applicable SBA employee-based size standards for that industry, and:

i. You are:

A. A small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632), and subject to SBA's affiliation rules under 13 CFR 121.301(f) unless specifically waived in the Act; or

B. A tax-exempt nonprofit organization described in section 501(c)(3) of the Internal Revenue Code (IRC), a tax-exempt veterans organization described in section 501(c)(19) of the IRC, Tribal business concern described in section 31(b)(2)(C) of the Small Business Act, or any other business; and

ii. You were in operation on February 15, 2020 and either had employees for whom you paid salaries and payroll taxes or paid independent contractors, as reported on a Form 1099–MISC.

You are also eligible for a PPP loan if you are an individual who operates under a sole proprietorship or as an independent contractor or eligible self-employed individual, and you were in operation on February 15, 2020.

You must also submit such documentation as is necessary to establish eligibility such as payroll processor records, payroll tax filings, or Form 1099–MISC, or income and expenses from a sole proprietorship. For borrowers that do not have any such documentation, the borrower must provide other supporting documentation, such as bank records, sufficient to demonstrate the qualifying payroll amount.

SBA intends to promptly issue additional guidance with regard to the applicability of affiliation rules at 13 CFR 121.103 and 121.301 to PPP loans.

b. Could I be ineligible even if I meet the eligibility requirements in (a) above?

You are ineligible for a PPP loan if, for example:

i. You are engaged in any activity that is illegal under Federal, state, or local law;

ii. You are a household employer (individuals who employ household employees such as nannies or housekeepers);

iii. An owner of 20 percent or more of the equity of the applicant is incarcerated, on probation, on parole; presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction; or has been convicted of a felony within the last five years; or

iv. You, or any business owned or controlled by you or any of your owners, has ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is currently delinquent or has defaulted within the last seven years and caused a loss to the government.

The Administrator, in consultation with the Secretary of the Treasury (the Secretary), determined that household employers are ineligible because they are not businesses. 13 CFR 120.100.

c. How do I determine if I am ineligible?

Businesses that are not eligible for PPP loans are identified in 13 CFR 120.110 and described further in SBA's Standard Operating Procedure (SOP) 50 10, Subpart B, Chapter 2, except that nonprofit organizations authorized under the Act are eligible. (SOP 50 10 can be found at *https://www.sba.gov/document/sop-50-10-5-lender-development-company-loan-programs.*)

d. I have determined that I am eligible. How much can I borrow?

Under the PPP, the maximum loan amount is the lesser of $10 million or an amount that you will calculate using a payroll-based formula specified in the Act, as explained below.

e. How do I calculate the maximum amount I can borrow?

The following methodology, which is one of the methodologies contained in the Act, will be most useful for many applicants.

i. Step 1: Aggregate payroll costs (defined in detail below in f.) from the last twelve months for employees whose principal place of residence is the United States.

ii. Step 2: Subtract any compensation paid to an employee in excess of an annual salary of $100,000 and/or any amounts paid to an independent contractor or sole proprietor in excess of $100,000 per year.

iii. Step 3: Calculate average monthly payroll costs (divide the amount from Step 2 by 12).

iv. Step 4: Multiply the average monthly payroll costs from Step 3 by 2.5.

v. Step 5: Add the outstanding amount of an Economic Injury Disaster Loan (EIDL) made between January 31, 2020 and April 3, 2020, less the amount of any "advance" under an EIDL COVID–19 loan (because it does not have to be repaid).

The examples below illustrate this methodology.

i. Example 1—No employees make more than $100,000
Annual payroll: $120,000
Average monthly payroll: $10,000
Multiply by 2.5 = $25,000
Maximum loan amount is $25,000

ii. Example 2—Some employees make more than $100,000
Annual payroll: $1,500,000
Subtract compensation amounts in excess of an annual salary of $100,000: $1,200,000
Average monthly qualifying payroll: $100,000
Multiply by 2.5 = $250,000
Maximim loan amount is $250,000

iii. Example 3—No employees make more than $100,000, outstanding EIDL loan of $10,000.
Annual payroll: $120,000
Average monthly payroll: $10,000
Multiply by 2.5 = $25,000
Add EIDL loan of $10,000 = $35,000
Maximum loan amount is $35,000

iv. Example 4—Some employees make more than $100,000, outstanding EIDL loan of $10,000
Annual payroll: $1,500,000
Subtract compensation amounts in excess of an annual salary of $100,000: $1,200,000
Average monthly qualifying payroll: $100,000
Multiply by 2.5 = $250,000
Add EIDL loan of $10,000 = $260,000
Maximum loan amount is $260,000

f. What qualifies as "payroll costs?"

Payroll costs consist of compensation to employees (whose principal place of residence is the United States) in the form of salary, wages, commissions, or similar compensation; cash tips or the equivalent (based on employer records of past tips or, in the absence of such records, a reasonable, good-faith employer estimate of such tips); payment for vacation, parental, family, medical, or sick leave; allowance for separation or dismissal; payment for the provision of employee benefits consisting of group health care coverage, including insurance premiums, and retirement; payment of state and local taxes assessed on compensation of employees; and for an independent contractor or sole proprietor, wages, commissions, income, or net earnings from self-employment, or similar compensation.

g. Is there anything that is expressly excluded from the definition of payroll costs?

Yes. The Act expressly excludes the following:

i. Any compensation of an employee whose principal place of residence is outside of the United States;

ii. The compensation of an individual employee in excess of an annual salary of $100,000, prorated as necessary;

iii. Federal employment taxes imposed or withheld between February 15, 2020 and June 30, 2020, including the employee's and employer's share of FICA (Federal Insurance Contributions Act) and Railroad Retirement Act taxes, and income taxes required to be withheld from employees; and

iv. Qualified sick and family leave wages for which a credit is allowed under sections 7001 and 7003 of the Families First Coronavirus Response Act (Pub. L. 116–127).

h. Do independent contractors count as employees for purposes of PPP loan calculations?

