ORIGINAL

Approved: Daniel Nessim
DANIEL G. NESSIM
Assistant United States Attorney

21 MAG 9710

Before: THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

- -X

UNITED STATES OF AMERICA

- v. -

CHRIS RECAMIER,
Defendant.

- -X

SEALED COMPLAINT

Violations of

18 U.S.C. §§ 1028A, 1031, 1343, 1344, 1349 & 1956

COUNTY OF OFFENSE: NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

KERWIN JOHN, being duly sworn, deposes and says that he is a Special Agent with the Department of Justice, Office of the Inspector General ("DOJ-OIG"), and charges as follows:

COUNT ONE
(Major Fraud Against the United States)

1. From at least in or about August 2020 through at least in or about October 2021, in the Southern District of New York and elsewhere, CHRIS RECAMIER, the defendant, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was $1,000,000 and more, to wit, RECAMIER engaged in a scheme to obtain, by means of false and fraudulent pretenses, representations, and documents, more than $7 million in Government-guaranteed loans for several companies controlled by RECAMIER (collectively, the "Companies"), through a loan program of the United States Small Business Administration (the "SBA") designed to provide relief to small businesses during the novel

coronavirus/COVID-19 pandemic, namely the Paycheck Protection Program (the "PPP").

(Title 18, United States Code, Sections 1031 and 2.)

COUNT TWO
(Conspiracy to Commit Wire and Bank Fraud)

2. From at least in or about August 2020 through at least in or about October 2021, in the Southern District of New York and elsewhere, CHRIS RECAMIER, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit: (a) wire fraud, in violation of Title 18, United States Code, Section 1343; and (b) bank fraud, in violation of Title 18, United States Code, Section 1344.

3. It was a part and an object of the conspiracy that CHRIS RECAMIER, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343. to wit, RECAMIER and others known and unknown, engaged in a scheme to fraudulently obtain Government-guaranteed loans for the Companies from the SBA and financial institutions through the PPP, by making false statements and submitting fraudulent documents in support of loan applications, including through electronic communications transmitted into and out of the Southern District of New York.

4. It was further a part and an object of the conspiracy that CHRIS RECAMIER, the defendant, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, RECAIMER and others known and unknown, engaged in a scheme to obtain, by means of false and fraudulent pretenses, representations, and documents, Government-guaranteed loans for

the Companies from FDIC-insured banks through the PPP.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Bank Fraud)

5. From at least in or about August 2020 through at least in or about October 2021, in the Southern District of New York and elsewhere, CHRIS RECAMIER, the defendant, willfully and knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, RECAMIER engaged in a scheme to obtain, by means of false and fraudulent pretenses, representations, and documents, Government-guaranteed loans for the Companies from FDIC-insured banks through the PPP.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FOUR
(Wire Fraud)

6. From at least in or about August 2020 through at least in or about October 2021, in the Southern District of New York and elsewhere, CHRIS RECAMIER, the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, RECAMIER engaged in a scheme to fraudulently obtain Government-guaranteed loans for the Companies from the SBA and financial institutions through the PPP, by making false statements and submitting fraudulent documents in support of loan applications, including through electronic communications transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FIVE
(Aggravated Identity Theft)

7. From at least in or about August 2020 through at least in or about October 2021, CHRIS RECAMIER, the defendant, knowingly did transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, RECAMIER used the name and identity of at least two different people in connection with the submission of fraudulent loan applications and supporting documentation to multiple financial institutions during and in relation to the fraud offenses charged in Counts One through Four of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), (b) & (c)(4)-(5), and 2.)

