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

KARL LUCIUS DELANO a/k/a

CARL DELANO TORJAGBO

V

UNITED STATES OF AMERICA

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. On January 26th of 2026 Mr. Torjagbo was Sentenced. 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 three of my constitutional rights, 14th amendment, 6th amendment and 5th amendment rights were infringed upon pretrial and during the trial. In support of my motion, I state the following.

VIOLATION OF 14TH AND 5TH AMENDMENT RIGHTS

1. **Use of Fabricated Evidence;** The evidence presented and used by prosecutors from Turbo Tax was fabricated (**Gov Exh220**). 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. (Exh3 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 (Exh3 pg9). Furthermore, Turbo Tax issued only two certificates of rejections. One for SSN ending in 6010 for 02/06 6:05pm (Exh2) and one for SSN ending in 0540 at 6:15pm on 02/12 (Exh1). The excel spread sheet was fabricated to make it appear to the Jury and the court that on 02/06, two submissions one each were made for SSN 6010 and 0540 and both were rejected the same day (Gov Exh202 Pg1and 2 Line 1 and 2). **Then on 02/12 another submission was made for both SSN 6010 and 0540 at 6:15pm and 6:37pm (Gov Exb220 pg1 and 2 Line 4 and 5) 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 (Exh10 Trl Trsrpt Vol 3 pg. 621 line 1-9). What actually happened was on 02/06 SSN 6010 was submitted and rejected at 6:05pm (Exh2). A submission was made for 0540 on 02/06 but that was not processed until 02/12 and was rejected at 6:15pm (Exh1). A subsequent submission was made for 6010 on 02/12 at 6:37pm (Exh4) which was accepted, and on 02/13 at 08:42am, a re-submission was made for SSN ending in 0540 which was also accepted (Exh5). In summary lines 2 and 3 are fabricated rejections and lines 4 and 5 are fabricated submissions (Gov Exh220 Pg1and 2). Also a look at the IRS data base shows that the rejection code FW 205-01, which means the tax filing was rejected because the EIN was not valid for the tax year, occurred only once on February 12 and remained at an occurrence of 1 until the refund was issued (Exh3 pg11 and pg9). 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 which was 02/13, 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 on 02/12 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. The account of what happened matches the IRS database and Turbo Tax certificates of what happened. 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 Mr. Davis, 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 (Exh11 Trl Trscrpt Vol 3 pg. 654 line 5-25 pg. 655 1-25 pg. 656 1-25), which is false because the only codes generated by the submission of files to the IRS are 02/12/2021 440893202103704ANJ07 and 02/13/2021 440894202104303VIKQ6 (Exh3 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 (Exh12 Trl Trscrpt Vol3 pg. 1157 line 5-25 pg. 1158 1-25). 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 22 minutes of each other and even if there were two people, they had to be together (Exh13 Trl Trscrpt Vol3 pg647 line 2-9). This is the equivalent of 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, Mrs. Drake and Mrs. Carpenter falsely testified that in order to be eligible for the PPP loan, the business had to be located in the United States (Exh14 Trl Trscrpt Vol3 pg. 501 line1- 8 pg510 1-5 pg. 513 13-25 pg. 514 21-25 pg. 557 14-17). Both of them of them 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 (Exh15 Trl Trscrpt Vol3 pg. 517 lines 8-11 pg. 564 pg. 1-10). 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 nowhere in the rules of the PPP program that states the business had to be located in the United States. It only states the funds were to be used for workers whose **Principal Place of Residence** is the United States (Exh6 pg. 12 para f). Expat workers have their Principal Place of Residence in the United States but work abroad or overseas. If congress intended that the business had to be located in the United States, then it should have said so in the rules. And if it was intended for workers to be working on US soil, it would have said so in the rules. An average person applying for the loan should not have to guess what congress intended. Is as if they a bending the existing rules just to convict someone. There is nowhere in the documentation instructions that states documents provided for the loan application had to be filed with the IRS prior to submitting them. The PPP portal opened in January of 2021 and closed in March of 2021 (Exh16 Trl Trscrpt Vol3

pg501 line 25 pg502 1-9). The portal for filing 2020 tax returns did not open until Mid-February of 2021. Which means all the applicants from January of 2021 to Mid-February which is about one fourth of the applicants, submitted estimates of their taxes. The instructions given by Chase bank to applicants only require you to submit estimates if you had not yet filed your taxes. So it was not like Mr. Torjagbo was the only applicant who submitted estimates of his Taxes to defraud or deceive the Bank. 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, the 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 264 259.79S ct 1173 3L ED 2d 1217(1959).

4. False Testimony by IRS Agent; The rigorous checks that a Tax return goes through before a refund is issued is evident when you look at the evidence presented in this case. The first two returns filed, one by Andrea mistakenly with SSN ending 6010 and DOB 09/08/75 with a Houston address, and the other by me SSN 0540 Dob 09/10/79 and a Georgia address were processed by two different agents (Gov Exh202 pg3 Line 1 and 2).

They were both rejected because the agents checked and realized that the EIN though valid was not applicable for the Tax year. Other checks that these agents performed will be to check if the SSN was valid. Another check the agents did was to see if the applicant owed any taxes from previous tax year (Exh17 Trl Trscrpt Vol3 pg. 709 lines 24-25 pg. 710 1-9 pg. 740 4-17). **However, the most critical check which is whether the applicant actually paid taxes,** the agent claims in his testimony they just assume the information is correct and the numbers on the 1040 just rolls over (Exh18 Trl Trscrpt Vol3 pg687 lines 21-25). If this is true, then the agents that processed the return would have assumed the EIN's were valid. They would have assumed the applicant does not owe any money, and most importantly they would have made the same assumption in the filing ending in 6010 which is roll the numbers from the 1040 over and a refund check would have been issued in this filing as well. The only reason why a refund was issued for the filing with SSN ending in 0540 was because a wire transfer of a payment referencing SSN 0540 was received and credited to that account (Exh34). Another thing I would like to highlight is that Mr. Salvatore did not process the EIN applications, he did not process my tax returns either. He is merely looking at documents after the fact and giving testimonies in line of what the prosecutors want the Court and Jury to believe happened. This pattern of False testimonies even when the hard paper evidence says another, is the same as what the SBA expert and Chase Bank expert did. With the specific intent of manipulating the Jury or outcome of the Trial.

Violation of 6th and 5th amendment rights due to Ineffective assistance of counsel

1. **Refusal to present evidence in the 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 22 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** (Exh1,2,3,4and5). 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 the 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 your own. I already told you I don’t want to get into that”. He then got up and abruptly 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 Georgia, 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. (Gov Exh106).

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 (Gov Exh106). 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 (Exh20 Trl Trscrpt Vol4 pg. 1053 lines 3-20). 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, then 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 these were the actual documents submitted (Gov Exh101 pg. 10). 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 I

submitted. The IRS agent testified that they do not have a copy of the original letter that was mailed to me (Exh19 Trl Trscrpt Vol3 pg681 Lines 20-25). 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 prosecutor's 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. I was notified via mail with a hard copy letter for all the 3 EIN' s I applied for. 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 rebuttal 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". One thing is for certain though, the EIN ending in 1377 was at some point under Kremkov.

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, but did not know how much the pay rate was (Exh22 Trl Trscrpt Vol4 pg974 Lines 2-23). According to Mr. Finlayson, Dr. Owuso was to testify on a limited basis on the existent of small scale mines in Ghana and the number of employees (Exh23 Trl Trscrpt Vol4 pg967 1-15). Yet when prosecutors led the witness and started asking questions about pay rates from a BBC article that the prosecutor claimed he read, Mr. Finlayson **failed to object even though this was outside the scope of what the witness was allowed to testify on**. This article was never presented to the Jury, and 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. Furthermore, the Amalgamation methods and sandbag washing methods that Dr. Owuso is familiar with and describes in his testimony, are not methods used by Kremkov (Exh24 Trl Trscrpt Vol4 pg. 977 lines 13-20 pg978 5-23). Those are crude methods and outdated methods. Put it plain and simple, that testimony should not be allowed and its misleading to the Jury in the sense that it would cause them to believe that the pay rates for Kremkov Industries were somewhat exaggerated to deceive the bank. The price of 1 kilo of gold in 2019 was $78,000 per kilo. This means a mining business of Kremkov's 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. We have sophisticated equipment like drones with ground penetrating radars, cable lifts, jack hammers, fork lifts, 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 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 and is not a Just comparison. 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-$70,000 after taxes (Exb8 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 up not filing due to 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 in his last meeting. He stated the prosecutors IRS agent was going to take

the stand and testify that he cannot find my tax payment regardless of whether I made the payment. Also present at that meeting was attorney Jodi Yoshi, Paralegal Sarah and an IRS agent that worked for the Federal Defender's office. I took the threat or warning seriously 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 tried 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 Exh9 pg4). 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. **Your IRS tax transcripts shows all records of payments made to the IRS (Exh9 pg. 6).** 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 1099 or 940and 941 with the IRS and Social Security administration. A good example is my Tax returns while working for Fly-Dubai Airlines (Exh40). 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 1099 940 and 941 will yield no records because none 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 government's 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 or file 940,941 and W2

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

5. Without an Audit can you say that Mr. Torjagbo committed any Fraud as to the information on his tax returns. Further consultations with other IRS agents explain why the payment could not be found by Mr. Salvatore the prosecutor’s agent. In his testimony, Mr. Salvatore explained how a 1099 captures anything under a social security number. However, that has to be reported or filled out by someone. A Financial institution, self-employed person, Casino, Lottery company and so on. **This applies to revenue earned inside the United States as foreign based organizations are not obligated to do so** (Exh25 Trl Trscrpt Vol3 Pg703 lines 17-21). It does not show wire transfer information or check payments made directly to the IRS from any of these

entities. So if he runs a check on payments or wire transfer made by me to the IRS, he would not find any information or it would yield no results (Exh36 Trl Trscrpt Vol3 pg686 lines 1-4). The same applies to W2, W4, 940 and 941, which is the forms that employers fill out and file with the IRS regarding how much taxes they withheld from an employees pay check, and what they paid to the IRS. If we take a U.S based company like PNC Bank which filed 940 and 941 with the IRS, a search using the companies EIN number will only show what the company filed on its 940 and 941 but not the actual payment. In order to get to the actual payment record, there is something called a **Master Payer Account** which companies that make scheduled payments to the IRS are required to have on file. Basically a Master payer account is an account where payments are drawn from, sort of like having a credit card on file, or bank account number on file with your utility company to pay your electric or phone bill (Exh27pg2 and pg3). So let’s just say PNC filed a 940 stating it withheld $4 million from 1000 employee’s paycheck and that money was paid to the IRS in the first quarter of 2022. If an Agent wants to track down or find the actual payment record, he has the account number from which the payment was made on file which is the Master Payer Account, the amount that PNC paid, and the date when that payment was made. He can search the records and find that actual payment record. Also the employer would file a W4 with the Social Security Administration with the name of each employee, and the exact amount deducted from their income using their Social Security number. Let me stress again that this is not required for foreign based companies which Kremkov was up until 2021.