No, independent contractors have the ability to apply for a PPP loan on their own so they do not count for purposes of a borrower's PPP loan calculation.

i. What is the interest rate on a PPP loan?

The interest rate will be 100 basis points or one percent.

The Administrator, in consultation with the Secretary, determined that a one percent interest rate is appropriate. First, it provides low cost funds to borrowers to meet eligible payroll costs and other eligible expenses during this temporary period of economic dislocation caused by the coronavirus. Second, for lenders, the 100 basis points offers an attractive interest rate relative to the cost of funding for comparable maturities. For example, the FDIC's weekly national average rate for a 24-month CD deposit product for the week of March 30, 2020 is 42 basis points for non-jumbo and 44 basis points for jumbo (*https://www.fdic.gov/regulations/resources/rates/*). Third, the interest rate is higher than the yield on Treasury securities of comparable maturity. For example, the yield on the Treasury two-year note is approximately 23 basis points. This higher yield combined with the fact that the loans are 100 percent guaranteed by the SBA and the fact that lenders will receive a substantial processing fee from the SBA provide ample inducement for lenders to participate in the PPP.

j. What will be the maturity date on a PPP loan?

The maturity is two years. While the Act provides that a loan will have a maximum maturity of up to ten years from the date the borrower applies for loan forgiveness (described below), the Administrator, in consultation with the Secretary, determined that a two year loan term is sufficient in light of the temporary economic dislocations caused by the coronavirus. Specifically, the considerable economic disruption caused by the coronavirus is expected to abate well before the two year maturity date such that borrowers will be able to re-commence business operations and pay off any outstanding balances on their PPP loans.

k. Can I apply for more than one PPP loan?

No. The Administrator, in consultation with the Secretary, determined that no eligible borrower may receive more than one PPP loan. This means that if you apply for a PPP loan you should consider applying for the maximum amount. While the Act does not expressly provide that each eligible borrower may only receive one PPP loan, the Administrator has determined, in consultation with the Secretary, that because all PPP loans must be made on or before June 30, 2020, a one loan per borrower limitation is necessary to help ensure that as many eligible borrowers as possible may obtain a PPP loan. This limitation will also help advance Congress' goal of keeping workers paid and employed across the United States.

l. Can I use e-signatures or e-consents if a borrower has multiple owners?

Yes, e-signature or e-consents can be used regardless of the number of owners.

m. Is the PPP "first-come, first-served?"

Yes.

n. When will I have to begin paying principal and interest on my PPP loan?

You will not have to make any payments for six months following the date of disbursement of the loan. However, interest will continue to accrue on PPP loans during this six-month deferment. The Act authorizes the Administrator to defer loan payments for up to one year. The Administrator determined, in consultation with the Secretary, that a six-month deferment period is appropriate in light of the modest interest rate (one percent) on PPP loans and the loan forgiveness provisions contained in the Act.

o. Can my PPP loan be forgiven in whole or in part?

Yes. The amount of loan forgiveness can be up to the full principal amount of the loan and any accrued interest. That is, the borrower will not be responsible for any loan payment if the borrower uses all of the loan proceeds for forgiveable purposes described below and employee and compensation levels are maintained. The actual amount of loan forgiveness will depend, in part, on the total amount of payroll costs, payments of interest on mortgage obligations incurred before February 15, 2020, rent payments on leases dated before February 15, 2020, and utility payments under service agreements dated before February 15, 2020, over the eight-week period following the date of the loan. However, not more than 25 percent of the loan forgiveness amount may be attributable to non-payroll costs. While the Act provides that borrowers are eligible for forgiveness in an amount equal to the sum of payroll costs and any payments of mortgage interest, rent, and utilities, the Administrator has determined that the non-payroll portion of the forgivable loan amount should be limited to effectuate the core purpose of the statute and ensure finite program resources are devoted primarily to payroll. The Administrator has determined in consultation with the Secretary that 75 percent is an appropriate percentage in light of the Act's overarching focus on keeping workers paid and employed. Further, the Administrator and the Secretary believe that applying this threshold to loan forgiveness is consistent with the structure of the Act, which provides a loan amount 75 percent of which is equivalent to eight weeks of payroll (8 weeks/2.5 months = 56 days/76 days = 74 percent rounded up to 75 percent). Limiting non-payroll costs to 25 percent of the forgiveness amount will align these elements of the program, and will also help to ensure that the finite appropriations available for PPP loan forgiveness are directed toward payroll protection. SBA will issue additional guidance on loan forgiveness.

p. Do independent contractors count as employees for purposes of PPP loan forgiveness?

No, independent contractors have the ability to apply for a PPP loan on their own so they do not count for purposes of a borrower's PPP loan forgiveness.

q. What forms do I need and how do I submit an application?

The applicant must submit SBA Form 2483 (Paycheck Protection Program Application Form) and payroll documentation, as described above. The lender must submit SBA Form 2484 (Paycheck Protection Program Lender's Application for 7(a) Loan Guaranty) electronically in accordance with program requirements and maintain the forms and supporting documentation in its files.

r. How can PPP loans be used?

The proceeds of a PPP loan are to be used for:

i. payroll costs (as defined in the Act and in 2.f.);

ii. costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;

iii. mortgage interest payments (but not mortgage prepayments or principal payments);

iv. rent payments;

v. utility payments;

vi. interest payments on any other debt obligations that were incurred before February 15, 2020; and/or

vii. refinancing an SBA EIDL loan made between January 31, 2020 and April 3, 2020. If you received an SBA EIDL loan from January 31, 2020 through April 3, 2020, you can apply for a PPP loan. If your EIDL loan was not used for payroll costs, it does not affect your eligibility for a PPP loan. If your EIDL loan was used for payroll costs, your PPP loan must be used to refinance your EIDL loan. Proceeds from any advance up to $10,000 on the EIDL loan will be deducted from the loan forgiveness amount on the PPP loan.

