

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,	)	Fort Myers, Florida
	)	
	)	Case 2:20-CR-114-FtM-66MRM
Plaintiff	)	
	)	Wednesday, March 24, 2021
vs.	)	
	)	2:05 p.m. to 2:20 p.m.
CASEY DAVID CROWTHER,	)	
	)	Courtroom 5D
Defendant	)	
_____	)	

TRANSCRIPT OF JURY TRIAL CROSS-EXAMINATION OF KRISTEN DIIORIO
HELD BEFORE THE HONORABLE JOHN E. STEELE,
United States District Court Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
2110 First Street, Suite 2-194
Fort Myers, FL 33901
Telephone: (239) 461-2033

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computer-aided transcription.)*

A P P E A R A N C E S

COUNSEL FOR GOVERNMENT:

United States Attorney's Office
Middle District of Florida
United States Courthouse
2110 First Street
Room 3-137
Fort Myers, FL 33901
(239) 461-2200
BY: TRENT REICHLING, ESQ.
MICHAEL V. LEEMAN, ESQ.

COUNSEL FOR DEFENDANT:

FisherBroyles LLP
2390 Tamiami Trail North
Suite 100
Naples, FL 34103
BY: NICOLE HUGHES WAID, ESQ
BRIAN E. DICKERSON, ESQ.

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* * * P R O C E E D I N G S * * *

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CROSS EXAMINATION

BY MS. WAID:

Q Good afternoon, Miss DiIorio.

A Hi.

Q You testified, just a few minutes ago, about the PPP application that was submitted on behalf of Target.

A Um-hum.

Q Is that correct?

A Correct.

Q And, during that process -- is that better to hear? Okay.

During that process, you stated that you spoke to many people at Target; is that accurate?

A Yes. Correct.

Q Okay. And would you say that some of your primary contacts for getting all the documentation together, one was Brad North?

A Correct.

Q Okay. And the other person was Evelyn Portinari, who was the head of human resources; is that accurate?

A Correct.

Q So was it your understanding that the decision to make a PPP application was a management team decision?

1 A I never really thought about it that way. I just
2 figured the direction -- you know, being Casey's team, they
3 were just part of gathering the information on the checklist.

4 Q Okay. But the entire management team was involved in
5 that process; is that accurate?

6 A Correct, um-hum.

7 Q Now I want to go to the separate accounts briefly.

8 A Um-hum.

9 Q The PPP regulations don't require segregation of funds,
10 do they?

11 A No.

12 Q And where were you, at the time, as a bank, getting your
13 guidance from?

14 A From our loan department. Kyle DeCicco kind of headed
15 up that program with us.

16 Q And, at the time that this was all going on back, you
17 know, late March early April, 2020, there was a lot of
18 confusion regarding the PPP; correct?

19 A Correct.

20 Q And everything was going extremely fast; correct?

21 A Correct.

22 Q And you were processing about how many applications at
23 that time?

24 A Personally, I was working with about . . . I mean
25 throughout -- that was in the beginning, but, overall,

1 throughout that first one, about 120 different customers I was
2 working with.

3 Q Okay. There were two different accounts set up. On
4 those accounts, is it accurate that the tax identification
5 number is the same, and it's Target Roofing's?

6 A Correct.

7 Q So if the tax identification number on one corporate
8 account is the same as the tax identification number on the
9 other corporate account, would that be considered corporate
10 funds?

11 A Correct, um-hum.

12 Q Now, you state that the -- at first, the PPP was only
13 accessible to Mr. Crowther; is that right?

14 A Um-hum.

15 Q Okay. But clearly Brad North knew about the PPP amount
16 of money; correct?

17 A I would assume so, since they were on a lot of the
18 e-mails.

19 Q And actually brad North was on the -- was put down as
20 the main contact on the PPP application; is that correct?

21 A I don't recall.

22 Q Can you -- would anything refresh your recollection?

23 A Okay.

24 Q I'm going to put -- it's already been entered into
25 evidence as Government's Exhibit Number 6, I believe it is.

1 (Evidence was published via the projector.)