COUNT SIX
(Conspiracy to Commit Money Laundering)

8. From at least in or about August 2020, through at least in or about October 2021, CHRIS RECAMIER, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

9. It was a part and an object of the conspiracy that CHRIS RECAMIER, the defendant, and others known and unknown, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, to wit, the wire and bank fraud offenses charged in Counts and One through Four of this Complaint, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

10. I am a Special Agent with the DOJ-OIG and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of report and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

Overview of the Fraudulent Conduct

11. From at least in or about August 2020 through at least in or about May 2021, CHRIS RECAMIER, the defendant, used the identities of at least two other individuals to submit online applications for a total of over $7 million in government-guaranteed loans for the Companies through the SBA's PPP. In connection with these loan applications, RECAMIER represented, among other things, that other individuals were the sole owners of the Companies and that the Companies together had over 230 employees and paid a total of approximately $3.2 million in wages to those employees on a monthly basis. RECAMIER applied for these loans using the stolen identities of two individuals ("ID Theft Victim-1" and "ID Theft Victim-2," and together, the "ID Theft Victims"), including by submitting fraudulent driver's licenses and other identity information of the ID Theft Victims to financial institutions. RECAMIER also submitted multiple purported IRS tax filings that were not actually filed with the IRS.

12. Based on the PPP loan applications submitted by CHRIS RECAMIER, the defendant, a total of more than $700,000 in PPP loans were approved for the Companies, and at least approximately $700,000 in PPP loan proceeds were deposited into bank accounts RECAMIER opened and was an authorized signatory on. Based on my review of bank records received to date, instead of using the PPP loan proceeds for payroll costs, mortgage interest, rent, and/or utilities for the purported Companies, as required by the PPP, and as certified to the banks, RECAMIER and other participants in the fraud and identity theft scheme used at least approximately $534,000 of the fraudulently obtained loan proceeds he received as follows:

a. A total of at least approximately $424,300 in PPP loan proceeds was transferred to a cryptocurrency account in the name of ID Theft Victim-1 (the "Cryptocurrency Account").

b. A total of at least approximately $50,000 in PPP loan proceeds was transferred to a stock trading platform in the name of ID Theft Victim-1 (the "Trading Account").

c. A total of at least approximately $60,000 in PPP loan proceeds was withdrawn in cash.

Background on SBA Lending in Response to COVID-19

13. The SBA is a federal agency of the Executive Branch that administers assistance to American small businesses. This assistance includes guaranteeing loans that are issued by certain lenders to qualifying small businesses. Under the SBA loan guarantee programs, the actual loan is issued by a commercial lender, but the lender receives the full faith and credit backing of the United States Federal Government on a percentage of the loan. Therefore, if a borrower defaults on an SBA-guaranteed loan, the commercial lender may seek reimbursement from the SBA, up to the percentage of the guarantee. By reducing the risk to commercial lenders, the SBA loan guarantee programs enable lenders to provide loans to qualifying small businesses when financing is otherwise unavailable to them on reasonable terms through normal lending channels. When a borrower seeks an SBA-guaranteed loan, the borrower must meet both the commercial lender's eligibility requirements for the loan as well as the SBA's eligibility requirements.

14. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act is a federal law enacted on March 29, 2020 designed to provide emergency financial assistance to the millions of Americans who are suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of up to $349 billion in forgivable loans to small businesses for job retention and certain other business expenses through the PPP. On April 24, 2020, the Paycheck Protection Program and Health Care Enhancement Act was signed into law, authorizing over $300 billion in additional PPP funding.

15. The PPP allows qualifying small businesses and other organizations to receive unsecured SBA-guaranteed loans with a maturity of two years and interest rate of one percent. PPP loan proceeds must be used by businesses on payroll costs, mortgage interest, rent, and/or utilities. The PPP allows the interest and

principal to be forgiven if businesses spend the proceeds on these expenses under certain conditions. Pursuant to the CARES Act, the amount of PPP funds a business is eligible to receive is determined by the number of employees employed by the business and their average payroll costs. Businesses applying for a PPP loan must provide documentation to confirm that they have in the past paid employees the compensation represented in the loan application. The PPP is overseen by the SBA, which has authority over all PPP loans, but individual PPP loans are issued by approved commercial lenders who receive and process PPP applications and supporting documentation, and then make loans using the lenders' own funds.