However, at least 75 percent of the PPP loan proceeds shall be used for payroll costs. For purposes of determining the percentage of use of proceeds for payroll costs, the amount of any EIDL refinanced will be included. For purposes of loan forgiveness, however, the borrower will have to document the proceeds used for payroll costs in order to determine the amount of forgiveness. While the Act provides that PPP loan proceeds may be used for the purposes listed above and for other allowable uses described in section 7(a) of the Small Business Act (15 U.S.C. 636(a)), the Administrator believes that finite appropriations and the structure of the Act warrant a requirement that borrowers use a substantial portion of the loan proceeds for payroll costs, consistent with Congress' overarching goal of keeping workers paid and employed. As with the similar limitation on the forgiveness amount explained earlier, the Administrator, in consultation with the Secretary, has determined that 75 percent is an appropriate percentage that will align this element of the program with the loan amount, 75 percent of which is equivalent to eight weeks of payroll. This limitation on use of the loan funds will help to ensure that the finite appropriations available for these loans are directed toward payroll protection, as each loan that is issued depletes the appropriation, regardless of whether portions of the loan are later forgiven.

s. What happens if PPP loan funds are misused?

If you use PPP funds for unauthorized purposes, SBA will direct you to repay those amounts. If you knowingly use the funds for unauthorized purposes, you will be subject to additional liability such as charges for fraud. If one of your shareholders, members, or partners uses PPP funds for unauthorized purposes, SBA will have recourse against the shareholder, member, or partner for the unauthorized use.

t. What certifications need to be made?

On the Paycheck Protection Program application, an authorized representative of the applicant must certify in good faith to all of the below: [1]

i. The applicant was in operation on February 15, 2020 and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on a Form 1099–MISC.

ii. Current economic uncertainty makes this loan request necessary to support the ongoing operations of the applicant.

iii. The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments; I understand that if the funds are knowingly used for unauthorized purposes, the Federal Government may hold me legally liable such as for charges of fraud. As explained above, not more than 25 percent of loan proceeds may be used for non-payroll costs.

iv. Documentation verifying the number of full-time equivalent employees on payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight week period following this loan will be provided to the lender.

v. Loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities. As explained above, not more than 25 percent of the forgiven amount may be for non-payroll costs.

vi. During the period beginning on February 15, 2020 and ending on December 31, 2020, the applicant has not and will not receive another loan under this program.

vii. I further certify that the information provided in this application and the information provided in all supporting documents and forms is true and accurate in all material respects. I understand that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under 18 U.S.C. 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to $250,000; under 15 U.S.C. 645 by imprisonment of not more than two years and/or a fine of not more than $5,000; and, if submitted to a federally insured institution, under 18 U.S.C. 1014 by imprisonment of not more than thirty years and/or a fine of not more than $1,000,000.

[1] A representative of the applicant can certify for the business as a whole if the representative is legally authorized to do so.

viii. I acknowledge that the lender will confirm the eligible loan amount using tax documents I have submitted. I affirm that these tax documents are identical to those submitted to the Internal Revenue Service. I also understand, acknowledge, and agree that the Lender can share the tax information with SBA's authorized representatives, including authorized representatives of the SBA Office of Inspector General, for the purpose of compliance with SBA Loan Program Requirements and all SBA reviews.

3. What do lenders need to know and do?

a. Who is eligible to make PPP loans?

i. All SBA 7(a) lenders are automatically approved to make PPP loans on a delegated basis.

ii. The Act provides that the authority to make PPP loans can be extended to additional lenders determined by the Administrator and the Secretary to have the necessary qualifications to process, close, disburse, and service loans made with the SBA guarantee. Since SBA is authorized to make PPP loans up to $349 billion by June 30, 2020, the Adminstrator and the Secretary have jointly determined that authorizing additional lenders is necessary to achieve the purpose of allowing as many eligible borrowers as possible to receive loans by the June 30, 2020 deadline.

iii. The following types of lenders have been determined to meet the criteria and are eligible to make PPP loans unless they currently are designated in Troubled Condition by their primary Federal regulator or are subject to a formal enforcement action with their primary Federal regulator that addresses unsafe or unsound lending practices:

I. Any federally insured depository institution or any federally insured credit union;

II. Any Farm Credit System institution (other than the Federal Agricultural Mortgage Corporation) as defined in 12 U.S.C. 2002(a) that applies the requirements under the Bank Secrecy Act and its implementing regulations (collectively, BSA) as a federally regulated financial institution, or functionally equivalent requirements that are not altered by this rule; and

III. Any depository or non-depository financing provider that originates, maintains, and services business loans or other commercial financial receivables and participation interests; has a formalized compliance program; applies the requirements under the BSA as a federally regulated financial institution, or the BSA requirements of an equivalent federally regulated financial institution; has been operating since at least February 15, 2019, and has originated, maintained, and serviced more than $50 million in business loans or other commercial financial receivables during a consecutive 12 month period in the past 36 months, or is a service provider to any insured depository institution that has a contract to support such institution's lending activities in accordance with 12 U.S.C. 1867(c) and is in good standing with the appropriate Federal banking agency.

iv. Qualified institutions described in 3.a.iii.I. and II. will be automatically qualified under delegated authority by the SBA upon transmission of CARES Act Section 1102 Lender Agreement (SBA Form 3506) unless they currently are designated in Troubled Condition by their primary Federal regulator or are subject to a formal enforcement action by their primary Federal regulator that addresses unsafe or unsound lending practices.

b. What do lenders have to do in terms of loan underwriting?