Let's take another example Mr. Zeke a U.S citizen who works for Sukhoi Design Bureau based outside the United States. In 2022, Mr. Zeke makes $250,000 and is subject to taxation since he makes more than the allowed threshold for foreign tax exemption. So in 2022, he owes the IRS $10,000 in withholdings which he decides to pay via wire transfer. When the agent who processes the payments receives the wire transfer, he credits Mr. Zeke's account using his social security number. Since that payment was for tax withholdings, it will be logged or coded as code 806 which is the IRS code for payments credited for tax withholdings (Exh34). Let's say a year later an IRS agent decides to Audit Mr. Zeke to see if he actually paid taxes that he filed on his W2. Now since this is not a regular scheduled payment and just an individual randomly made payment, there is no requirement for a Master Payer Account to be on file with the IRS, or the IRS does not keep that account information on file once the payment is credited. This is similar to when I was working in the UAE as an Airline Pilot for Fly Dubai Airlines or the Income from Kremkov Industries (Exh40). Note that the income is still listed as W2 wages on the Tax returns, and any taxable income will be listed as Tax Withholdings, however Fly Dubai Airlines did not fill out 1099, W2, W4, 940 or 941 with the IRS since it is not obligated to do so as a foreign based entity. So in order to search for the actual payment, the Agent will need the account number from which the wire transfer was made, the amount, and the date, to effectively find the record of payment. In my case, Mr. Salvatore does not have the account information that Mr. Lee used to pay for my tax withholdings. I don't know that account number off the top off my head either. With the computer that had the information stolen, and me not able to reach Mr. Lee, there is no way he can find that information. When asked if he knew how payments were processed and logged by the IRS, he testified that he has no knowledge of how payments are processed (Exh30 Trl Trscrpt Vol3 pg. 732 lines 1-25 pg.733 1-25 pg. 734 1-4). One thing is certain though, a payment was received by the IRS referencing my SSN ending 0540 for Tax withholdings for Tax year 2020. Based on that payment, the agent processing wire transfers or payments credited my account with SSN 0540 which was coded as 806 for Tax withholdings payment. **A refund was issued for the SSN 0540 but non for SSN 6010 since there was no such payment for this SSN**. **The IRS will not credit an account unless a payment is received for that account (Exh9 pg. 7)** This was mention in my memo to Mr. Finlayson in my push to have him get an Agent to testify on the defense side but that did not happen. His cross examination fell short of drawing this contrast or providing a better insight to the Jury and the Court. 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 (Exh31 Trl Trscrpt Vol3 pg607 lines 19-23pg608 1-2). 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 that the SBA will direct you to repay the loan, if let's say you borrowed money for one McDonald but used the money for another one. I also received a letter stating my first loan payment was due on Aug 10 since I did not apply for forgiveness but was detained before then. 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 Flying Jack. 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** (Exh6pg11 para e sub para ii). One is allowed to spend their paycheck on whatever the desire. **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 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 Flying Jack, 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 trial. 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. I initially transferred $3 million from my Chase bank account to my PNC bank account because this account was linked to my United Arab Emirates bank account which contained employee payment info such as checking account numbers, routing numbers, swift codes and Bank addresses. It was easier to transfer the money here then from there pay the employees than it was to have to re-enter 612 different employee account information. Moreover, there were no rules that prohibited the transfer of PPP funds from one company account to another. I did not proceed with the payments because the covid vaccine was not going to be available any time soon in Ghana and paying the employees would have been a waste of the funds since I would not be able to keep the business going even if I did so. 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 Ohtani, 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 (Exh33 Trl Trscrpt Vol4 pg1093 lines 1-11 pg1095 16-23). Mr. Finlayson knew 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.

Another point I would like to highlight in closing is the time it took for the Jury to render a verdict. Judge Brown was addressing the Jury close to 1:30 pm right around Lunch time and told them the downstairs break room closes at 1:30pm so they were to stay upstairs for deliberations (Exh35 Trl Trscrpt Vol5 pg1212 Line 21-25 pg1213 1-6). At around 2:15pm they already had a verdict. The trial proceedings ending at 2:26pm (Exh47 Trl Trscrpt Vol5 pg1228 Line 25). Since It took the Jury about roughly 45 minutes to render a verdict, it is fair to conclude that they relied heavily on what they heard from the testimonies rather than going through over 200 exhibits, reading rules and audio tapes to fact check witness testimonies. If these testimonies are full of False statements and Fabricated evidence, then the outcome of this entire trial is unreliable, unfair and Unjust. United States Vs LaPage 231 F 3d 488.

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 and violated my 5th amendment rights.** 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 the sentence, 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 a copy of this motion has been hand delivered by my attorney Sandra Michaels to Ms. Kelly Connors and Mr. Nick Evert at

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

Dated: This 26th day of January,2026

Karl Lucius Delano
Pro Se

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.

Exh1

Case 1:22-cr-00171-MLB-RDC Document 240 Filed 09/08/25 Page 41 of 66

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.