The Companies

16. Based on my review of publicly available information on the Internet and from the website of the New York State Department of State, Division of Corporations, as well as records provided to financial institutions regarding the Companies, I have learned the following, in substance and in part:

a. APPSERD Incorporated ("Company-1") is a New York Corporation that was formed on or about April 2, 2014. The name for its service of process is provided as "The Corporation," and its service-of-process address is a residential address in Midtown Manhattan.

b. M2 Gold Jet LLC ("Company-2") is a New York Limited Liability Company that was formed on or about March 6, 2012. The name for its service of process is provided as "The LLC," and its service-of-process address is a residential address on Seventh Avenue, in Brooklyn, New York (the "Seventh Avenue Address").

c. APPSENSIBLE.COM LLC ("Company-3") is a New York Limited Liability Company that was formed on or about January 22, 2016. The name for its service of process is provided as "The LLC," and its service-of-process address is an address in Buffalo, New York.

d. BRS Consulting Corporation ("Company-4") is a New York Corporation that was formed on or about April 1, 2016. The name for its service of process is provided as "The Corporation," and its service-of-process address is an address in Midtown Manhattan.

The PPP Loan Application for Company-1

17. Based on my review of records in connection with a PPP loan application for Company-1 submitted to a FDIC-insured financial institution headquartered in Buffalo, New York ("Bank-1"), I have learned the following, in substance and in part:

a. On or about March 15, 2021, ID Theft Victim-1 purportedly submitted an application to Bank-1 for a PPP loan in the amount of $4,409,560 for Company-1. The loan application represented, among other things, the following, in substance and in part:

i. Company-1 had 79 employees and a total average monthly payroll of $1,763,824.

ii. Company-1 was located at a residential address on Seventh Street, in Brooklyn (the "Seventh Street Address"). The documents also provided a second address located on Bleecker Street in Manhattan (the "Bleecker Street Address").

iii. ID Theft Victim-1 was listed as the sole owner and President of Company-1.

iv. The purposes of the loan included: (a) payroll; (b) "covered supplier costs"; and (c) "covered operations expenditures."

v. The information provided in the loan application and all supporting documents and forms was certified as "true, accurate, and correct."

vi. The business phone number for Company-1 was a phone number ending in 0642 (the "0642 Number").

b. CHRIS RECAMIER, the defendant, submitted this application in person at a Bank-1 location in Manhattan, New York.

c. In order to support the representations regarding the number of employees and average monthly payroll for Company-1 in the loan application, the following documents were provided to Bank-1, among others:

i. A purported, undated, IRS Form 940 (Employer's Annual Federal Unemployment ("FUTA") Tax Return)[1] for Company-1, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $6,686,381 to employees in 2019.

ii. A purported IRS Form 941 (Employer's Quarterly Federal Tax Return)[2] for Company-1 for the first quarter of 2019, dated April 24, 2020, which was purportedly signed electronically by a person listed as the Chief Executive Officer of Company-1 (the "Alleged CEO") and reported total payments of $1,897,523 to 18 employees in the first quarter of 2019.

iii. A purported IRS Form 941 for Company-1 for the second quarter of 2019, dated July 20, 2020, which was purportedly signed electronically by the Alleged CEO and reported total payments of $1,483,980 to 79 employees in the second quarter of 2019.

iv. A purported IRS Form 941 for Company-1 for the third quarter of 2019, dated October 26, 2020, which was purportedly signed electronically by the Alleged CEO and reported total payments of $1,541,054 to 79 employees in the third quarter of 2019.

v. A purported IRS Form 941 for Company-1 for the fourth quarter of 2019, dated January 17, 2020, which was purportedly signed electronically by the Alleged CEO and reported total payments of $1,763,824 to 18 employees in the fourth quarter of 2019.

vi. An unsigned purported IRS individual income tax return for ID Theft Victim-1 for tax year 2019. The form claims $384,656 in taxable income, and provides a home address of the Seventh Street Address. The return also includes a Schedule C claiming profit or loss from a business, claiming that Company-1,

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[1] IRS Form 940 is used to report an employer's annual FUTA tax. Together with state unemployment tax systems, the FUTA tax provides funds for paying unemployment compensation to workers who have lost their jobs.