Each lender shall:

i. Confirm receipt of borrower certifications contained in Paycheck Protection Program Application form issued by the Administration;

ii. Confirm receipt of information demonstrating that a borrower had employees for whom the borrower paid salaries and payroll taxes on or around February 15, 2020;

iii. Confirm the dollar amount of average monthly payroll costs for the preceding calendar year by reviewing the payroll documentation submitted with the borrower's application; and

iv. Follow applicable BSA requirements:

I. Federally insured depository institutions and federally insured credit unions should continue to follow their existing BSA protocols when making PPP loans to either new or existing customers who are eligible borrowers under the PPP. PPP loans for existing customers will not require re-verification under applicable BSA requirements, unless otherwise indicated by the institution's risk-based approach to BSA compliance.

II. Entities that are not presently subject to the requirements of the BSA, should, prior to engaging in PPP lending activities, including making PPP loans to either new or existing customers who are eligible borrowers under the PPP, establish an anti-money laundering (AML) compliance program equivalent to that of a comparable federally regulated institution. Depending upon the comparable federally regulated institution, such a program may include a customer identification program (CIP), which includes identifying and verifying their PPP borrowers' identities (including *e.g.*, date of birth, address, and taxpayer identification number), and, if that PPP borrower is a company, following any applicable beneficial ownership information collection requirements. Alternatively, if available, entities may rely on the CIP of a federally insured depository institution or federally insured credit union with an established CIP as part of its AML program. In either instance, entities should also understand the nature and purpose of their PPP customer relationships to develop customer risk profiles. Such entities will also generally have to identify and report certain suspicious activity to the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN). If such entities have questions with regard to meeting these requirements, they should contact the FinCEN Regulatory Support Section at *FRC@fincen.gov*. In addition, FinCEN has created a COVID–19-specific contact channel, via a specific drop-down category, for entities to communicate to FinCEN COVID–19-related concerns while adhering to their BSA obligations. Entities that wish to communicate such COVID–19-related concerns to FinCEN should go to *www.FinCEN.gov*, click on "Need Assistance," and select "COVID19" in the subject drop-down list.

Each lender's underwriting obligation under the PPP is limited to the items above and reviewing the "Paycheck Protection Application Form." Borrowers must submit such documentation as is necessary to establish eligibility such as payroll processor records, payroll tax filings, or Form 1099–MISC, or income and expenses from a sole proprietorship. For borrowers that do not have any such documentation, the borrower must provide other supporting documentation, such as bank records, sufficient to demonstrate the qualifying payroll amount.

c. Can lenders rely on borrower documentation for loan forgiveness?

Yes. The lender does not need to conduct any verification if the borrower submits documentation supporting its request for loan forgiveness and attests that it has accurately verified the payments for eligible costs. The Administrator will hold harmless any lender that relies on such borrower documents and attestation from a borrower. The Administrator, in consultation with the Secretary, has determined that lender reliance on a borrower's required documents and attestation is necessary and appropriate in light of section 1106(h) of the Act, which prohibits the Administrator from taking an enforcement action or imposing penalties if the lender has received a borrower attestation.

d. What fees will lenders be paid?

SBA will pay lenders fees for processing PPP loans in the following amounts:

i. Five (5) percent for loans of not more than $350,000;
ii. Three (3) percent for loans of more than $350,000 and less than $2,000,000; and
iii. One (1) percent for loans of at least $2,000,000.

e. Do lenders have to apply the "credit elsewhere test"?

No. When evaluating an applicant's eligibility lenders will not be required to apply the "credit elsewhere test" (as set forth in section 7(a)(1)(A) of the Small Business Act (15 U.S.C. 636) and SBA regulations at 13 CFR 120.101)).

4. What do both borrowers and lenders need to know and do?

a. What are the loan terms and conditions?

Loans will be guaranteed under the PPP under the same terms, conditions and processes as other 7(a) loans, with certain changes including but not limited to:

i. The guarantee percentage is 100 percent.
ii. No collateral will be required.
iii. No personal guarantees will be required.
iv. The interest rate will be 100 basis points or one percent.
v. All loans will be processed by all lenders under delegated authority and lenders will be permitted to rely on certifications of the borrower in order to determine eligibility of the borrower and the use of loan proceeds.

b. Are there any fee waivers?

i. There will be no up-front guarantee fee payable to SBA by the Borrower;
ii. There will be no lender's annual service fee ("on-going guaranty fee") payable to SBA;
iii. There will be no subsidy recoupment fee; and
iv. There will be no fee payable to SBA for any guarantee sold into the secondary market.

c. Who pays the fee to an agent who assists a borrower?

Agent fees will be paid by the lender out of the fees the lender receives from SBA. Agents may not collect fees from the borrower or be paid out of the PPP loan proceeds. The total amount that an agent may collect from the lender for assistance in preparing an application for a PPP loan (including referral to the lender) may not exceed:

i. One (1) percent for loans of not more than $350,000;
ii. 0.50 percent for loans of more than $350,000 and less than $2 million; and
iii. 0.25 percent for loans of at least $2 million.

The Act authorizes the Administrator to establish limits on agent fees. The Administrator, in consultation with the Secretary, determined that the agent fee limits set forth above are reasonable based upon the application req uirements and the fees that lenders receive for making PPP loans.

d. Can PPP loans be sold into the secondary market?

Yes. A PPP loan may be sold on the secondary market after the loan is fully disbursed. A PPP loan may be sold on the secondary market at a premium or a discount to par value. SBA will issue guidance regarding any advance purchase for loans sold in the secondary market.

e. Can SBA purchase some or all of the loan in advance?