2 A Okay.

3 Q Do you see where it says primary contact?

4 A I do, yeah.

5 Q Okay. And can you please tell the jurors who that
6 primary contact was?

7 A Sure. Brad North.

8 Q Okay. And Evelyn Portinari also had knowledge about not
9 only the application, but the amount of money that was on that
10 application; correct?

11 A Correct.

12 Q Okay. And, at some point in time shortly thereafter the
13 funds were received for Target, the funds were moved into the
14 operating account; is that true?

15 A Correct, um-hum.

16 Q And the payroll was normally processed out of that
17 operating account; is that accurate?

18 A Correct, um-hum.

19 Q And in order to process payroll out of the PPP account,
20 would they have -- would Target have to set up all new systems
21 with their payroll company, which was WBS?

22 A If that's what they chose do, yeah, that would be one
23 option.

24 Q Okay. So once the -- once it's transferred, Target
25 actually uses all that money that's in the operating account to

1 pay payroll; is that correct?

2 A Correct, um-hum.

3 Q And do you normally prepare the wires for Target's
4 payroll?

5 A I do, um-hum.

6 MR. REICHLING: Objection, Your Honor, lack of
7 foundation. Not lack of foundation, irrelevant.

8 THE COURT: Overruled at this point.

9 BY MS. WAID:

10 Q So you do normally prepare the wires for Target's
11 payroll, is that accurate?

12 A Um-hum.

13 Q And you know that the PPP program was a 24-week period;
14 is that accurate?

15 A Correct, um-hum.

16 Q And, during that 24- week period, did you regularly
17 prepare wires for payroll on behalf of Target?

18 A I don't -- I don't recall, at that time, if we were
19 doing wires for payroll. I think maybe, originally, they were
20 ACH'd, electronically taken from the account. More recently,
21 they turned to doing wires for the payroll. I don't recall at
22 that time, and . . . originally, around that timeframe,
23 April/March of 2020, if we were doing wires at that time.

24 Q How many wires a week do you actually do for Target?

25 A A week? Two to three I would say.

1 Q I'm going to turn your attention and I'd ask to publish
2 what's already been entered into evidence as government's 27.
3 Court's indulgence.

4 (Ms. Waid and Mr. Dickerson confer privately.)

5 BY MS. WAID:

6 Q For the record, this is actually Government's 31. It's
7 already been put into evidence.

8 Now, this was the wire transfer to Steve Adkins; is that
9 right?

10 A I'm sorry. Yes, it was.

11 Q Okay. And Steve Adkins was a business partner of Casey
12 Crowther; is that correct?

13 A Correct.

14 Q And he was a prior owner of Target?

15 A Correct.

16 Q Mr. Adkins was also a client of Sanibel Captiva.

17 A Correct.

18 Q All right. So you know who Steve Adkins is; correct?

19 A I do, yes.

20 Q And you weren't concerned when you saw this request;
21 correct?

22 A No.

23 Q And, in fact, didn't you assume, at the time, it was a
24 permissible expense under the bonus structure portion of the
25 payroll regs?

1 MR. REICHLING: Objection, Your Honor. Relevance.

2 THE COURT: Overruled.

3 A Sorry. Would you mind repeating that one more time?

4 Q Sure. At the time that this was presented to the bank,
5 didn't you assume at the time it was a permissible expense
6 under the bonus structure portion of the regs?

7 A Yes, I would say so.

8 Q I want to go now to the wire itself, Number 31. I'm
9 sorry, the wire itself. Which has already been marked by the
10 government and put into evidence. No not that. The wire
11 itself. All right.