[2] IRS Form 941 is used to report wages a business has paid as well as employment taxes withheld on a quarterly basis. Form 941 is generally due by the last day of the month following the end of the quarter.

located at the Bleecker Street Address, had $10,385,095 in gross receipts and net profit of $384,656.

d. The individual claiming to be ID Theft Victim-1 provided Bank-1 with the 0652 Number. In his interactions with Bank-1, the individual claiming to be ID Theft Victim-1 submitted a particular New Jersey Driver's license in ID Theft Victim-1's name with a license number ending in 16073 (the "New Jersey License").

e. Bank-1 denied the loan application for Company-1.

The PPP Loan Application for Company-2

18. Based on my review of records in connection with a PPP loan application for Company-2 submitted to an FDIC-insured lender headquartered in New Jersey ("Bank-2"), I have learned the following, in substance and in part:

a. On or about March 15, 2021, ID Theft Victim-2 purportedly submitted an online application to Bank-2 for a PPP loan in the amount of $172,573 for Company-2. The loan application represented, among other things, the following, in substance and in part:

i. Company-2 had 18 employees and a total average monthly payroll of $69,030.

ii. Company-2 was located at the Seventh Avenue Address.

iii. ID Theft Victim-2 was the sole owner and Chief Executive Officer of Company-2.

iv. The information provided in the loan application and all supporting documents and forms was certified as "true and accurate in all material respects."

b. In order to support the representations regarding the number of employees and average monthly payroll for Company-2 in the loan application, Bank-2 was provided with a purported undated IRS Form 940 for Company-2 for 2019, which was purportedly signed electronically by ID Theft Victim-2, as Chief Executive Officer of Company-2, and reported total payments of $828,354 to employees in 2019.

c. On or about March 17, 2021, Bank-2 approved a $172,573 PPP loan to Company-2. ID Theft Victim-2 purportedly signed the promissory note for the loan electronically on or about March 18, 2021.

19. Based on my review of bank records relating to the Companies, I have learned, in substance and in part, that the $172,573 PPP loan to Company-2 was disbursed on or about March 22, 2021, to an account in the name of Company-2, purportedly opened by ID Theft Victim-1, and maintained at a commercial bank ("Bank-3"). In documents submitted to Bank-3 in opening this account in Company-2's name, ID Theft Victim-1, using the 0642 Number, was listed as the owner of Company-2. In opening this account, the individual claiming to be ID Theft Victim-1 submitted the New Jersey License. This Company-2 account had a balance of approximately $170 prior to the loan disbursement. A portion of the loan proceeds issued to Company-2 was spent by CHRIS RECAMIER, the defendant, as described above in paragraph 12. Among other things, on or about March 26, 2021, approximately $140,000 was transferred to a bank account in the name of Company-3.

20. Based on my review of records maintained by the New York Department of Motor Vehicles, I have learned that the driver's license in ID Theft Victim-2's name provided to Bank-2 was fraudulent and was not actually issued. Based on my review of databases compiling publicly available identifying information, I have learned that the individual depicted in the driver's license is not in fact ID Theft Victim-2, who is a real person with the name used by CHRIS RECAMIER, the defendant, living in New York state.