Yes. A lender may request that the SBA purchase the expected forgiveness amount of a PPP loan or pool of PPP loans at the end of week seven of the covered period. The expected forgiveness amount is the amount of loan principal the lender reasonably expects the borrower to expend on payroll costs, covered mortgage interest, covered rent, and covered utility payments during the eight week period after loan disbursement. At least 75 percent of the expected forgiveness amount shall be for payroll costs, as provided in 2.o. To submit a PPP loan or pool of PPP loans for advance purchase, a lender shall submit a report requesting advance purchase with the expected forgiveness amount to the SBA. The report shall include: the Paycheck Protection Program Application Form (SBA Form 2483) and any supporting documentation submitted with such application; the Paycheck Protection Program Lender's Application for 7(a) Loan Guaranty (SBA Form 2484) and any supporting documentation; a detailed narrative explaining the assumptions used in determining the expected forgiveness amount, the basis for those assumptions, alternative assumptions considered, and why alternative assumptions were not used; any information obtained from the borrower since the loan was disbursed that the lender used to determine the expected forgiveness amount, which should include the same documentation required to apply for loan forgiveness such as payroll tax filings, cancelled checks, and other payment documentation; and any additional information the Administrator may require to determine whether the expected forgiveness amount is reasonable. The Administrator, in consultation with the Secretary, determined that seven weeks is the minimum period of time necessary for a lender to reasonably determine the expected forgiveness amount for a PPP loan or pool of PPP loans, since the PPP is a new program and the likelihood that many borrowers will be new clients of the lender. The expected forgiveness amount may not exceed the total amount of principal on the PPP loan or pool of loans. The Administrator will purchase the expected forgiveness amount of the PPP loan(s) within 15 days of the date on which the Administrator receives a complete report that demonstrates that the expected forgiveness amount is indeed reasonable.

5. Additional Information

All loans guaranteed by the SBA pursuant to the CARES Act will be made consistent with constitutional, statutory, and regulatory protections for religious liberty, including the First Amendment to the Constitution, the Religious Freedom Restoration Act, 42 U.S.C. 2000bb–1 and bb–3, and SBA regulation at 13 CFR 113.3–1h, which provides that nothing in SBA nondiscrimination regulations shall apply to a religious corporation, association, educational institution or society with respect to the membership or the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its religious activities. SBA intends to promptly issue additional guidance with regard to religious liberty protections under this program.

SBA may provide further guidance, if needed, through SBA notices and a program guide which will be posted on SBA's website at *www.sba.gov*.

Questions on the Paycheck Protection Program 7(a) Loans may be directed to the Lender Relations Specialist in the local SBA Field Office. The local SBA Field Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices*.

Compliance With Executive Orders 12866, 12988, 13132, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

E.O. 12866 and E.O. 13563

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. SBA, however, is proceeding under the emergency provision at Executive Order 12866 Section 6(a)(3)(D) based on the need to move expeditiously to mitigate the current economic conditions arising from the COVID–19 emergency. This rule's designation under Executive Order 13771 will be informed by public comment.

This rule is necessary to implement Sections 1102 and 1106 of the CARES Act in order to provide economic relief to small businesses nationwide adversely impacted under the COVID–19 Emergency Declaration. We anticipate that this rule will result in substantial benefits to small businesses, their employees, and the communities they serve. However, we lack data to estimate the effects of this rule.

Executive Order 12988

SBA has drafted this rule, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, to minimize litigation, eliminate ambiguity, and reduce burden. The rule has no preemptive or retroactive effect.

Executive Order 13132

SBA has determined that this rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various layers of government. Therefore, SBA has determined that this rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Chapter 35

SBA has determined that this rule will impose recordkeeping or reporting requirements under the Paperwork Reduction Act ("PRA"). SBA has obtained emergency approval under OMB Control Number 3245–0407 for the information collection (IC) required to implement the program described above. This IC consists of Form 2483 (Paycheck Protection Program Application Form), SBA Form 2484 (Paycheck Protection Program Lender's Application for 7(a) Loan Guaranty), and SBA Form 3506 (CARES Act Section 1102 Lender Agreement), and SBA Form 3507 (CARES Act Section 1102 Lender Agreement—Non-Bank and Non-Insured Depository Institution Lender). The collection is approved for use until September 30, 2020.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. Such analysis must address the consideration of regulatory options that would lessen the economic effect of the rule on small entities. The RFA defines a "small entity" as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. 5 U.S.C. 601(3)–(6). Except for such small government jurisdictions, neither State nor local governments are "small entities." Similarly, for purposes of the RFA, individual persons are not small entities.

The requirement to conduct a regulatory impact analysis does not apply if the head of the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." 5 U.S.C. 605(b). The agency must, however, publish the certification in the **Federal Register** at the time of publication of the rule, "along with a statement providing the factual basis for such certification." If the agency head has not waived the requirements for a regulatory flexibility analysis in accordance with the RFA's waiver provision, and no other RFA exception applies, the agency must prepare the regulatory flexibility analysis and publish it in the **Federal Register** at the time of promulgation or, if the rule is promulgated in response to an emergency that makes timely compliance impracticable, within 180 days of publication of the final rule. 5 U.S.C. 604(a), 608(b).

Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Small Business Administration's Office of Advocacy guide: *How to Comply with the Regulatory Flexibility Ac. Ch.1. p.9.* Accordingly, SBA is not required to conduct a regulatory flexibility analysis.

Authority: 15 U.S.C. 636(a)(36); Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136, Section 1114.

Jovita Carranza,
Administrator.

