

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL JOSEPH TISONE

Case No. 2:22-cr-39-SPC-NPM-1

BANK OF CLARKE COUNTY'S PETITION FOR REMISSION

In accordance with Federal Rule of Criminal Procedure 32.2(c) and 21 U.S.C. § 853(n), Bank of Clarke County hereby submits its Petition for Remission. In support of its Petition for Remission, Bank of Clarke County states as follows:

1. The Bank of Clarke County loaned \$1,500,000 to TEC Ventures LLC ("TEC Ventures"), evidenced by a Term Note executed by Defendant Daniel Tisone ("Tisone") on or about December 10, 2020. A copy of the Term Note is attached and incorporated as "**Exhibit A.**" The Term Note was provided under the Main Street Lending Program. The \$64,813.43 seized from the TEC Ventures bank account at Bank of Clarke County is a part of the principal amount that was loaned to TEC Ventures and was not repaid in full. By this Petition, Bank of Clarke County seeks remission of that property, as both a party owner and as a victim of fraud perpetrated by Tisone.

2. As stated in the Amended Plea Agreement (Dkt No. 54), Tisone owned and operated five businesses that had been incorporated in the Commonwealth of Virginia, one of which was TEC Ventures. Per the facts outlined in the Amended Plea Agreement, on or about November 9,

2020, Tisone submitted a false and fraudulent Main Street Lending Program (“MSLP”) application to the Bank of Clarke County. In support of his application, Tisone submitted false and fraudulent corporate income tax returns and profit and loss statements. These documents falsely reported revenues earned, and wages paid. Tisone’s false and fraudulent representations caused Bank of Clarke County to approve a \$1,500,000 MSLP loan for TEC Ventures. The loan funds were deposited into a Bank of Clarke County account ending in 2616, which was controlled and maintained by Tisone.

3. Bank of Clarke County is not only a party owner, but also a victim of Tisone’s fraudulent conduct. Bank of Clarke County, through counsel, learned that it has an interest in the subject property of approximately \$64,813.43 seized from the Bank of Clarke County account ending in 2616, held in the name of TEC Ventures (22-FBI-002654). *See* Notice of Forfeiture. In response, Bank of Clarke County submitted a Petition for Remission to the Federal Bureau of Investigation on or about July 13, 2022. Bank of Clarke County relies on the Petition for Remission Form, attached and incorporated herein as “**Exhibit B**” as required under 21 U.S.C. § 853(n).

4. Bank of Clarke County believes that the \$64,813.43 seized from the TEC Ventures bank account is a part of the \$1,500,000 principal amount that was loaned to TEC Ventures, pursuant to the Term Note, which was not paid in full by Tisone, and the amount of \$64,813.43 seized should be repaid to Bank of Clarke County. Not only is this amount a part of the \$1,500,000 principal amount that was initially loaned to TEC Ventures based on false and fraudulent documents, but this amount is also owed to Bank of Clarke County as a victim of Tisone’s fraudulent conduct. As of May 30, 2022, the amount due and owing under the terms of the Term

Note was \$1,557,534.67, consisting of principal in the amount of \$1,544,217.30, accrued interest in the amount of \$12,822.44, and late charges and fees in the amount of \$494.93. A copy of the demand letter sent to TEC Ventures dated June 30, 2022 is attached and incorporated herein as “**Exhibit C.**”

Based on the foregoing, Bank of Clarke County respectfully requests remission of \$64,813.43 that was seized from Bank of Clarke County account ending in 2616, held in the name of TEC Ventures LLC (22-FBI-002654), as these funds belong to Bank of Clarke County both as a party owner, and as a victim of Tisone’s fraudulent conduct.

Dated: February 13, 2023

Respectfully submitted,

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Counsel for Bank of Clarke County

Certificate of Service

I certify that on February 13, 2023, I will electronically file the foregoing with the Clerk of Court of the United States District Court for the Middle District of Florida using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

A copy of the foregoing will also be sent via overnight mail to:

Suzanne C. Nebesky
Assistant United States Attorney
400 N. Tampa Street, Suite 3200
Tampa, FL 33602

/s/ Enjolique Aytch Lett
Enjoliqué Aytch Lett