<u>The PPP Loan Application for Company-3</u>

21. Based on my review of records in connection with a PPP loan application for Company-3 submitted to an FDIC-insured lender headquartered in Manhattan ("Bank-4"), I have learned the following, in substance and in part:

a. On or about March 26, 2020, ID Theft Victim-1 purportedly submitted an application to Bank-4 for a PPP loan in the amount of $2,163,560 for Company-3. The application was submitted at a Bank-4 branch located in Manhattan. The loan application represented, among other things, the following, in substance and in part:

i. Company-3 had 70 employees and a total average monthly payroll of $865,424.

ii. ID Theft Victim-1 was the sole owner of Company-1.

iii. The information provided in the loan application and all supporting documents and forms was certified as "true and accurate in all material respects."

iv. The contact phone number for Company-3 was the 0642 Number.

b. In order to support the representations regarding the number of employees and average monthly payroll for Company-3 in the loan application, the following documents were provided to Bank-4:

i. An undated purported IRS Form 940 for Company-3 for 2019, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $6,180,556 to employees in 2019. This form placed Company-3 at the Bleecker Street Address.

ii. A purported IRS Form 941 for Company-3 for the first quarter of 2019, dated April 24, 2020, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $1,897,523 to 70 employees in the first quarter of 2019. This form placed Company-3 at the Bleecker Street Address.

iii. A purported IRS Form 941 for Company-3 for the second quarter of 2019, dated July 20, 2020, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $1,493,980 to 70 employees in the second quarter of 2019. This form placed Company-3 at the Bleecker Street Address.

iv. A purported IRS Form 941 for Company-3 for the third quarter of 2019, dated October 26, 2020, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $1,541,054 to 70 employees in the third quarter of 2019. This form placed Company-3 at the Bleecker Street Address.

v. A purported IRS Form 941 for Company-3 for the fourth quarter of 2019, dated January 17, 2021, which was purportedly signed electronically by ID Theft Victim-1 and reported total payments of $1,763,824 to 70 employees in the fourth quarter of 2019. This form placed Company-3 at the Bleecker Street Address.

vi. An unsigned purported IRS individual income tax return for ID Theft Victim-1 for tax year 2019. The form claims $384,656 in taxable income, and provides a home address of the Seventh Street Address. The return also includes a Schedule C claiming profit or loss from a business, claiming that Company-3, located at the Bleecker Street Address, had $10,385,095 in gross receipts and net profit of $384,656.

c. Bank-4 denied the loan application for Company-3.

The PPP Loan Application for Company-4

22. Based on my review of records in connection with a PPP loan application for Company-4 submitted to an FDIC-insured lender headquartered in Virginia ("Bank-5"), I have learned the following, in substance and in part:

a. On or about April 13, 2021, ID Theft Victim-1 purportedly submitted an application to Bank-5 for a PPP loan in the amount of $531,218 for Company-4. The loan application represented, among other things, the following, in substance and in part:

i. Company-4 had 70 employees and a total average monthly payroll of $212,488.

ii. Company-4 was located at Address-2, a residential address in Brooklyn, New York.

iii. ID Theft Victim-1 was the sole owner and Chief Executive Officer of Company-4.

iv. The individual claiming to be ID Theft Victim-1 provided the 0642 Number to Bank-4 as a point of contact. The individual claiming to be ID Theft Victim-1 also presented Bank-4 with the New Jersey License.

v. The purposes of the loan were "payroll costs," "covered worker protection expenditures," and "covered operations expenditures." The individual claiming to be ID Theft Victim-1 initialed a provision certifying that "the funds will be used to retain workers and maintain payroll; or make payments for mortgage interest, rent, utilities, covered property damage costs, covered supplier costs, and covered worker protection expenditures, and not more than 40% of the forgiven amount may be for non-payroll costs." As described above, this representation was false in light of the misuse of the PPP loan proceeds by CHRIS RECAMIER, the defendant, and other scheme participants, including in substantial part, the proceeds of this loan, toward cryptocurrency investments, other investments, and cash withdrawals, as described above in paragraph 12.

vi. The individual claiming to be ID Theft Victim-1 represented that neither Company-4 nor Identity Theft Victim-1 owned "any other business." Based on my involvement in this investigation, including the information described above, this statement is contradicted by representations CHRIS RECAMIER, the defendant, and other scheme participants made to other financial institutions concerning Identity Theft Victim-1's

b. The information provided in the loan application and all supporting documents and forms was "true and accurate in all material respects." ID Theft Victim-1 purportedly signed the loan application electronically on or about May 16, 2021.