[FR Doc. 2020–07672 Filed 4–10–20; 4:15 pm]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

[Docket No. SBA–2020–0019]

RIN 3245–AH35

Business Loan Program Temporary Changes; Paycheck Protection Program

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: Elsewhere in this issue of the **Federal Register**, the U.S. Small Business Administration (SBA) is publishing an interim final rule (the Initial Rule) announcing the implementation of sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act or the Act). Section 1102 of the Act temporarily adds a new program, titled the "Paycheck Protection Program," to the SBA's 7(a) Loan Program. Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. The Paycheck Protection Program and loan forgiveness are intended to provide economic relief to small businesses nationwide adversely impacted by the Coronavirus Disease 2019 (COVID–19). This interim final rule supplements the Initial Rule with additional guidance regarding the application of certain affiliate rules applicable to SBA's implementation of sections 1102 and 1106 of the Act and requests public comment.

DATES:

Effective date: This interim final rule is effective April 15, 2020.

Applicability date: This interim final rule applies to applications submitted under the Paycheck Protection Program through June 30, 2020, or until funds made available for this purpose are exhausted.

IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 09-01-2018

Employer Identification Number:
83-1821377

Form: SS-4

Number of this notice: CP 575 A

KREMKOV INDUSTRIES
CARL DELANO TORJAGBO SOLE MBR
3081 LEATHERLEAF TRL
DOUGLASVILLE, GA 30135

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 83-1821377. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 941	04/30/2019
Form 940	01/31/2019

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

GOVERNMENT EXHIBIT
106
1:22-CR-00171-MLB

(IRS USE ONLY) 575A 09-01-2018 KREM B 9999999999 SS-4

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents (payroll service providers) are available to assist you. Visit the IRS Web site at www.irs.gov for a list of companies that offer IRS e-file for business products and services. The list provides addresses, telephone numbers, and links to their Web sites.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is KREM. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Keep this part for your records. CP 575 A (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address. CP 575 A

9999999999

Your Telephone Number ( ) - Best Time to Call

DATE OF THIS NOTICE: 09-01-2018
EMPLOYER IDENTIFICATION NUMBER: 83-1821377
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

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CARL DELANO TORJAGBO SOLE MBR
3081 LEATHERLEAF TRL
DOUGLASVILLE, GA 30135

Exb 106

There isn't a single average income for U.S. citizens in African mining, but salaries vary widely by role, experience, and location, with highly skilled professionals like Mine Managers earning significantly more than entry-level positions, often on a comparable or higher level to mining-intensive nations like Canada and Australia. A general salary for a Mining Engineer could range from $90,000 to $160,000 annually, with compensation packages frequently including benefits and housing, though specific figures for the African context are not provided.

Factors influencing income:

Job role:

Salaries differ greatly by position, from management and engineering roles to more technical or entry-level positions.

Experience and skills:

Highly skilled and experienced professionals command higher salaries.

Location:

While no specific African average is given, salaries are generally highest in mining-intensive countries such as Australia and Canada, suggesting a similar trend in Africa.

Company and benefits:

The specific mining company and any additional benefits, such as housing or expatriate allowances, significantly impact the total compensation package.

Examples of high-paying roles:

Mine Managers:

High demand for these professionals in mining countries like Zambia and South Africa can lead to high salaries.

Mining Engineers:

These technical roles are highly valued and can have annual earnings ranging from $90,000 to $160,000, according to Mining Review Africa.

Project Directors:

Roles in project management and operations are among the highest paying in the industry.

Highest Paying Jobs in the Mining Industry (2025 Update)

Jun 19, 2025 — Let's explore the top-paying roles in today's mining workforce. * Project Director

Drilling Operation Director

Exb 8 Pg 1

There is no single "average pay" or annual income figure for Chinese-operated mines in Africa, as it varies significantly by country, mine, and position, but Chinese mining firms in Africa often pay higher wages to their local workforce to attract and retain talent and secure better local community relations. Data on the profitability or revenue of individual mines is scarce, but Chinese firms have invested billions in African mining, particularly for minerals like copper and cobalt.

Factors influencing pay and income

Country and local context:
Salaries will differ significantly between countries like the DRC and South Africa, depending on local wage standards, cost of living, and minimum wage laws.

Job role and skill:
Pay rates vary by job, with skilled positions like geologists and engineers earning more than unskilled laborers.

Company policy:
Some Chinese companies offer higher wages for their local workforce than other employers, as a strategy for community relations and talent acquisition.

Commodity prices and market conditions:
The revenue and profitability of mines, and thus their capacity to pay, are directly impacted by global commodity prices.

Examples of Chinese operations in Africa

- Chinese companies, such as China Molybdenum and Zhejiang Huayou Cobalt, have become major players in cobalt and copper mining in the Democratic Republic of Congo (DRC).
- In South Africa, companies like Sinosteel and Zijin Mining have a significant presence in the mining sector.

Why a clear "average" is difficult to find

Confidentiality:

Companies typically do not disclose specific salary data or financial performance of their mines, making it difficult to establish a meaningful average.

Data fragmentation:

Information is spread across various reports, academic studies, and news articles, and a centralized database tracking all Chinese mining operations and their finances in Africa is not available.

Exb 8 Pg 2

Chasing copper and cobalt: China's mining operations in Peru ...

Feb 27, 2025 — Over the past two decades, Chinese state-owned lenders have bankrolled the acquisition, development, and operations of...

AidData ⋮

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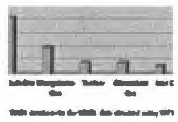
8. China's Mining Footprint in Africa - Institute of Developing Economies



Other Chinese mining companies active in South Africa include: Sinosteel; East Asia Metals Investment (subsidiary of Sinosteel); J...

IDE Institute of Developing Economies ⋮

The US vs China: the race for Africa's critical minerals | Mining Indaba

Mar 7, 2025 — China's Dominance in Africa's Mining Sector The DRC supplies nearly 70% of the world's cobalt, a key component in lithi...

African Mining Indaba ⋮

There is no single "average income" for a Chinese operation in Africa, as incomes vary significantly by country, sector, and the type of worker (Chinese expatriate vs. local staff). However, research indicates that Chinese firms in some African countries, like Ethiopia, have paid median wages higher than domestic firms. Wages can also depend on factors such as the firm's profitability, capital investment needs, and its strategy for attracting high-quality workers.

Factors Influencing Income

Country and Sector:

Wages differ greatly between countries and industries, with major investments in sectors like energy, mining, construction, and trade.

Worker Type:

Compensation for Chinese expatriate workers is often higher than for local African staff.

Firm Strategy:

Some Chinese firms pay higher wages to attract skilled workers, while others have lower wages, perhaps compensated by job stability.

Profitability and Competition:

Lower wages might occur in sectors with tight profit margins or in firms subject to fierce competition, especially in small and medium-sized enterprises.

Capital Investment:

In sectors requiring large initial capital investments, such as mining, firms may initially have lower wages while recovering costs.

Examples and Data

Ethiopia:

A 2012 World Bank survey found that median wages in Chinese firms were 60% higher than in domestic Ethiopian firms.

Ghana:

At a Chinese ceramic manufacturer, wages for Ghanaian workers were above the national minimum wage.

Zambia:

A study in Zambia's mining sector found that lower wages were sometimes offered, but this was offset by greater job stability.

Exb 8 pg 3

In summary, the income for a Chinese operation in Africa is not a fixed figure but is shaped by a complex interplay of market forces, company strategy, and the broader economic conditions within the host country.

Chinese firms and employment dynamics in Africa: A comparative ...

In a 2012 World Bank survey of firms in Ethiopia, median wages in Chinese firms were 60% higher than in domestic firms (Bashir, 20...

A Asociación Almendrón

Africa–China economic relations - Wikipedia

Its economic interests in Africa have increased dramatically since the 1990s. The most prominent Chinese corporate actors are stat...

W Wikipedia, the free encyclopedia

Africa's reliance on China is only likely to get worse

Jan 26, 2023 — China is now the African continent's largest trading partner, accounting for $282bn in commerce in 2022. It is also th...

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IRS

Foreign earned income exclusion

If you meet certain requirements, you may qualify for the foreign earned income exclusion, the foreign housing exclusion, and/or the foreign housing deduction. To claim these benefits, you must have foreign earned income, your tax home must be in a foreign country, and you must be one of the following:

- A U.S. citizen who is a bona fide resident of a foreign country or countries for an uninterrupted period that includes an entire tax year,
- A U.S. resident alien who is a citizen or national of a country with which the United States has an income tax treaty in effect and who is a bona fide resident of a foreign country or countries for an uninterrupted period that includes an entire tax year, or
- A U.S. citizen or a U.S. resident alien who is physically present in a foreign country or countries for at least 330 full days during any period of 12 consecutive months.

You can use the IRS's Interactive Tax Assistant tool to help determine whether income earned in a foreign country is eligible to be excluded from income reported on your U.S. federal income tax return.

If you are a U.S. citizen or a resident alien of the United States and you live abroad, you are taxed on your worldwide income. However, you may qualify to exclude your foreign earnings from income up to an amount that is adjusted annually for inflation ($107,600 for 2020, $108,700 for 2021, $112,000 for 2022, and $120,000 for 2023). In addition, you can exclude or deduct certain foreign housing amounts.

You may also be entitled to exclude from income the value of meals and lodging provided to you by your employer on their premises and for their convenience. However, such amounts are not foreign earned income. Refer to **Exclusion of Meals and Lodging** in Publication 54, Tax Guide for U.S. Citizens and Resident Aliens Abroad, and Publication 15-B, Employer's Tax Guide to Fringe Benefits for more information.

Online tools and updates

- International taxpayers videos
- International taxpayers news releases
- International taxpayers interactive tools

Individuals topics

- Tools
- Taxpayer Advocate
- Affordable Care Act

Exb 9 Pg 1

Other rules

Foreign-earned income: Foreign-earned income means wages, salaries, professional fees, or other amounts paid to you for personal services rendered by you. It does not include amounts received for personal services provided to a corporation that represent a distribution of earnings and profits rather than reasonable compensation.

Self-employment income: A qualifying individual may claim the foreign earned income exclusion on foreign earned self-employment income. The excluded amount will reduce your regular income tax but will not reduce your self-employment tax. Also, as a self-employed individual, you may be eligible to claim the foreign housing deduction instead of a foreign housing exclusion.

Not foreign earned income: Foreign earned income does not include the following amounts:

- Pay received as a military or civilian employee of the U.S. government or any of its agencies
- Pay for services conducted in international waters or airspace (not a foreign country)
- Payments received after the end of the tax year following the year in which the services that earned the income were performed
- Pay otherwise excludible from income, such as the value of meals and lodging furnished for the convenience of your employer on their premises (and, in the case of lodging, as a condition of employment)
- Pension or annuity payments, including social security benefits

Foreign tax home: You may have a foreign tax home if your work is in a foreign country and you expect to be employed in the foreign country for an indefinite, rather than temporary, period of time. You do not have a foreign tax home if your abode remains in the United States (where you keep closer familial, economic, and personal ties) unless you work in a Presidentially-declared combat zone in support of the Armed Forces of the United States. For more information, see Tax Home in a Foreign Country.

Figuring the tax: If you qualify for and claim the foreign earned income exclusion, the foreign housing exclusion, or both, must figure the tax on your remaining non-excluded income using the tax rates that would have applied had you not claimed the exclusion(s). Use the Foreign Earned Income Tax Worksheet in the Form 1040 Instructions.

- Foreign Earned Income

- Tax Home in a Foreign Country
- Bona Fide Resident Test
- Physical Presence Test
- Exceptions to Tests
- Figuring the Exclusion
- Choosing the Exclusion
- Revocation
- Foreign Housing Exclusion or Deduction
- Individual Retirement Arrangements
- Extension to Claim Foreign Earned Income Exclusion
- Foreign Earned Income Exclusion and the Pine Gap Facility FAQs

Related

- Form 2555, Foreign Earned Income
- Form 4868, Application for Automatic Extension of Time to File U.S. Individual Income Tax Return
- Form 2350, Application for Extension of Time to File U.S. Income Tax Return
- Publication 54, Tax Guide for U.S. Citizens and Resident Aliens Abroad

Page Last Reviewed or Updated: 10-Jan-2025

Exb 9 pg 2

How much overseas income is exempt from US taxes?

However, you may qualify to exclude your foreign earnings from income up to an amount that is adjusted annually for inflation ($107,600 for 2020, $108,700 for 2021, $112,000 for 2022, and $120,000 for 2023). In addition, you can exclude or deduct certain foreign housing amounts. Jan 10, 2025

IRS
https://www.irs.gov › individuals › international-taxpayers

Foreign earned income exclusion | Internal Revenue Service

What is the stacking rule for foreign earned income exclusion?

The stacking rule ensures that any taxable income after applying the FEIE is taxed at the correct marginal tax rate as if the excluded income were still included. This prevents taxpayers from artificially lowering their tax bracket by using the FEIE. Feb 13, 2025

Universal Tax Professionals
https://universaltaxprofessionals.com › the-stacking-rule-h...

The Stacking Rule: How to Optimize FEIE for Better Tax Savings

How many days can you work outside the US without tax implications?

Often, that threshold is at least 90 days, and in countries that have tax treaties with the U.S. (see the IRS page on Tax Treaties for additional information) the threshold for U.S. residents is generally 180 or more days in a year.

Columbia Finance - Columbia University
https://www.finance.columbia.edu › content › learn-about...

Learn about Taxes While Working Abroad - Columbia Finance

What is the tax exemption for US citizens living abroad?

If you claim the Foreign Earned Income Exclusion by filing IRS Form 2555, then you don't have to pay tax on your first $126,500 of foreign income for the 2024 tax year (the exclusion amount is $130,000 for the 2025 tax year).

Exb 9 Pg 3

Why do US citizens have to pay taxes abroad?

US taxes are based on citizenship rather than residence. This means that citizens are taxed by the IRS even if they live in another country. The only way to avoid this tax system is to renounce your citizenship, which can be costly and is rarely wise. Jun 2, 2025

Greenback Expat Tax Services
https://www.greenbacktaxservices.com › knowledge-center

Why Do I Have to Pay U.S. Taxes If I Live Abroad?

Do US citizens living abroad pay taxes twice?

Double taxation occurs when someone is taxed twice on the same assets or stream of income. US expats are often subject to double taxation, first by the US, and again by their country of residence. Jan 8, 2025

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What Is Double Taxation—and How Can Expats Avoid It?

What is the difference between Form 3520 and 709?

What qualifies as foreign earned income?

Foreign earned income is income you receive for performing personal services in a foreign country. Where or how you are paid has no effect on the source of the income. Mar 14, 2025

Ex 9 Pg 4

To obtain records of payments made to the IRS by wire transfer, you can use your IRS Online Account to view your account activity or request an official tax transcript. A tax transcript is generally faster and free, while a full tax return copy requires a fee.

Use the IRS Online Account

This is the fastest and most convenient way for individual taxpayers to view tax records, including payments.

- **Access the account:** Visit the IRS website and log in to your Online Account. You will need to verify your identity through a service like ID.me.
- **View records:** After logging in, go to the "Tax Records" or "Payment Activity" tab to see all payments posted to the account.
- **Get a transcript:** From the online account, you can also view, print, or download a **Tax Account Transcript**, which shows all payment types, not just wire transfers.

Request a tax transcript by mail

If you cannot or prefer not to use the online service, you can request a tax transcript by mail.

1. **Fill out Form 4506-T:** Complete and sign Form 4506-T, *Request for Transcript of Tax Return*.
2. **Specify the transcript type:** On line 6, check the box for "Tax Account Transcript". This will show all payment activity for the tax year requested.
3. **Mail the form:** Send the completed form to the IRS address listed in the instructions. The transcript will be mailed to you within 5 to 10 business days.

Request by phone

You can call the IRS automated transcript service to have a tax account transcript mailed to you.

- **Phone number:** Call the IRS at 800-908-9946.
- **Follow the prompts:** Provide personal information as instructed.
- **Receipt:** The transcript will be delivered to the address the IRS has on file for you within 5 to 10 calendar days.

Exb 9 Pg 5

What to do if the payment isn't shown

If your bank confirms the wire transfer was processed and debited from the account, but it does not appear on your IRS transcript or online record, contact the IRS by phone. The payment may have been misapplied, or the record may not have been updated.

Business wire transfers

For payments made via the Electronic Federal Tax Payment System (EFTPS) or for business accounts, you can access payment history by logging into your EFTPS account or your IRS Online Account. For older records, you can submit Form 4506-T.

What is an IRS tax transcript, and how do you request one?

Online request. The fastest and most convenient way to get a tax transcript is online. Simply visit or create your online IRS account, navigate to the 'Tax Reco...

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Transcript types for individuals and ways to order them - IRS

Apr 23, 2025 — Ways to get transcripts. You may register to use Individual Online Account to view, print, or download all transcript types listed below. If you're...

IRS (.gov)

Direct Pay help | Internal Revenue Service

Aug 28, 2025 — Will Direct Pay work for me? * 1. What is Direct Pay? Direct Pay is a free IRS service that lets you make tax payments online directly from your...

IRS (.gov)

Exb 9 Pg 6

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