Exh2

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	

Exh3

Case 1:22-cr-00171-MLB-RDC Document 240 Filed 09/08/25 Page 20 of 6

```
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
```

```
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 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 CODE	TIN	MFT	TAX PER	FILING STAT	CONTROL DLN	TRANS CODE	TRANS DLN	REF IND	BAL 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   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                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:AD 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
                              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                    ADIA 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: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                ADIB 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: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                ADIC 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: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                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 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	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	

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

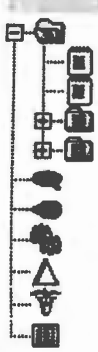
TRDPG 771-36-0540 30202012 AEID ACCESS CODE:QA PAGE:001 OF 001
2022-05-27 10:01:27 FORM-FAMILY:1040 TAXYR:2020 TRDB-DT-RCVD:2021-02-12
NAME-CNTRL:1360 TXPYR:P FILING STATUS: REFUND: BAL DUE: INPUT-SOURCE:MEFILE
FORM:SSN-VALDN OCCURRENCE: 1 CURRENT-STATUS:MEF REJECTED

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	

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

Exb. 4

Received Date	2021-02-13
IRS Received Date	
Primary SSN	771-36-0540[illegible]
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



Your browser cannot support IFRAME.

Exh5

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 22②

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			

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

Exb. 6

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.

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

Exh8

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.

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.

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...

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...

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...

Investment Monitor

Show all

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.

Exh9

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

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).

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

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

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

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.

Pg 6

What to do if the payment isn't shown

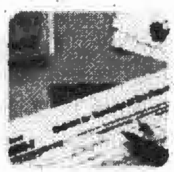
If your bank confirms the wire transfer was processed and debited from the account, but it does not appear on your IRS transcript or online record, contact the IRS by phone. The payment may have been misapplied, or the record may not have been updated.

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...



H&R Block

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 7

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

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

Exb 106

Q. Okay. Now, in terms of once that filing is transmitted to the agency, is the TurboTax system or the EF -- the electronic filing engine still kind of monitoring that return, if you will?

A. Yeah. We -- we constantly check for the acknowledgment from the -- from the IRS for -- for filings. And they give acknowledgments in batches, large batches of filings. And we -- we check consistently and those are retrieved from the IRS.

Q. Okay. Now, what exactly is the acknowledgment that you're looking for?

A. The acknowledgment is going to come back as succeeded, meaning that the return was accepted by the IRS, or rejected, and if it's rejected, it's going to have an error associated with it. The IRS is going to return a very clear error for what's wrong with it and that will -- those are the two responses.

Q. Okay. So let's talk about if a return is rejected by the IRS or by an agency. Would TurboTax relay that information?

A. Yes. TurboTax, depending on the error from the agency, TurboTax is going to give a response to the customer with the information on how to solve the problem, how to fix the return. That's -- that's the most common one.

The other -- the other thing that can happen is there will be an error from the IRS in this case that is unknown,

Exh10

Thank you, Your Honor.
There you go. Thanks.

CROSS-EXAMINATION

BY MR. FINLAYSON:
Q. Good afternoon, Mr. Davis. Good afternoon. I just have a few questions for you.
MR. FINLAYSON: This -- if I could see the 220 that's on the government's computer. No?
I'm sorry. Madam Clerk, can I get 220 that's on the government's computer.
MS. CONNORS: The paralegal table.
COURTROOM DEPUTY: So it's at the podium.
MR. FINLAYSON: Right.
MS. CONNORS: Oh, sorry.
MR. FINLAYSON: Thank you. Wonderful.
BY MR. FINLAYSON:
Q. This document we've been talking about for a good while now, that's an Excel spreadsheet, right?
A. Yes.
Q. And did you prepare that document?
A. My team did, yeah.
Q. And so that is the --
A. Or part of the team.
Q. Okay. So it's a summary of a variety of other documents, right? Is that fair?

Exh11

A. No, this is data taken right from our databases.
Q. So that -- was this -- was this -- let me ask it this way: Was that automatically generated by your databases?
A. No. So the data is in the database per the subpoena requirements, we do a search based on what the court's asking us to look for. And then we search the databases and this was what was returned from those searches.
Q. But was it returned in one single spreadsheet or was it copied over from the individual documents?
A. No. It was put right into a spreadsheet. The data pulled from the database and put into a spreadsheet.
Q. And how is it pulled? Is it copied or is it somehow automatically populated?
A. So it's a -- it's a -- it's done by the servers. It's -- it's code that actually talks to the database, makes a request for the data in the database, using a search. The database responds providing that, that data is stored on a server and then -- and then we pick it up and give it to you, the subpoena request.
Q. There's a whole lot in that. I'm going to have to help you take me through it.
Did you -- so do you have to like build a code to make this spreadsheet happen?
A. That's -- build a code. Well, everything is built. I mean, you know, everything's been built to do this, yes.

Q. So is it like SAS or some type of program like that that would --
A. No, it's -- it's not. It's a service. I'm not a programmer, but it's a service designed to read the database with a query and have it return the data.
Q. And so that program that some programmer, not you, built in your office gathered this data somehow and put it into this Excel spreadsheet?
A. Yeah, I would -- I would say it talks to the database and the database responds, putting that -- putting that data in a spreadsheet form.
Q. Okay. So nobody went in individually and copied and pasted and copied and pasted?
A. No, it's all automated. And it's -- the database is huge, first of all, so it takes some time to look through the entire database for the query.
Q. Okay. I think I've got it.
And we are looking at I guess it's eight entries that are on this spreadsheet?
A. Yes.
Q. And it looks like there were three returns -- three returns that were accepted, five that were rejected; is that right?
A. Yes, that's what I see.
Q. Now, you're just on the back end, you're -- you're -- you

Lewis without his knowledge goes to his house, logs in on his TurboTax account and files a tax return because she had to have accessed a file on his computer that had old identity information on it.

But ladies and gentlemen, remember the testimony of TurboTax. They talked about how there were multiple rejected tax filings. And what happened is that the Social Security number ending in 6010 was the earliest return, the first one, and it gets rejected after it was filed -- attempted on February 6th.

But also on February 6th, there was this submission attempt under the other Social Security number, 0540. And you heard how the error message for both of those returns was that the EIN on the W-2 was a mismatch essentially. That it was an impossibility that you could have a W-2 from 2020 that had an EIN on it that was not issued until 2021, so they get rejected.

And so what happens next? Another attempt. Another attempt using another EIN. This one also doesn't go through, because he's still using one of the EINs for Kremkov that's issued in 2021.

And why is he using those two EINs to try to do these tax returns? Because he knows those two EINs actually have Kremkov Industries associated with them.

But when those two fail, the third time is the charm.

Exh12

And he goes back and he is first able to go under that earlier Social Security number, 6010, and he tries it with the 1377 EIN number, the one issued in 2018, that's not in the name of Kremkov Industries, it's instead just in the name of Carl D. Torjagbo. And when that one ends up going through, it's ah-ha, found the right one. So the next morning, he submits the tax return under 0540, so both of those end up going to the IRS.

He now knows 1377, that EIN issued in 2018, is the magic number. And that's precisely why when May 7th of 2021 rolls around, he knows that's the one he's got to use if he wants to try to tell Chase Bank that he was actually in operation before February 15th of 2020. Shifting information, whatever works, whatever works to get millions of dollars.

Ladies and gentlemen, I'll remind you he never paid a dime to Social Security, not in 2020, not under either one of the Social Security numbers.

And yet what he wants you to believe is that he told Michael Lee pay my tax withholdings sometime in 2021, early 2021. Ladies and gentlemen, that simply doesn't make sense. When you go to file a tax return at the end of the year, you put in what your earnings are, you put in any withholdings that you have, and if you have losses from a company, you put in your losses, that's how it works. At the end, then your return is going to say either the IRS owes you money or you

A. Yes.
Q. Now for Row 7, using Social Security number ending in 6010, what is the timestamp?
A. February 12th, 2021, 6:37.
Q. Approximately how much time later?
A. 22 minutes. Yeah. A little less than 22.
Q. Okay. And now since this one went -- says succeeded, does that mean no error message?
A. Correct. It means the federal agency accepted the filing.
Q. Okay. And does this return list the Houston, Texas, address? Again, it would be the row in yellow.
A. It does.
Q. And taxpayer date of birth that was transmitted, September 8 of 1975?
A. Correct.
MS. CONNORS: And, Ms. Kelley, if you will put it back at the paralegal for me.
And if you can pull up Government's Exhibit 226, please.
BY MS. CONNORS:
Q. Now, Government's Exhibit 226, does this correspond to that Row 7 on the spreadsheet?
A. Can I see the spreadsheet again?
Q. Absolutely.
MS. CONNORS: I'm sorry, Ms. Kelley. Could you

Exh13

government.
Q. The U.S. federal government?
A. The U.S. federal government.
Q. And were foreign businesses eligible for PPP loans?
A. No.
Q. Would a mining company with all of its employees in Ghana have been eligible for a PPP loan?
A. No.
Q. So you mentioned that speed was an issue.
Why was processing these loans quickly important as part of the PPP program?
A. One, it was a mandate by the United States president.
And secondly, it was to get the funds directly to the businesses that were in need of getting the funds.
Q. And when was the PPP program originally created?
A. On March 2020.
Q. And were there multiple opportunities to get PPP loans?
A. Yes.
Q. When was the second round of the PPP program announced?
A. The second round was December of 2020.
Q. And specifically was the -- was that part of the Economic Aid Act passed by Congress and signed into law in -- on December 27th of 2020?
A. Yes.
Q. During what time period could businesses apply for a

Exh14

A. It meant that the business had generated revenues.
Q. If a business was operating in Ghana but not operating in the United States, would it have been correct to say that it was in operation for purposes of this form?
A. No.
Q. If a business did not provide documentation showing that it was in operation as of February 15th, 2020, could it have gotten a PPP loan?
A. No.
Q. Can you please read the second certification on Page 2.
A. Current economic uncertainty makes this loan request necessary to support the ongoing operations of the applicant.
Q. And why was this certification included?
A. We wanted to make sure that the applicant was currently in operation and they did not have liquidity to support the ongoing operations of the business.
Q. If a company did not have any operations, could the loan have possibly been necessary to support the ongoing operations of the business?
A. No.
Q. If a company was registered in the United States but did not have any U.S. operations, would it have been eligible for a PPP loan?
A. No.
Q. Were there any restrictions on the number of employees

A. Because that's a part of the eligibility.
Q. And if the answer to that question had been no, could the loan have been approved?
A. It would not have been eligible.
Q. And how was it determined whether the United States was an employee's principal place of residence?
A. It's based on the IRS determination of place of residence.
Q. And if a business had employees in foreign countries, could payments to those employees be counted for purposes of calculating the amount of the PPP loan that the business could receive?
A. No.
Q. Was it enough that a person was a U.S. citizen for that person -- if -- if that person lived in another country, could a U.S. citizen who lived in -- who resided in other countries payroll be counted in terms of calculating the amount of the loan?
A. Would you repeat the question?
Q. Yes. Sorry. That was terrible. Sorry.
All right. If a person was a U.S. citizen but they resided in another country, could their employer count the money paid to that employee when calculating the average monthly payroll for purposes of calculating the size of the PPP loan they could get?
A. No.

Q. And why, why not?
A. Because the purpose of the PPP loan was to keep American workers paid. And the determination for the number of employees was based on a size standard, not to calculate the loan amount.
Q. And what about if an American expat who lived and worked in Ghana but still had a house in the United States, would that person -- would you be allowed -- would a business be allowed to count that person's pay in calculating their average monthly payroll?
A. They would not if they did not meet the IRS standard for principal place of residence.
Q. And if a business used independent contractors, could payments to those contractors be included in the business's monthly payroll?
A. No. Independent contractors were eligible to apply separately.
Q. And what about employees paid in cash under the table, could they count towards monthly payroll?
A. No.
Q. If a company was registered in the United States but operating solely in another country, would that company be eligible for a PPP loan?
A. No.
Q. Why not?

the proceeds of the loan to start a trucking and logistics company?
A. No.
Q. And one certification above that one, the second one down, can you please read that?
A. Current economic uncertainty makes this loan request necessary to support the ongoing operations of the applicant.
Q. If a company was able to pay its employees $45 million in 2020, would that suggest that the loan was necessary to support its ongoing operations?
A. Yes.
Q. It could suggest that?
A. It could.
Q. Okay. Were the -- were the -- were the proceeds of a PPP loan allowed to be used to support non-U.S. operations of a business?
A. No.
Q. If Kremkov Industries did not have any operations in the United States, would it have been important to Chase to know that?
A. Yes.
Q. If Chase had known that Kremkov Industries did not have any operations in the United States, would it have approved the loan?
A. No.

A. No.
Q. If a loan was going to be based on gross income, would that have had to have been reflected on the form?
A. Yes.
Q. In connection with a PPP loan application, did an applicant have to submit any documentation of its payroll?
A. Yes.
Q. If a business submitted tax records in support of its application, did those documents have to have actually been filed with the IRS?
A. Yes.
Q. And if a -- if a business supported documents in support of its application, did those documents have to contain true information?
A. Yes.
Q. Was an applicant allowed to make up information --
A. No.
Q. -- in order to get a PPP loan?
A. No.
Q. Were there requirements for how funds received from a PPP loan had to be used?
A. Yes.
Q. What -- what did the proceeds of a PPP loan have to be used for?
A. Payroll, rent, mortgage expense, mortgage interest

Exh15

of tax documents. Who -- is this the start of where the tax documents begin in this form?
A. Yes.
Q. And who -- who submitted these?
A. Karl did. Karl Delano/Torjagbo.
Q. If the tax documents were -- were -- if tax documents -- I believe you testified earlier that if tax documents were submitted in connection with a PPP loan, those had to have been real tax documents that were filed with the IRS, correct?
A. Yes.
Q. If Chase knew that the tax documents had not actually been filed with the IRS, would it have approved the loan?
A. No.
Q. Was it important that the information in the tax documents was accurate?
A. Yes.
Q. If Chase had known that there was inaccurate information in the tax documents provided for Kremkov Industries and for Mr. Delano, would -- would it have approved the loan?
A. No.
Q. So turning to Page 125, what is this?
A. This is Carl's personal tax return, the 1040 form from 2020.
Q. And the name is Carl Torjagbo; is that correct?
A. Yes.

government.
Q. The U.S. federal government?
A. The U.S. federal government.
Q. And were foreign businesses eligible for PPP loans?
A. No.
Q. Would a mining company with all of its employees in Ghana have been eligible for a PPP loan?
A. No.
Q. So you mentioned that speed was an issue.
Why was processing these loans quickly important as part of the PPP program?
A. One, it was a mandate by the United States president.
And secondly, it was to get the funds directly to the businesses that were in need of getting the funds.
Q. And when was the PPP program originally created?
A. On March 2020.
Q. And were there multiple opportunities to get PPP loans?
A. Yes.
Q. When was the second round of the PPP program announced?
A. The second round was December of 2020.
Q. And specifically was the -- was that part of the Economic Aid Act passed by Congress and signed into law in -- on December 27th of 2020?
A. Yes.
Q. During what time period could businesses apply for a

Exh16

PPP loan during that second round?
A. It was through March of 2021.
Q. And starting in January?
A. January -- January 13th. There was a short period that allowed for smaller businesses to apply for the loan, just a two-day period, a two-day period.
Q. So businesses were eligible to apply starting in January of 2021?
A. Yes.
Q. Was there a high demand for PPP loans?
A. Yes.
Q. Were there more applications for PPP loans than businesses that got PPP loans?
A. Yes.
Q. If a business wanted a PPP loan, who would it apply to for the loan?
A. It would apply to lenders that would approve through the SBA.
Q. And so what was the lender's role with -- and just to be clear, was the SBA the lender or were there different lenders?
A. SBA was not a direct lender.
Q. So would the lenders be institutions like banks?
A. Yes.
Q. What were -- what was the lender's role with respect to a given PPP loan?

A. That is correct.
Q. And since this is a check, would it have had to have been mailed?
A. Yes.
Q. So then would there have been some additional time period for the mailing to occur?
A. There could have been, yes.
Q. And in regards to the amount of the refund check, is it $3,366,240.76?
A. That is correct.
Q. Now, if IRS is going to send out a refund check, does it specifically send out any kind of notice in advance saying we're issuing your check on this date? We're going to put it in the mail on this date and you will receive it on this date?
A. If it's just a basic refund check, the IRS, they don't send a letter for every refund they send out.
Q. And here, even though it was a large refund -- refund amount, is it still a basic Treasury check?
A. It looks -- it appears so, yeah.
Q. And I just wanted to get a bit more specific. In regards to this check, we've talked about that the stimulus payments were deducted from the full refund amount that was requested on the tax return.
Was anything else also deducted from the tax return?
A. I believe there were two offsets. The taxpayer owed money

Exh17

to the Internal Revenue Service for previous tax years, I believe it was either 2013 and '14 or '14 and '15, so it's just standard procedure. If money is owed to the IRS, before they send you your refund, they're going to take their money, all right. And then whatever the remaining amount is what you're entitled to as your refund.

So basically it squares out, you no longer have a balance, no penalties, no interest, washed off, remaining amount, that becomes your refund.

Q. Okay. Now, in here, you've testified that the defendant -- there is no record of any tax withholdings actually being paid to the IRS in 2020?

A. That is correct.

Q. So does that mean that if those back taxes were essentially deducted from the refund, but the refund was not owed to begin with, are the back taxes still owed?

A. The taxes will be owed, yes.

Q. Okay.

MS. CONNORS: And if we could pull up Exhibit 202.

BY MS. CONNORS:

Q. And, Mr. Hazel, you're familiar with an additional tax return for 2020 filed in the name of Carl Torjagbo?

A. I am, yes.

Q. Now, for this tax return, was there a different Social Security number used?

year.
Q. Now, does the IRS in terms of tax returns rely on information that the individual is putting into the form to process the tax return?
A. So the whole basic tax system, the IRS is trusting that the taxpayer files their return honestly and accurately as possible. So if there's a return on file, and there's a W-2 and those numbers match as close as possible together, the IRS won't -- in most cases won't question it at first and will release the refund, as they know people need their refund. So they're instructed by the federal government to try to get the refunds out as soon as possible, because many people are depending on that.
Q. And if they're owed the money back, then they -- the IRS wants to gets them that money back as quickly as possible?
A. That is correct.
Q. Now, if we can look here at the bottom of that screen, as a result of the figures going into this 1040, was there an amount that was stated for a refund?
A. Yes, it is.
Q. And what was the amount of the refund being requested?
A. The amount listed on line 35A is $3,373,441.
Q. And when IRS is processing this return, is it processing it with the assumption that this is accurate information?
A. That is correct.

Exh18

this was submitted to Chase Bank on May 7th of 2021?
A. That is correct.
Q. Now, could you say what the -- who is this letter purportedly issued to?
A. To Kremkov Industries, Carl Delano Torjagbo, sole member.
Q. And what is the address that is listed on this letter?
A. That would be -- thank you. Thank you -- 3081 Leatherleaf Trail, Douglasville, Georgia, 30135.
Q. Okay.
MS. CONNORS: And could we slide over 503 possibly so we could see that a little more side by side? There we go.
BY MS. CONNORS:
Q. Okay. So, Mr. Hazel, what is the employer identification number that is purportedly on this letter?
A. The EIN identification -- employer identification number listed on this letter is 83-1821377.
Q. So looking at Exhibit 503, is that the EIN that's in the first column?
A. That is correct.
Q. Okay. And, Mr. Hazel, in regards to 1833, does IRS's system have any information that would be consistent with a letter being issued with 1377 on it but addressed to Kremkov Industries, Carl Delano Torjagbo, sole member, at 3081 Leatherleaf Trail, Douglasville, Georgia?
A. I could not find any letter.

Exh19

Q. That's correct.
A. Yeah.
Q. Do you understand that the name of the street is different?
A. Yes, but...
Q. It says Leatherly Trail and not Leatherleaf Trail.
A. Yeah. Yeah, but because the name of the street is different doesn't mean a letter wouldn't come there. If you -- you know, let's say you -- you are trying to mail something to somebody. You put in an address and even the ZIP Code is not correct, the post office sometimes figures that out and they'll send it to you so just because the Leatherleaf wasn't --
Q. So wait. I want to make sure that I understand.
So you think that the post office pulled the correct address for you and put it on an IRS letter. Is that what your testimony is?
A. Yeah. My testimony is whatever was sent to me via the IRS, I received it, even if the spelling of the name was not correct.
Q. So let's point out another thing about this.
A. Um-hmm.
Q. You said how would you be able to make this letter.
A. Um-hmm.
Q. Well, because you probably did receive a letter for 8332

Exh20

people.
Q. And they'll all go down in the hole?
A. Some are underground, some are operated on the surface.
Q. And what -- how do they do the work in these mines?
A. So when they have the area, some use shovels and pickaxe, you know, rudiment tools. And some also use sophisticated heavy equipment like excavators, dozers and all that to mine.

They put it on the equipment that is tilted that they wash, you know, gold is heavy so they put blankets and they wash. And then the sand goes down and then the gold gets stuck in the blanket. They remove the blanket, wash in bucket. Some have big -- you know, big equipment that they wash in so that the gold will settle down. Then they decant.

After they decant, then they use mercury and other chemicals to extract the gold, we call it amalgam. So after they melt the amalgam and then the mercury get out of the gold and they get the real gold.
Q. And is this all done by hand?
A. Some are done with hands, some are done with equipment. Now the Chinese guys have created a whole lot of sophisticated equipment that they use in the small scale -- originally, small scale was supposed to be using rudimental tools and, you know, and the Ghanaians.

But now, there are a lot of invasion of Chinese guys in small-scale mining and they are the guys polluting all the

Exh22

MR. FINLAYSON: I'm not sure what they prefer. If they want me to qualify him as an expert, I will do that. I don't know which they prefer. I can do either one. All right. It's just a question of --

THE COURT: I'm going to let him testify to the very limited things you've said you want, which is that there is a country called Ghana in which there are mines and there are people who work in those mines.

MR. FINLAYSON: And can we talk about how many people he has seen working in those mines?

THE COURT: Yes.

MR. FINLAYSON: Thank you. It will be short.

THE COURT: Yes, okay. And then what, and then who?

MR. FINLAYSON: Tom Thurman. And he'll be short as well.

THE COURT: Okay. And then I'm going to take a break for our afternoon break. And then at that point, you can tell me whether he's going to testify and we'll move him up here while the jury is out.

MR. FINLAYSON: Very good.

THE COURT: All right. You may bring them in.

MR. FINLAYSON: Let me go get my witness.

COURTROOM SECURITY OFFICER: All rise.

(Whereupon, the jurors entered the courtroom.)

THE COURT: Y'all may be seated.

Exh23

A. No, I've not heard the name until.
Q. Until --
A. Yeah.
Q. -- he hired you, right?
And you've never been to a mine -- you never heard of him having -- you've never heard of him and you never heard of him having a mine, right?
A. No.
Q. How much do people who work in Galamsey mines make?
A. In Ghana cities, those who operate excavators, I heard they take 5,000 Ghana cedis a month. But every day, they give them 500 Ghana cedis for daily keeping.
Q. Okay. And so sorry. This is the people working in the mines, they're making -- if I showed you a BBC article that says that a person who works in a Galamsey mine makes about $125 U.S. dollars per week, is that about right?
A. 125, if you convert to Ghana cedis -- I don't have my phone here.
Q. I've got a calculator there for you if you need it.
A. Yeah, it is like --
Q. Yeah.
A. 1,301. 1,300 pay week could be the guys who wash the sand. But the excavator operators, I think they should get more than that, because every day, according to what I heard from some of my friends, every day they give them like 500

Exh24

Ghana cedis, so three days would be like a thousand five, 500, yeah, like a thousand five for daily keeping money alone, that is the excavator operators.
Q. All right.
A. But then those who wash the sand and orpailleurs, they are called orpailleurs, I don't know that much, it's not going to be up to 500 Ghana cedis, but for 1,300 pay week will be small.
Q. And that's -- sorry, that's in Ghana?
A. In Ghana, yes.
Q. So about -- like how much would you say in U.S. dollars is somebody working in one of those mines making?
A. In U.S. dollars, let me go back to the calculator.
Q. Yeah, yeah, please.
A. Let me see.
Q. Well, let me just put it to you this way.
THE COURT: Hold on. Let him do it.
MR. EVERT: Yeah.
THE WITNESS: In a month, I will say approximately $500.
BY MR. EVERT:
Q. $500 a month?
A. Approximately.
Q. Okay. And so over the course of a year, about 6,000 U.S. dollars is what somebody who is working in one of those mines

A. The wage and income transcript is built to report anything listed under the Social Security number, so a 1099, interest, your W-2 withholdings. Even if you had any gambling winnings, it would be like -- under a 1099-G. If you hit the lottery, went to a casino or whatever and the casino reported it to the IRS, that will all be listed there.

Q. Okay. And in terms of --

MS. CONNORS: If we can back out of that. And if you will scroll to the second page.

BY MS. CONNORS:

Q. There's two bold headings for Form 1099-INT again. Is that reporting the same thing, interest from a bank?

A. That is correct.

Q. And if we move to Page 3, is that just kind of the remainder of that 1099?

A. That is correct.

Q. Now, for -- is this the extent of this transcript in regards to all wage and income for 2020 for looking at the Social Security number ending in 0540?

A. This wage and income transcript reflects all income that was reported to the IRS under that tax ID number.

Q. Now, if a -- if federal tax withholdings had been paid to IRS, would it appear here?

A. Yes, it would.

Q. And in terms of W-2, if the W-2 had been -- had gone

Exh25

INOLES86-1347540 CURRENT BMF N/C KREM LOC CODE 5825 LUC 202144

CURRENT BMF NAMELINE
KREMKOV INDUSTRIES LLC
CARL TORJAGBO SOLE MBR
3081 LEATHERLEAF TRL
DOUGLASVILLE GA 30135-8930 819

FILING REQUIREMENTS
941-01 940-1 2290-1

FISCAL YEAR MONTH 00
PRIOR FISCAL YEAR MONTH 00
EMPLOYMENT CODE 527 POL ORG CD 0
ESTABLISHMENT YEAR/MONTH 202101
BOD CODE SB BOD CLIENT CODE G

BMFOLI86-1347540 BMF ACCOUNT SUMMARY NM CTRL:KREM
UP-CYC:17
ENT UPDT CY:202144 ACCT FRZ:
ACCT INFO:

MFT	TXPD	PLAN	MF ASSESSED MOD BAL	RET PST	MF STAT	MF ACT CYC	IDRS SC	FREEZE CODES	TAX MODULE CODES

REQUESTED MODULE DOES NOT EXIST ON MASTERFILE.
TOTAL ASSESSED BALANCE: (INCLUDING ACCRUALS)
ADDITIONAL ACCOUNT SCREENS AVAILABLE: RETENTION REGISTER (V) AVAILABLE: N
PRIOR AUDIT HISTORY (Z) AVAILABLE: N LAST PERIOD SATISFIED (L) AVAILABLE: N
EXEMPT ORGANIZATION (O) AVAILABLE: N FEDERAL TAX DEPOSIT (F) AVAILABLE: N
PAGE 001 OF 001 ►BMFPG 001

Exh27

PMFOLD286134754020200001 05-05-2022 10:58 @MCC

THERE IS NO ACCOUNT ON THE PAYER MASTER FILE FOR 86-1347540

Document Name: ats$idrs

PMFOLD283182137720202101 05-04-2022 12:44 @MCC

THERE IS NO ACCOUNT ON THE PAYER MASTER FILE FOR 83-1821377

withholdings, yes.
Q. And so you went -- how did you search for that?
A. As an IRS employee, I have access to certain applications, and the IRS master file. And then most times, you use -- you start the search with a tax ID number and the name of the individual or the companies.
And you can find different things, was there a tax return filed, was there tax returns received, is -- were there payments made. And as an IRS employee, like I said, I have access to that.
Q. So that means when somebody makes a payment to the IRS, it needs to be logged in by somebody under the number that links to the payor; is that fair?
A. Right. The IRS requires -- if you're going to make a payment to put your tax ID number on it. If you just send a check to the IRS, they don't know who it belongs to.
Q. Right. And there are -- there are multiple ways to make payments to the IRS, right?
A. Yes, there are.
Q. You can wire money, can't you?
A. I believe so.
Q. You would have to -- I assume you would have to have the wiring information for the IRS for some recipient to take that money, right?
A. I believe so.

Exh30

Q. And have you ever seen that in the -- in the -- in your many years, have you seen money wired in?
A. I've seen it electronically transferred over, yes.
Q. And I guess you can write a paper check to the IRS?
A. Right. And once the IRS receives it, deposits it, makes sure the check is a good check, the taxpayer or the business will get credit for that payment.
Q. And that's -- I gather that's like a line person like a -- what would you call the person that processes those checks when they come in?
A. I don't know. I've never processed checks.
Q. So you don't know who does that?
A. Someone in the Internal Revenue Service does, but I don't know their title.
Q. Okay. And I gather -- do you know what the title of the person would be that would process the wires that come in?
A. I do not know their title.
Q. Okay. So let's say hypothetically, if you were working for a U.S.-based company in another country, and you wired in money from Europe or from Africa, that would -- I mean, people do -- you do have people expatriates, people that have to wire money back in to pay their taxes, right?
A. So you're saying someone making a payment to the IRS?
Q. Correct, from another country.
A. Okay.

Q. And that -- I mean, that does happen, right?
A. I believe so.
Q. Okay. Have you ever seen how that gets logged in?
A. I do not. Once again, I don't process checks or payments.
Q. Okay. So many businesses and I guess self-employed people, too, they have to file -- they file quarterly withholding payments, right?
A. Are you referring to the Form 941?
Q. Not the form itself, just the money. I'm talking about the actual payments for their own taxes.
A. Correct.
Q. And so they will send either a check or a wire, they'll send that to the IRS in some form?
A. Yes.
Q. Okay. And that's kind of -- again, it's got to be logged in, right?
A. Yes, it does.
Q. And by -- it needs to be with the right account number.
A. Correct.
Q. Okay. And you searched many -- you searched all kinds of numbers for Mr. Torjagbo, right?
A. That is correct.
Q. And you're saying you didn't find -- you didn't find the money being paid in?
A. I didn't find any returns nor any payments made.

one?
A. I don't know.
Q. So you're just sort of looking at internal documents after the fact; is that fair?
A. That's fair.
Q. Okay. Did you know when this loan was going out? Did you review it at all?
A. I did not review it at time of originations.
Q. Okay. We talked about forgiveness a little bit.
There was a deadline in the program for when borrowers could ask for forgiveness, right?
A. That is correct.
Q. And letters were sent out to all the borrowers saying, hey, if you want forgiveness, now or never, it's the time to ask; is that right?
A. I'm not specifically aware of the outreach around the communication for that. I can't -- I can't speak to that. I wasn't part of that process.
Q. Okay. But you do know there was a deadline?
A. I am very aware of the deadline, yes.
Q. Okay. And is it -- were the borrowers told about the deadline?
A. It was part of the note document, so they were told.
Q. Okay. And if they were told about the deadline, if they opted in for forgiveness, they could, but if they didn't opt

Exh31

in, they had to repay the money?
A. Correct.
Q. Okay. Have you reviewed the list of employees, the payroll list at all?
A. I have.
Q. Okay. You've seen the names on that list?
A. I have.
Q. Okay. Like Charlie Brown?
A. Yes.
Q. Isaac Newton?
A. Yes.
Q. Oliver Twist?
A. Yes.
Q. John Snow? John Snow?
A. I don't remember that one specifically.
Q. James Brown?
A. Yes.
Q. Nancy Drew?
A. I don't remember that one.
Q. Colin Farrell? Daniel Glover?
A. I don't remember that one in detail.
Q. Gene Hackman?
A. Yes, I do remember that one.
Q. Bless his soul.
A. Edwin Moses.

Q. And you didn't disclose to the Social Security Administration that you supposedly had incorrect information on that passport, did you?
A. No, because the only form of identification I had was the passport that I came to the United States with.
Q. So repeatedly in the past, you have been willing to provide false information to the United States government in order to get what you wanted, right?
A. That is incorrect. That's incorrect.
Q. Did you get a visa from the United States?
A. Yes, I got a visa from the United States.
Q. Did you get a Social Security card from the United States?
A. Yes.
Q. And both of those were based on information that you knew were false, right?
A. They were not false. It was a mistake made on the passport.
Q. But you knew that you were presenting a passport with false information on it, right?
A. I wouldn't say false information, because the fault is not mine. The fault is either my parents or the people that provided the documentation.
Q. But it's your fault that you were willing to present that to the United States government in order to get what you wanted, right?

Exh33

Q. So again, you're a college graduate, you're a pilot, you can read English, correct?
A. Yes, I can.
Q. And yet, you didn't see that in a form that only has -- it has less than 20 questions on it, you didn't see that it indicated, one, have you had another Social Security number assigned before; is that right?
A. Yes, that's right. I skipped it. I don't know.
Q. Well, you didn't skip it. What you did was you said no. That is marked on that form. You said no, never had a Social Security number before, right?
A. Yes.
Q. So you lied to the Social Security Administration to get a second Social Security card, right?
A. I did not lie.
Q. At that point, you're now wanting to change, now you want to be a bit younger, four years younger, so you change -- the date of birth is different, right?
A. Yes. The date of birth is different, because I explained earlier, I got the birth certificate from Ghana, I presented it to immigration, wrote a letter, explained why, and immigration rectified the error. I corrected that mistake at the earliest possible time that I could do that.
MS. CONNORS: Let's pull up Government's Exhibit 7 and 9 side by side.

Internal Revenue Service
United States Department of the Treasury

This Product Contains Sensitive Taxpayer Data

Account Transcript

Request Date:	06-04-2025
Response Date:	06-04-2025
Tracking Number:	108171504444

Form Number:	1040
Report for Tax Period Ending:	12-31-2020
Taxpayer Identification Number:	771-36-0540

CARL TORJAGBO
1855 PIEDMONT RD NE STE 100
MARIETTA
GA
30066-4271-254

--- Any minus sign shown below signifies a credit amount ---

Account balance:	$0.00		
Accrued interest:	$0.00	As of:	07-04-2022
Accrued penalty:	$0.00	As of:	07-04-2022
Account balance plus accruals (this is not a payoff amount):	$0.00		

**** Information from the return or as adjusted ****

Exemptions:	01
Filing status:	Single
Adjusted gross income:	-$799,949.00
Taxable income:	$0.00
Tax per return:	$88,194.00
SE taxable income taxpayer:	$0.00
SE taxable income spouse:	$0.00
Total self employment tax:	$0.00
Return due date or return received date (whichever is later):	04-15-2021
Processing date:	04-26-2021

TRANSACTIONS

CODE	EXPLANATION OF TRANSACTION	CYCLE	DATE	AMOUNT
150	Tax return filed 32221-451-35458-1	20211405	04-26-2021	$88,194.00
806	W-2 or 1099 withholding		04-15-2021	-$3,459,835.00
766	Credit to your account		05-04-2020	-$1,200.00
846	Refund issued		05-04-2020	$1,200.00
290	Additional tax assessed 20254-999-05099-0	20201605	05-04-2020	$0.00
971	Notice issued NOTICE1444		05-04-2020	$0.00
766	Credit to your account		01-18-2021	-$600.00
846	Refund issued		01-18-2021	$600.00
290	Additional tax assessed 20254-999-05055-0	20205302	01-18-2021	$0.00

Exh34

CODE	EXPLANATION OF TRANSACTION	CYCLE	DATE	AMOUNT
826	Credit transferred out to 30 20141231		04-15-2021	$2,705.25
826	Credit transferred out to 30 20151231		04-15-2021	$2,694.99
971	Notice issued CP 0016		04-26-2021	$0.00
971	Notice issued CP 0053		04-26-2021	$0.00
570	Additional account action pending		04-26-2021	$0.00
571	Resolved additional account action		05-03-2021	$0.00
846	Refund issued		05-03-2021	$3,366,240.76
960	Appointed representative		02-14-2022	$0.00
740	Undelivered refund returned to IRS		01-18-2021	-$600.00
767	Reduced or removed credit to your account		01-18-2021	$600.00
971	Notice issued CP 0032		03-28-2022	$0.00

Internal Revenue Service
United States Department of the Treasury

This Product Contains Sensitive Taxpayer Data

Account Transcript

Request Date:	06-16-2025
Response Date:	06-16-2025
Tracking Number:	108243413749

Form Number:	1040
Report for Tax Period Ending:	12-31-2020
Taxpayer Identification Number:	592-71-6010

CARL D TORJAGBO
1855 PIEDMONT RD NE STE 100
MARIETTA
GA
30066-4271-254

— Any minus sign shown below signifies a credit amount —

Account balance:	$0.00		
Accrued interest:	$0.00	As of:	12-05-2022
Accrued penalty:	$0.00	As of:	12-05-2022
Account balance plus accruals (this is not a payoff amount):	$0.00		

**** Information from the return or as adjusted ****

Exemptions:	00
Filing status:	Single

RETURN NOT PRESENT FOR THIS ACCOUNT

TRANSACTIONS

CODE	EXPLANATION OF TRANSACTION	CYCLE DATE	AMOUNT
	No tax return filed		

This Product Contains Sensitive Taxpayer Data one of the individual counts in the indictment. Okay?

So you have to select either guilty or not guilty for each one of the counts at issue. Okay?

You will take it with you. And when you all have agreed on the verdict, your foreperson will sign it at the end and will date it and will keep it and let us know that you have reached a verdict. Okay?

If you wish to talk with me at any time, I ask that you write a note and you give it to the court security officer, who will give it to me. I will respond as quickly as possible, either in writing or more likely by bringing you back in here.

But I want to caution you not to tell me how many jurors have voted one way or the other if you write a note. Okay? That is not for me or for anybody else to know.

Do you understand?

So if you write -- if you want to communicate with me, write down your note but don't tell me where you-all are in your deliberations.

Okay. Any questions about that?

A little bit more housekeeping. I believe the downstairs lunchroom closes at 1:30 on Friday, I've been told that. So why don't you do this, why don't when you get down there -- when you get into the jury room, I'll have you go to lunch immediately. And then when you come back, you can

Exh35

select your foreperson.

And at that time, after you've selected your foreperson, you can begin your deliberations. Okay?

Wait until you've all got your food together. And if you want to work over lunch, you can, or you can eat and you can start your deliberations after that. Okay?

It will take us a couple of minutes to get you all of the exhibits back there, so go ahead and get your lunch right away. Okay?

Do y'all bring them back up here when they're deliberating or do they eat down there?

COURTROOM SECURITY OFFICER: Either way. There's rooms they can go in down there.

THE COURT: Okay. You can't deliberate down there, you've got to deliberate up here, but y'all can decide what you want to do. When you're deliberating you all have to be together. Okay?

You can't deliberate where some people are getting lunch or anything like that. Any questions about that?

So go in the back, go have lunch, then come back and at that point, select your foreperson and begin your deliberations. Okay?

Yes, one second. Hold on. Don't go yet.

One second. Dean, Ms. Dean, okay, you stay here. Okay?

Q. So that figure is -- there's nothing to suggest that that money was ever paid to IRS?
A. Per my research, I could not find any withholdings listed for the -- under that tax ID number for the tax year 2020.
Q. Now, Mr. Hazel, can you explain in terms of tax withholdings, how did -- how does that reflect when you are -- well, let me see how should I ask you this.
If you have tax withholdings, is that what is going to determine in large measure whether is a potential refund of any taxes paid at the end of the year?
A. Yes, it does.
Q. So how does that work essentially?
A. So on a basic W-2, where you receive your paycheck, like every two weeks, you have your income, what you paid, and your withholdings. And the withholdings is the credit that you're getting for paying the taxes.
At the end of the year, you file Form 1040, right? It's basically a balance sheet of what you did. You list on the first -- that Line 7 all the income you earned, received, being paid.
And there's a chart that says how much tax liability you should have. If your withholdings is more than your tax liability, you have a surplus, you'll get a refund.
If your withholdings is below the amount you should have paid, you may owe the IRS some money at the end of the

Exh36

efile GRAPHIC print - DO NOT PROCESS | ORIGINAL DATA - Production | DLN: 20205485834540

Form **1040** Department of the Treasury—Internal Revenue Service (99)
U.S. Individual Income Tax Return **2019** OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.

☐ **Amended Return** ☑ Single ☐ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of Household (HOH) ☐ Qualifying widow(er) (QW)

Filing Status Check only one box — If you checked the MFS box, enter the name of spouse. If you check the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶

Your first name and middle initial	Last name	Your social security number
CARL D<TORJAGBO		771-36-0540
If joint return, spouse's first name and middle initial	Last name	Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions.	Apt. no.	**Presidential Election Campaign**
3081 Leatherleaf Trl Apt 612		Check here if you, or your spouse if filing jointly, want $3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse
City, town, or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). Douglasville, GA 30135		

Foreign country name	Foreign province/state/county	Foreign postal code	If more than four dependents, see instructions and ✓ here ▶☐

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent
☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1955 ☐ Are blind **Spouse:** ☐ Was born before January 2, 1955 ☐ Is blind

Dependents (see instructions): (1) First name Last name	(2) Social security number	(3) Relationship to you	(4) ✓ if qualifies for (see instructions): Child tax credit	Credit for other dependents
			☐	☐
			☐	☐
			☐	☐
			☐	☐

Standard Deduction for –
- Single or Married filing separately, $12,200
- Married filing jointly or Qualifying widow(er), $24,400
- Head of household, $18,350
- If you checked any box under *Standard Deduction*, see instructions.

1	Wages, salaries, tips, etc. Attach Form(s) W-2			1	129,000
2a	Tax-exempt interest	2a	b Taxable interest. Attach Sch. B if required	2b	
3a	Qualified dividends	3a	b Ordinary dividends. Attach Sch. B if required	3b	
4a	IRA distributions	4a	b Taxable amount	4b	
c	Pensions and annuities	4c	d Taxable amount	4d	
5a	Social security benefits	5a	b Taxable amount	5b	
6	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐			6	
7a	Other income from Schedule 1, line 9			7a	-107,811
b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your **total income** ▶			7b	21,189
8a	Adjustments to income from Schedule 1, line 22			8a	12,915
b	Subtract line 8a from line 7b. This is your **adjusted gross income** ▶			8b	8,274
9	**Standard deduction or itemized deductions** (from Schedule A)	9	12,200		
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A	10			
11a	Add lines 9 and 10			11a	12,200
b	**Taxable income.** Subtract line 11a from line 8b. If zero or less, enter -0-			11b	0

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 11320B Form **1040** (2019)

Exh40

Form 1040 (2019) Page **2**

12a Tax (see inst.) Check if any from Form(s): 1 ☐ 8814 2 ☐ 4972 3 ☐ ___	12a		
b Add Schedule 2, line 3, and line 12a and enter the total ▶		12b	
13a Child tax credit or credit for other dependents	13a		
b Add Schedule 3, line 7, and line 13a and enter the total ▶		13b	
14 Subtract line 13b from line 12b. If zero or less, enter -0-		14	0
15 Other taxes, including self-employment tax, from Schedule 2, line 10		15	
16 Add lines 14 and 15. This is your **total tax** ▶		16	
17 Federal income tax withheld from Forms W-2 and 1099		17	
18 Other payments and refundable credits:			
a Earned income credit (EIC)	18a		
b Additional child tax credit. Attach Schedule 8812	18b		
c American opportunity credit from Form 8863, line 8	18c		
d Schedule 3, line 14	18d		
e Add lines 18a through 18d. These are your **total other payments and refundable credits** ▶		18e	
19 Add lines 17 and 18e. These are your **total payments** ▶		19	

• If you have a qualifying child, attach Sch. EIC.
• If you have nontaxable combat pay, see instructions.

Refund

20 If line 19 is more than line 16, subtract line 16 from line 19. This is the amount you **overpaid**		20	
21a Amount of line 20 you want **refunded to you.** If Form 8888 is attached, check here ▶ ☐		21a	
▶ **b** Routing number ▶ **c** Type: ☐ Checking ☐ Savings			
▶ **d** Account number			
22 Amount of line 20 you want **applied to your 2020 estimated tax** ▶	22		

Direct deposit? See instructions.

Amount You Owe

23 **Amount you owe.** Subtract line 19 from line 16. For details on how to pay, see instructions ▶		23	
24 Estimated tax penalty (see instructions) ▶	24		

Third Party Designee

(Other than paid preparer)

Do you want to allow another person (other than your paid preparer) to discuss this return with the IRS? See instructions. ☐ **Yes.** Complete below. ☑ **No**

Designee's name ▶ Phone no. ▶ Personal identification number (PIN) ▶

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.

Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
******	03-25-2020	Airline Pilot	
Spouse's signature. If a joint return, **both** must sign.	Date	Spouse's occupation	If the IRS sent your spouse an Identity Protection PIN, enter it here (see inst.)

Phone no. (470) 889-9183 Email address carldelano3@outlook.com

Paid Preparer Use Only

Preparer's name	Preparer's signature	Date	PTIN	Check if: ☐ 3rd Party Designee ☐ Self-employed
Firm's name ▶			Phone no.	
Firm's address ▶			Firm's EIN ▶	

Additional Data

Software ID:	19009727
Software Version:	ta19mefv1.0
SSN:	771-36-0540
Name:	CARL D<TORJAGBO
Top Right Margin - Refund Product Code:	NO FINANCIAL PRODUCT
Header - Primary Name Control:	TORJ
Line 18a - Earned Income Credit Eligibility Literal Code:	NO

efile GRAPHIC print - DO NOT PROCESS | ORIGINAL DATA - Production | DLN: 20205485834540

Form **2555**
Department of the Treasury
Internal Revenue Service

Foreign Earned Income

▶ **Attach to Form 1040 or Form 1040-SR. Complete the Foreign Earned Income Tax Worksheet in the Instructions for Form 1040 if you enter an amount on lines 45 or 50.**
▶ **Go to *www.irs.gov/Form2555* for instructions and the latest information.**

OMB No. 1545-0074
2019
Attachment Sequence No. **34**

For Use by U.S. Citizens and Resident Aliens Only

Name shown on Form 1040 or Form 1040-SR: CARL D TORJAGBO
Your social security number: 771-36-0540

Part I General Information

1 Your foreign address (including country)
353 Itehad Street
Dubai, UAE
AE

2 Your occupation
Airline Pilot

3 Employer's name ▶ FlyDubai Airlines

4a Employer's U.S. address ▶

b Employer's foreign address ▶ 353 Itehad Street
Dubai, UAE
AE

5 Employer is (check any that apply): ▶ a ☑ A foreign entity b ☐ A U.S. company c ☐ Self
d ☐ A foreign affiliate of a U.S. company e ☐ Other (specify) ▶

6a If you previously filed Form 2555 or Form 2555-EZ, enter the last year you filed the form. ▶ 2018

b If you didn't previously file Form 2555 or 2555-EZ to claim either of the exclusions, check here ▶ ☐ and go to line 7.

c Have you ever revoked either of the exclusions? ☐ **Yes** ☑ **No**

d If you answered "Yes," enter the type of exclusion and the tax year for which the revocation was effective. ▶

7 Of what country are you a citizen/national? ▶ United Arab Emirates

8a Did you maintain a separate foreign residence for your family because of adverse living conditions at your tax home? See **Second foreign household** in the instructions ☑ **Yes** ☐ **No**

b If "Yes," enter city and country of the separate foreign residence. Also, enter the number of days during your tax year that you maintained a second household at that address. ▶
3081 Leatherleaf Trl Doug GA - 365

9 List your tax home(s) during your tax year and date(s) established. ▶ 1) Shoreline apts Bldg 15 612 Dubai : 06- 10- 2016

Next, complete either Part II or Part III. If an item doesn't apply, enter "NA." If you don't give the information asked for, any exclusion or deduction you claim may be disallowed.

Part II Taxpayers Qualifying Under Bona Fide Residence Test (see instructions)

10 Date bona fide residence began ▶ , and ended ▶

11 Kind of living quarters in foreign country ▶ a ☐ Purchased house b ☐ Rented house or apartment c ☐ Rented room
d ☐ Quarters furnished by employer

12a Did any of your family live with you abroad during any part of the tax year? ☐ **Yes** ☐ **No**

b If "Yes," who and for what period? ▶

13a Have you submitted a statement to the authorities of the foreign country where you claim bona fide residence that you aren't a resident of that country? See instructions ☐ **Yes** ☐ **No**

b Are you required to pay income tax to the country where you claim bona fide residence? See instructions ☐ **Yes** ☐ **No**

If you answered "Yes" to 13a and "No" to 13b, you don't qualify as a bona fide resident. Don't complete the rest of this part.

14 If you were present in the United States or its possessions during the tax year, complete columns **(a)-(d)** below. **Don't** include the income from column **(d)** in Part IV, but report it on Form 1040 or Form 1040-SR.

(a) Date arrived in U.S.	**(b)** Date left U.S.	**(c)** Number of days in U.S. on business	**(d)** Income earned in U.S. on business (attach computation)	**(a)** Date arrived in U.S.	**(b)** Date left U.S.	**(c)** Number of days in U.S. on business	**(d)** Income earned in U.S. on business (attach computation)

15a List any contractual terms or other conditions relating to the length of your employment abroad. ▶

b Enter the type of visa under which you entered the foreign country. ▶

c Did your visa limit the length of your stay or employment in a foreign country? If "Yes," attach explanation ☐ **Yes** ☐ **No**

d Did you maintain a home in the United States while living abroad? ☐ **Yes** ☐ **No**

e If "Yes," enter address of your home, whether it was rented, the names of the occupants, and their relationship to you. ▶

Part III **Taxpayers Qualifying Under Physical Presence Test** (see instructions)

16 The physical presence test is based on the 12-month period from ▶ 06-10-2016 through ▶ 03- 01- 2020

17 Enter your principal country of employment during your tax year. ▶ United Arab Emirates

18 If you traveled abroad during the 12-month period entered on line 16, complete columns **(a)**-**(f)** below. Exclude travel between foreign countries that didn't involve travel on or over international waters, or in or over the United States, for 24 hours or more. If you have no travel to report during the period, enter "Physically present in a foreign country or countries for the entire 12-month period." **Don't** include the income from column **(f)** below in Part IV, but report it on Form 1040 or Form 1040-SR.

(a) Name of country (including U.S.)	**(b)** Date arrived	**(c)** Date left	**(d)** Full days present in country	**(e)** Number of days in U.S. on business	**(f)** Income earned in U.S. on business (attach computation)

Part IV **All Taxpayers**

Note: Enter on lines 19 through 23 all income, including noncash income, you earned and actually or constructively received during your 2019 tax year for services you performed in a foreign country. If any of the foreign earned income received this tax year was earned in a prior tax year, or will be earned in a later tax year (such as a bonus), see the instructions. **Don't** include income from line 14, column **(d)**, or line 18, column **(f)**. Report amounts in U.S. dollars, using the exchange rates in effect when you actually or constructively received the income.

If you are a cash basis taxpayer, report on Form 1040 or Form 1040-SR all income you received in 2019, no matter when you performed the service.

	2019 Foreign Earned Income				**Amount (in U.S. dollars)**
19	Total wages, salaries, bonuses, commissions, etc.			19	129,000
20	Allowable share of income for personal services performed (see instructions):				
a	In a business (including farming) or profession			20a	
b	In a partnership. List partnership's name and address and type of income. ▶			20b	
21	Noncash income (market value of property or facilities furnished by employer-attach statement showing how it was determined):				
a	Home (lodging)			21a	
b	Meals			21b	
c	Car			21c	
d	Other property or facilities. List type and amount. ▶			21d	
22	Allowances, reimbursements, or expenses paid on your behalf for services you performed:				
a	Cost of living and overseas differential	22a	35,000		
b	Family	22b	15,000		
c	Education	22c	15,000		
d	Home leave	22d			
e	Quarters	22e			
f	For any other purpose. List type and amount. ▶	22f			
g	Add lines 22a through 22f			22g	65,000
23	Other foreign earned income. List type and amount. ▶			23	
24	Add lines 19 through 21d, line 22g, and line 23			24	194,000
25	Total amount of meals and lodging included on line 24 that is excludable (see instructions)			25	
26	Subtract line 25 from line 24. Enter the result here and on line 27 on page 3. This is your **2019 foreign earned income** ▶			26	194,000

Part V All Taxpayers

27	Enter the amount from line 26.	27	194,000

Are you claiming the housing exclusion or housing deduction?

☑ **Yes.** Complete Part VI.

☐ **No.** Go to Part VII.

Part VI Taxpayers Claiming the Housing Exclusion and/or Deduction

28	Qualified housing expenses for the tax year (see instructions)	28	59,000
29a	Enter location where housing expenses incurred (see instructions) ▶ Shoreline Apts Building 15 Apt 612 Dubai, UAE AE 00000		
b	Enter limit on housing expenses (see instructions)	29b	31,770
30	Enter the **smaller** of line 28 or line 29b.	30	31,770
31	Number of days in your qualifying period that fall within your 2019 tax year (see instructions). — 31: 365 **days**		
32	Multiply $46.42 by the number of days on line 31. If 365 is entered on line 31, enter $16,944 here	32	16,944
33	Subtract line 32 from line 30. If the result is zero or less, don't complete the rest of this part or any of Part IX	33	14,826
34	Enter employer-provided amounts (see instructions). — 34: 25,000		
35	Divide line 34 by line 27. Enter the result as a decimal (rounded to at least three places), but don't enter more than "1.000"	35	0.12887
36	**Housing exclusion.** Multiply line 33 by line 35. Enter the result but don't enter more than the amount on line 34. Also, complete Part VIII ▶	36	1,911

Note: The housing deduction is figured in Part IX. If you choose to claim the foreign earned income exclusion, complete Parts VII and VIII before Part IX.

Part VII Taxpayers Claiming the Foreign Earned Income Exclusion

37	Maximum foreign earned income exclusion. Enter $105,900	37	
38	• If you completed Part VI, enter the number from line 31. • All others, enter the number of days in your qualifying period that fall within your 2019 tax year (see the instructions for line 31). — 38: 365 **days**		
39	• If line 38 and the number of days in your 2019 tax year (usually 365) are the same, enter "1.000." • Otherwise, divide line 38 by the number of days in your 2019 tax year and enter the result as a decimal (rounded to at least three places).	39	1.00000
40	Multiply line 37 by line 39	40	105,900
41	Subtract line 36 from line 27	41	192,089
42	**Foreign earned income exclusion.** Enter the **smaller** of line 40 or line 41. Also, complete Part VIII ▶	42	105,900

Part VIII Taxpayers Claiming the Housing Exclusion, Foreign Earned Income Exclusion, or Both

43	Add lines 36 and 42	43	107,811
44	Deductions allowed in figuring your adjusted gross income (Form 1040 or Form 1040-SR, line 8) that are allocable to the excluded income. See instructions and attach computation	44	
45	Subtract line 44 from line 43. Enter the result here and in parentheses on **Scheedule 1 (Form 1040 or Form 1040-SR), line 21.** Next to the amount, enter "Form 2555." On Schedule 1 (Form 1040 or Form 1040-SR), subtract this amount from your additional income to arrive at the amount reported on Schedule 1 (Form 1040 or Form 1040-SR), line 22	45	107,811

Part IX Taxpayers Claiming the Housing Deduction - Complete this part only if (a) line 33 is more than line 36 and (b) line 27 is more than line 43.

46	Subtract line 36 from line 33	46	12,915
47	Subtract line 43 from line 27	47	86,189
48	Enter the **smaller** of line 46 or line 47	48	12,915
	Note: If line 47 is **more than** line 48 and you couldn't deduct all of your 2018 housing deduction because of the 2018 limit, use the Housing Deduction Carryover Worksheet in the instructions to figure the amount to enter on line 49. Otherwise, go to line 50.		
49	Housing deduction carryover from 2018 (from the Housing Deduction Carryover Worksheet in the instructions)	49	
50	**Housing deduction.** Add lines 48 and 49. Enter the total here and on Schedule 1 (Form 1040 or Form 1040-SR) to the left of line 36. Next to the amount on Schedule 1 (Form 1040 or Form 1040-SR), enter "Form 2555." Add it to the total adjustments to income reported on line 36 ▶	50	12,915

Additional Data

Software ID:	19009727
Software Version:	ta19mefv1.0
SSN:	771-36-0540
Name:	CARL D<TORJAGBO
Line 18a(1) - No Travel Explanation Code:	PHYSICALLY PRESENT IN A FOREIGN COUNTRY OR COUNTRIES FOR THE ENTIRE 12-MONTH PERIOD

efile GRAPHIC print - DO NOT PROCESS	ORIGINAL DATA - Production	DLN: 20205485834540

TY 2019 FEC Record

Name: CARL D<TORJAGBO

SSN: 771-36-0540

Software ID: 19009727

Software Version: ta19mefv1.0

Employee TIN: 771-36-0540

Employee Name Control: TORJ

Employee Name: Carl D Torjagbo

Employee In Care of Name:

Employee Address: 3081 Leatherleaf Trl Apt 612

Douglasville, GA, 30135

Work Performed Residing in US Indicator: ☑

Foreign Employer Business Name: FlyDubai Airlines

Employer In Care of Name:

Foreign Employer Address: 353 Itehad Street

Dubai, UAE, , AE

Foreign Employer EIN: 00670012

Foreign Employer Compensation Amt: 129,000

Foreign Pension Received Amt:

Foreign Pension Taxable Amt:

efile GRAPHIC print - DO NOT PROCESS	ORIGINAL DATA - Production	DLN: 20205485834540

TY 2019 Other Adjustments Statement

Name: CARL D<TORJAGBO
SSN: 771-36-0540
Software ID: 19009727
Software Version: ta19mefv1.0

Other Adjustments Code Text	Other Adjustments Amount
FORM 2555	12,915

efile GRAPHIC print - DO NOT PROCESS	ORIGINAL DATA - Production	DLN: 20205485834540

TY 2019 Other Income Type Statement

Name: CARL D<TORJAGBO
SSN: 771-36-0540
Software ID: 19009727
Software Version: ta19mefv1.0

Other Income Literal or Code	Other Income Amt
FORM 2555	-107,811

efile GRAPHIC print - DO NOT PROCESS	ORIGINAL DATA - Production	DLN: 20205485834540

SCHEDULE 1 (Form 1040 or 1040-SR)

Department of the Treasury Internal Revenue Service

Additional Income and Adjustments to Income

▶ Attach to Form 1040 or 1040-SR.
▶Go to *www.irs.gov/Form1040* for instructions and the latest information.

OMB No. 1545-0074
2019
Attachment Sequence No. **01**

Name(s) shown on Form 1040 or 1040-SR	Your social security number
CARL D<TORJAGBO	771-36-0540

At any time during 2019, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency during the year? . . . ☐ Yes ☑ No

Part I Additional Income

1	Taxable refunds, credits, or offsets of state and local income taxes	1	
2a	Alimony received	2a	
b	Date of original divorce or separation agreement (see instructions) ▶		
3	Business income or (loss). Attach Schedule C	3	
4	Other gains or (losses). Attach Form 4797	4	
5	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	5	
6	Farm income or (loss). Attach Schedule F	6	
7	Unemployment compensation	7	
8	Other income. List type and amount ▶	8	-107,811
9	Combine lines 1 through 8. Enter here and on Form 1040 or 1040-SR, line 7a	9	-107,811

Part II Adjustments to Income

10	Educator expenses	10	
11	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	11	
12	Health savings account deduction. Attach Form 8889	12	
13	Moving expenses for members of the Armed Forces. Attach Form 3903	13	
14	Deductible part of self-employment tax. Attach Schedule SE	14	
15	Self-employed SEP, SIMPLE, and qualified plans	15	
16	Self-employed health insurance deduction	16	
17	Penalty on early withdrawal of savings	17	
18a	Alimony paid	18a	
b	Recipient's SSN ▶		
c	Date of original divorce or separation agreement (see instructions) ▶		
19	IRA Deduction	19	
20	Student loan interest deduction	20	
21	Tuition and fees. Attach Form 8917	21	
22	Add lines 10 through 21. These are your **adjustments to income.** Enter here and on Form 1040 or 1040-SR, line 8a	22	12,915

Additional Data

Software ID: 19009727
Software Version: ta19mefv1.0
SSN: 771-36-0540
Name: CARL D<TORJAGBO

Line 22 - Other Adjustments Total Amount: 12,915

efile GRAPHIC print - DO NOT PROCESS | ORIGINAL DATA - Production | DLN: 20205485834540

TY 2019 Wages Not Shown Schedule

Name: CARL D<TORJAGBO
SSN: 771-36-0540
Software ID: 19009727
Software Version: ta19mefv1.0

Wages literal	Wages amount
FEC	129,000

efile GRAPHIC print - DO NOT PROCESS	Production	DLN: 20205485834540

AVS Data - Get PTC Info Response

There is no AVS PTC Response for this submission.

efile GRAPHIC print - DO NOT PROCESS | Production | DLN: 20205485834540

Return Index - sorted by Display Name in ascending order

Display Name	Identifying #	Attach To	Document Type	Regulation
1040			Form	
2555		1040	Form	
AVS Data PTC Info			AVSDataPTCInfo	
FEC Record		1040	Attachment	
Other Adjustments Statement		Schedule 1 (1040)	Statement	
Other Income Type Statement		Schedule 1 (1040)	Statement	
Schedule 1 (1040)		1040	Schedule	
Wages Not Shown Schedule		1040	Schedule	

COURTROOM DEPUTY: Give me one second. I have it. Sentencing is set for November 3rd at 10:00.

THE COURT: Okay. Anything else that y'all want to talk about?

MR. FINLAYSON: No. No, sir.

MS. CONNORS: No, Your Honor.

THE COURT: Okay. We are then in recess.

I'm going to go talk to the jury. You-all don't want to talk to the jury?

MS. CONNORS: I usually don't.

THE COURT: I think usually the person who prevails does not, but...

MS. CONNORS: Well, I never want to hear something that I don't want to hear.

MR. FINLAYSON: I guess I would ask for -- sometimes -- I've run into them in the parking lot before after a trial. Is it okay to talk to them if they want to talk to me?

THE COURT: Yes, totally fine.

All right. Thank you so much. I thought that this was a pleasant trial and I appreciate you-all working on it. And we're in recess.

MR. FINLAYSON: Thank you, sir. Thank you.

(Whereupon, the proceedings were adjourned at 2:26

Exh47

E:/Add%20Doc%202255/101.pdf

3081 LEATHERLEAF TRL, DOUGLASVILLE, GA, 30135	Primary Contact	Email Address
	CARL TORJAGBO	torjagboc@gmail.com

Average Monthly Payroll:	$3,821,770.00	x 2.5 + EIDL (Do Not Include Any EIDL Advance) equals Loan Request Amount:	$9,554,425.00	Number of Employees:	493

Purpose of the loan (select all that apply):				
	☑ Payroll Costs	☑ Rent / Mortgage Interest	☑ Utilities	☑ Covered Operations Expenditures
	☑ Covered Property Damage	☐ Covered Supplier Costs	☑ Covered Worker Protection Expenditures	☐ Other (explain):

Applicant Ownership

List all owners of 20% or more of the equity of the Applicant. Attach a separate sheet if necessary.

Owner Name	Title	Ownership %	TIN (EIN, SSN)	Address
CARL TORJAGBO	Owner	100.00	XXX-XX-0540	3081 LEATHERLEAF TRL, DOUGLASVILLE, GA, 30135

If questions (1), (2), (5), or (6) are answered "Yes," the loan will not be approved.

Question	Yes	No
1. Is the Applicant or any owner of the Applicant presently suspended, debarred, proposed for debarment, declared ineligible, voluntarily excluded from participation in this transaction by any Federal department or agency, or presently involved in any bankruptcy?	☐	☑
2. Has the Applicant, any owner of the Applicant, or any business owned or controlled by any of them, ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is (a) currently delinquent, or (b) has defaulted in the last 7 years and caused a loss to the government?	☐	☑
3. Is the Applicant or any owner of the Applicant an owner of any other business, or have common management (including a management agreement) with any other business? If yes, list all such businesses (including their TINs if available) and describe the relationship on a separate sheet identified as addendum A.	☐	☑
4. Did the Applicant receive an SBA Economic Injury Disaster Loan between January 31, 2020 and April 3, 2020? If yes, provide details on a separate sheet identified as addendum B.	☐	☑
5. Is the Applicant (if an individual) or any individual owning 20% or more of the equity of the Applicant presently incarcerated or, for any felony, presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction?	☐	☑
[redacted] CT		
6. Within the last 5 years, for any felony involving fraud, bribery, embezzlement, or a false statement in a loan application or an application for federal financial assistance, or within the last year, for any other felony, has the Applicant (if an individual) or any owner of the Applicant 1) been convicted; 2) pleaded guilty; 3) pleaded nolo contendere; or 4) commenced any form of parole or probation (including probation before judgment)?	☐	☑
Initial here to confirm your response to question 6 -> CT		
7. Is the United States the principal place of residence for all employees included in the Applicant's payroll calculation above?	☑	☐
8. Is the Applicant a franchise?	☐	☑
9. Is the franchise listed in the SBA's Franchise Directory? If yes, enter the SBA Franchise Identifier Code here:	☐	☑

GOVERNMENT EXHIBIT 101 1:22-CR-00171-MLB

E:/Add%20Doc%202255/101.pdf

Scott Ackers

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1420	80.27	4013.50	-631.86	-248.84	-58.20	-256.18	-245.41	2573.01	307.04	0.00	40.16
02/28/2020	1913	80.02	4001.00	-628.95	-248.06	-58.01	-255.34	-245.03	2565.61	306.07	0.00	0.00
	Employee Totals:	160.29	8014.50	-1260.81	-496.90	-116.21	-511.52	-490.44	5138.62	613.11	0.00	40.16

Eli Ackporhor

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1122	80.21	4010.50	-314.92	-248.65	-58.15	-199.83	-290.37	2898.58	306.80	0.00	40.26
02/28/2020	1615	80.11	4005.50	-314.34	-248.34	-58.08	-199.51	-290.19	2895.04	306.42	0.00	0.00
	Employee Totals:	160.32	8016.00	-629.26	-496.99	-116.23	-399.34	-580.56	5793.62	613.22	0.00	40.26

Augustine Adade

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1023	86.55	4042.13	-619.12	-250.61	-58.61	0.00	-302.11	2811.68	309.22	0.00	38.99
02/28/2020	1516	86.55	4042.13	-619.12	-250.61	-58.61	0.00	-302.11	2811.68	309.22	0.00	0.00
	Employee Totals:	173.10	8084.26	-1238.24	-501.22	-117.22	0.00	-604.22	5623.36	618.44	0.00	38.99

Luke Addison

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1298	86.18	4017.15	-337.94	-249.06	-58.25	-151.87	-270.51	2949.52	307.31	0.00	42.82
02/28/2020	1791	86.01	4005.68	-336.61	-248.35	-58.08	-151.33	-270.17	2941.14	306.43	0.00	0.00
	Employee Totals:	172.19	8022.83	-674.55	-497.41	-116.33	-303.20	-540.68	5890.66	613.74	0.00	42.82

Patrick Agyeman

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1373	84.34	3892.95	-341.00	-241.36	-56.45	-150.00	-261.25	2842.89	297.81	0.00	39.34
02/28/2020	1866	86.01	4005.68	-354.05	-248.35	-58.08	-155.00	-265.20	2925.00	306.43	0.00	0.00
	Employee Totals:	170.35	7898.63	-695.05	-489.71	-114.53	-305.00	-526.45	5767.89	604.24	0.00	39.34

Ramzan Ahmad

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1387	85.59	3977.33	-353.15	-246.59	-57.67	-224.53	-269.32	2826.07	304.26	0.00	40.92
02/28/2020	1880	86.02	4006.35	-357.65	-248.39	-58.09	-226.55	-270.19	2845.48	306.48	0.00	0.00
	Employee Totals:	171.61	7983.68	-710.80	-494.98	-115.76	-451.08	-539.51	5671.55	610.74	0.00	40.92

SB1327209-F1

10 of 133

109

Page: 2/71

Kaledzi Akator

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
02/14/2020	1241	80.12	4006.00	-590.42	-248.37	-58.09	-179.00	-270.18	2659.94	306.46	0.00	40.07
02/28/2020	1734	80.03	4001.50	-589.37	-248.09	-58.02	-178.00	-270.05	2657.97	306.11	0.00	0.00
	Employee Totals:	160.15	8007.50	-1179.79	-496.46	-116.11	-357.00	-540.23	5317.91	612.57	0.00	40.07

Bruce Akli

	Check Num.	Hours/Qty.	Gross	FedTax	SSTax	MedTax	SIT	Other Tax / Ded.	Net Pay	FICA	FUTA	SUI
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

me anything

FROM:

Carl Delano Torjagbo
Lovejoy DET CTR
C6 105
11866 Hastings Bridge Road
P.O. Box 429
Lovejoy, GA 30250

To:

The Clerk Of CourT
United States District CourT
Northern District of GeorGIA
Richard D RUSSELL BLdg
2211 US Courthouse
75 TED Turner Dr
ATLanta, GA 30303