c. In order to support the representations regarding the number of employees and average monthly payroll for Company-4 in the loan application, the following documents were provided to Bank-5:

i. A purported IRS Form 1120 U.S. Corporation Income Tax Return for tax year 2019, dated March 11, 2020, which was purportedly signed electronically by ID Theft Victim-1 as President of Company-4. This tax return claimed gross receipts of $10,385,095 and salaries and wages of $6,180,556, among other items.

d. On or about May 15, 2021, Bank-5 approved a $531,218 PPP loan to Company-4. ID Theft Victim-1 purportedly signed the promissory note for the loan electronically on or about May 16, 2021.

23. Based on my review of bank records relating to the Companies, I have learned, in substance and in part, that the $531,218 PPP loan to Company-4 was disbursed to an account in the name of Company-4 solely controlled by ID Theft Victim-1, which as described in further detail below, I believe was actually controlled by CHRIS RECAMIER, the defendant. This account had a balance of approximately $170 prior to the loan disbursement. A portion of the loan proceeds issued to Company-4 was spent by RECAMIER as described above in paragraph 12.

Information Obtained from the Internal Revenue Service

24. Based on my conversations with law enforcement officers and information obtained from the IRS, I have learned that for Company-1, Company-2, Company-3, and Company-4, either (i) no IRS filings were made at all by such company, (ii) no such company could be located in IRS systems, or (iii) the information concerning the company did not match the information provided in the documents submitted by CHRIS RECAMIER, the defendant, and other coconspirators, in support of the PPP loans for the Companies.

Evidence of Attribution of Fraudulent Loan Applications to RECAMIER

25. As part of my review of records provided by a cryptocurrency exchange (the "Exchange") relating to the Cryptocurrency Account, I have reviewed the know-your-customer information provided by the user of that Account. Based on this review, I have seen the New Jersey License in ID Theft Victim-1's name. The New Jersey License is the same form of identification submitted to Bank-1 and Bank-3 in opening accounts in the names of Company-1 and Company-2, as described above in paragraphs 17 and 19. I have also seen photographs taken by the user of the Cryptocurrency Account of himself and submitted to the Exchange. Based on my comparison of the driver's license photograph and the photographs submitted to the Exchange, I believe they depict the same person, CHRIS RECAMIER, the defendant.

26. Based on my review of records maintained by the New Jersey Motor Vehicle Commission, I have learned that the New Jersey License is a fraudulent license that was not actually issued by the state of New Jersey. I have also learned that the real ID Theft Victim-1 lives in New Jersey and is not the person depicted on the New Jersey License.

27. As described above, the same phone number, the 0642 Number, was provided to banks in connection with Company-1, Company-2, Company-3, and Company-4, as described above in paragraphs 17, 19, 21, and 22. Based on my involvement in this investigation, conversations with others, and surveillance, I know that CHRIS RECAMIER, the defendant, used the 0642 Phone to interact with employees at financial institutions concerning attempted PPP loans. I have also learned that at least one other individual not named as a co-conspirator herein ("CC-1") has possessed the phone assigned the 0642 Number.

28. As described above, the same purported personal income tax returns in ID Theft Victim-1's name were submitted to Bank-1 and Bank-4 in connection with the attempted PPP loans relating to Company-1 and Company-3, as described above in paragraphs 17(c)(vi) and 21(b)(vi). Although these documents were almost identical, the relevant company responsible for ID Theft Victim-1's purported income was altered to match the company for which PPP funds were sought.