12 So, when you were discussing the purpose of a wire.

13 A Um-hum.

14 Q The bank's required to obtain the password; correct?

15 A Correct.

16 Q The monetary amount; correct?

17 A Correct.

18 Q The amount and address for the attended transfer;
19 correct?

20 A Correct, um-hum.

21 Q The bank asked for a purpose; is that right?

22 A Hum.

23 Q And does the bank approve or disapprove the purpose of a
24 wire?

25 A No.

1 Q Does the bank verify the purpose of a wire?

2 A No.

3 Q Does the bank rely in any way upon the purpose of a
4 wire?

5 A No.

6 Q The bank could request more information about the
7 purpose.

8 A Um-hum.

9 Q Does that ever happen?

10 A Not typically.

11 Q Okay. So would you say that the purpose of a wire is
12 akin almost to a memo line of a check?

13 A Correct, um-hum.

14 Q We can go back to 31.

15 (Evidence was published via the projector.)

16 BY MS. WAID:

17 Q Okay. So once you actually get all that information,
18 Miss DiIorio, you actually pass on that information to others
19 in the bank; is that accurate?

20 A Correct.

21 Q And where does that information go?

22 A Well, it will first go, if I have somebody in office
23 that can approve my wire, I give the documents to them.

24 They'll review any attachments to make sure whatever I've put
25 into the system matches what was sent to us. They will confirm

1 the dollar amount in our system, confirm it, and then scan it
2 over to our wire department, which will have another kind of
3 checks and balances to it.

4 Q So you actually take the information first; is that
5 accurate?

6 A Correct, um-hum.

7 Q And then you send it to another bank employee, and that
8 bank employee actually verifies that information; is that true?

9 A Correct.

10 Q And then it's sent to a third person in the bank; is
11 that correct?

12 A Correct.

13 Q And so they send it to a third person; is that accurate?

14 A Correct.

15 Q And that third person then verifies the origination of
16 the wire, where the wire is going to; correct?

17 A I'm not quite sure what they -- I know they call us to
18 verify the dollar amount again. They want to make sure it's
19 received. They do fact checks and back end stuff. But yes,
20 I'm assuming they do all that too.

21 Q So, before the wire leaves the bank, three people verify
22 the wire; correct?

23 A Correct.

24 Q And, in this case, they verified that the money was
25 actually going to Steve Adkins; correct?

1 A Correct.

2 Q Now, you stated that Larry Caudill is the comptroller;
3 is that right?

4 A Correct.

5 Q And Mr. Caudill, as comptroller -- I don't know that the
6 jury knows what that is. Could you actually explain what a
7 comptroller is?

8 A Kind of like the bookkeeper. Kind of like the keeper of
9 the books.

10 Q And, based upon that, the keeper of the books, would we
11 assume that Mr. Caudill has an accounting background; is that
12 correct?

13 A I would assume.

14 MS. WAID: Can we please pull up what's marked and
15 put into evidence as 37, please.

16 (Evidence was published via the projector.)

17 BY MS. WAID:

18 Q Showing you what has been put into evidence already as
19 Number 30. Do you recall that e-mail?

20 A I do.

21 Q Okay. And that is a request for a transfer of funds;
22 correct?

23 A Correct.

24 Q Okay. And can you please tell us where -- what account
25 those funds came out of?

1 A This wire came out of the main operating account for
2 Target Roofing.

3 Q Now, you opened many accounts for Mr. Crowther; is that
4 true?

5 A Correct.

6 Q Okay. And at this time are all of those accounts -- do
7 they remain in good standing?

8 A They do, um-hum.

9 MS. WAID: Thank you. No further questions.

10 -- -- -- -- --

11 (Thereupon, at 2:20 p.m., the cross-examination of
12 Kristen DiIorio was concluded.)

13 -- -- -- -- --

14 CERTIFICATE

15 I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND ACCURATE
16 TRANSCRIPT FROM THE ORIGINAL STENOGRAPHIC RECORD IN THE
17 ABOVE-ENTITLED MATTER.

18 Dated this 25th day of March, 2021.

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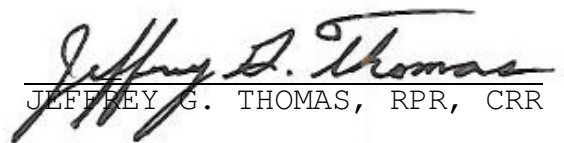
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JEFFREY G. THOMAS, RPR, CRR