29. Based on my review of records related to the Trading Account, I have learned that between on or about May 7, 2021 and on or about July 15, 2021, the Trading Account was accessed from a particular internet protocol ("IP") Address ("IP Address-1").[3] This time period coincides with the time that proceeds from the Company-4 loan were transferred into the Trading Account, as described above in paragraph 12. Based on records obtained from an internet service provider, I have learned that, during this timeframe, IP Address-1 was assigned to a particular apartment in Long Island City, Queens (the "Long Island City Apartment"). Based on my review of records produced by the property management company that manages the Long Island City Apartment, I have learned that the Long Island City Apartment was purportedly rented by an identity theft victim ("ID Theft Victim-3"), with the individual claiming to be ID Theft Victim-3 taking possession of the Long Island City Apartment on or about May 1, 2021. The individual claiming to be ID Theft Victim-3 provided the 0642 Number as that individual's contact number. The individual claiming to be ID Theft Victim-3 submitted a New York driver's license in the name of ID Theft Victim-3, as well as a photograph that the individual claiming to be ID Theft Victim-3 took of himself. Based on my review of this driver's license and photograph, I have learned that both depict CHRIS RECAMIER, the defendant. Based on my review of records maintained by the New York Department of Motor Vehicles, I have learned that the driver's license in ID Theft Victim-3's name provided in connection with renting the Long Island City Apartment was fraudulent and was not actually issued.

30. Based on my involvement in this investigation and my training and experience, I have learned that, on or about July 28, 2021, law enforcement officers separately presented a set of photographs– including a photograph of the individual depicted in

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[3] Based on my training and experience, each electronic device connected to the Internet must be assigned a unique IP address so that communications from or directed to that electronic device are routed properly.

the Cryptocurrency Account photographs—to two employees of Bank-1 who had interacted directly with CHRIS RECAMIER, the defendant. Both Bank-1 employees identified the individual depicted in the photographs as the person with whom they had interacted concerning Company-1, the attempted PPP loan, and other accounts.

31. Based on my involvement in this investigation, and my conversation with other law enforcement officers, I have learned that a United States Magistrate Judge in the Southern District of New York issued a tracking warrant for the 0642 Number. I have learned that on or about September 8, 2021, while conducting surveillance based on GPS location information obtained pursuant to the tracking warrant, law enforcement observed the person depicted in the New Jersey License, that is CHRIS RECAMIER, the defendant, in Manhattan, New York. Law enforcement has also observed CC-1 in possession of the cellphone assigned to the 0642 Number.

32. Based on my training and experience and my familiarity this investigation as set forth above, including the relationship between and among CHRIS RECAMIER, the defendant, and the Companies based on shared physical addresses, shared phone numbers, shared employees, tax documents purportedly prepared and signed by the same persons, and the common investment accounts and financial institution accounts in the name of ID Theft Victim-1, I believe that RECAMIER was involved in submitting the fraudulent loan applications for the Companies and had access to and control over the fraudulent loan proceeds received by the Companies.

The Defendant's Arrest

33. Based on my involvement in this investigation and conversations with other law enforcement officers, I have learned that on or about October 7, 2021, law enforcement searched the Long Island City Apartment and arrested CHRIS RECAMIER, the defendant, pursuant to a search warrant. A search of the Long Island Apartment recovered, among other things, documents in the name of companies used by RECAMIER and other co-conspirators in the course of the fraud and identity theft scheme. After his arrest, RECAMIER was advised of his *Miranda* rights, waived those rights, and made the following video-recorded statements to law enforcement, in substance and in part:

a. RECAMIER acknowledged using false driver's licenses and other identifying documents in the name of third parties, some of which bear RECAMIER's photograph.

b. RECAMIER worked with a particular co-conspirator ("CC-1") to fraudulently apply for COVID-19 relief loans, up to and including the time of his arrest on or about October 7, 2021.

c. CC-1 maintains approximately 15-20 fake identity cards used by RECAMIER and CC-1 in furtherance of the fraud and identity theft scheme described in this Complaint.

WHEREFORE, I respectfully request that CHRIS RECAMIER, the defendant, be imprisoned or bailed, as the case may be.

Kerwin John

KERWIN JOHN
Special Agent
Department of Justice,
Office of the Inspector General

Sworn to me,
this 8th day of October, 2021

Katharine H Parker

THE HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK