UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 2:23-cr-9-TPB-KCD
18 U.S.C. § 1344
18 U.S.C. § 1014
18 U.S.C. § 1957

DENIS CASSEUS

INDICTMENT

The Grand Jury charges:

COUNTS ONE AND TWO
(Bank Fraud)

A. Introduction

At times material to this Indictment:

1. Denis Casseus was a resident of Cape Coral, Florida, who served as president and registered agent of Best Filing Tax and Multi Services, Inc. and Best Cars Dealer, Inc.

2. Best Filing Tax and Multi Services, Inc. was a purported Florida corporation controlled by Denis Casseus with a stated business address in Oakland, Florida. Best Filing Tax and Multi Services, Inc. opened a bank account at a federally insured financial institution, Fifth Third Bank. Denis Casseus was the sole signatory on the bank account.

3. Best Cars Dealer, Inc. was a purported Florida corporation controlled by Denis Casseus with a stated business address in Fort Lauderdale, Florida. Best Cars Dealer, Inc. opened a bank account at a federally insured financial institution,

Fifth Third Bank. Denis Casseus was the sole signatory on the bank account.

4. The United States Small Business Administration ("SBA") was an executive-branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

5. As part of this effort, the SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government- backed guarantees.

6. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP").

7. To obtain a PPP loan, a qualifying business was required to submit a PPP loan application, which was signed by an authorized representative of the business. The PPP loan application required the business (through its authorized representative) to acknowledge the program rules and make certain affirmative certifications in order to be eligible to obtain the PPP loan. In the PPP loan application (SBA Form 2483), the small business (through its authorized

representative) was required to state, among other things, its: (a) average monthly payroll expenses; and (b) number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP.

8. PPP loan applications were processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies, which were 100% guaranteed by the SBA. Data from the applications, including information from the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

9. PPP loans proceeds were required to be used for certain permissible expenses, including payroll costs, mortgage interest, rent, and utilities. Under the applicable PPP rules and guidance, the interest and principal on the PPP loan was eligible for forgiveness if the business spent the loan proceeds on these expense items within a designated period of time and used a certain portion of the loan towards payroll expenses.

10. Fifth Third Bank ("the Lender") was a financial institution federally insured by the Federal Deposit Insurance Corporation ("FDIC") with branches in Lee County, Florida. The Lender participated in the SBA's PPP as a lender and, as such, was authorized to lend funds to eligible borrowers under the terms of PPP.

B. **The Scheme to Defraud**

11. Starting in or about February 2021, and continuing through on or about

March 4, 2021, in the Middle District of Florida, and elsewhere, the defendant,

DENIS CASSEUS,

did knowingly and intentionally execute, and attempt to execute, a scheme and artifice to defraud a financial institution, and to obtain monies, funds, credits, assets, and other property owned by, and under the custody and control of, a financial institution, by means of materially false and fraudulent pretenses, representations and promises.

C. **Manner and Means of the Scheme**

12. The manner and means by which the defendant sought to accomplish the scheme and artifice to defraud included, among others, the following:

a. It was part of the scheme and artifice to defraud that the defendant would and did submit and cause the submission of a false and fraudulent PPP loan application to the Lender on behalf of Best Filing Tax and Multi Services, Inc. seeking a PPP loan through the SBA.

b. It was further part of the scheme and artifice to defraud that the defendant would and did make and cause to be made material false, fraudulent, and misleading representations to the Lender and SBA related to the use of the PPP funds in the PPP loan application on behalf of Best Filing Tax and Multi Services, Inc. submitted on or about February 22, 2021.

c. It was further part of the scheme and artifice to defraud that the defendant would and did represent that all SBA PPP loan proceeds would be used by the defendant only for business related purposes of Best Filing Tax and Multi

Services, Inc. as specified in the loan application.

d. It was further part of the scheme and artifice to defraud that the defendant would and did certify that the PPP funds acquired from the requested loan would be used to retain workers and maintain payroll or make mortgage payments lease payments, and utility payments on behalf of Best Filing Tax and Multi Services, Inc.

e. It was further part of the scheme and artifice to defraud that the defendant's materially false, fraudulent, and misleading representations would and did cause the Lender and SBA to approve the PPP loan application of Best Filing Tax and Multi Services, Inc. and the Lender to deposit $149,250.00 in PPP loan funds into an account under the defendant's control.

f. It was part of the scheme and artifice to defraud that the defendant would and did submit and cause the submission of a false and fraudulent PPP loan application to the Lender on behalf of Best Cars Dealer, Inc. seeking a PPP loan through the SBA.

g. It was further part of the scheme and artifice to defraud that the defendant would and did make and cause to be made material false, fraudulent, and misleading representations to the Lender and SBA related to the use of the PPP funds in the PPP loan application submitted on behalf of Best Cars Dealer, Inc. on or about February 27, 2021.

h. It was further part of the scheme and artifice to defraud that the defendant would and did represent that all SBA PPP loan proceeds would be used by the defendant only for business related purposes of Best Cars Dealer, Inc. as specified in the loan application.

i. It was further part of the scheme and artifice to defraud that the defendant would and did certify that the PPP funds acquired from the requested loan would be used to retain workers and maintain payroll or make mortgage payments lease payments, and utility payments on behalf of Best Cars Dealer, Inc.

j. It was further part of the scheme and artifice to defraud that the defendant's materially false, fraudulent, and misleading representations would and did cause the Lender and SBA to approve the PPP loan application of Best Cars Dealer, Inc. and the Lender to deposit $149,625.00 in PPP loan funds into an account under the defendant's control.

k. It was further part of the scheme and artifice to defraud that the defendant would and did use and cause the PPP funds to be used for unauthorized purposes and for his own personal enrichment, including payment towards the purchase of real property located in Cape Coral, Florida.

l. It was further part of the scheme and artifice to defraud that the defendant would and did mispresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, the purpose of acts performed in furtherance of the scheme to defraud.

D. **Execution of the Scheme**

13. Starting in or about February 2021, and continuing through in or about March 2021, in the Middle District of Florida and elsewhere, the defendant,

DENIS CASSEUS,

knowingly executed the aforesaid scheme and artifice to defraud, by submitting a false PPP loan application on behalf of his company in order to receive a loan from the Lender, a bank insured by the FDIC, which loan was guaranteed by the SBA and which proceeds were deposited into accounts at the Lender under the defendant's custody and control.

COUNT	DATE	LOAN APPLICATION SUBMITTED TO LENDER
ONE	2/22/2021	Defendant caused a false PPP loan application on behalf of his company, Best Filing Tax and Multi Services, Inc., to be submitted to Fifth Third Bank.
TWO	2/27/2021	Defendant caused a false PPP loan application on behalf of his company, Best Cars Dealer, Inc., to be submitted to Fifth Third Bank.

All in violation of 18 U.S.C. §§ 1344 and 2.

COUNTS THREE AND FOUR
(False Statement to Lending Institution)

1. Paragraphs 1 through 10 of Part A of Counts One and Two of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about February 22, 2021, through on or about February 27, 2021, in the Middle District of Florida and elsewhere, the defendant,

DENIS CASSEUS,

knowingly made a false statement, for the purpose of influencing the actions of the Lender, an institution the accounts of which were insured by the FDIC, in connection with a PPP loan application, in that the defendant signed and initialed PPP loan application representing SBA loan proceeds would only be used for business related purposes and certifying that the PPP funds would be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments; when in truth and in fact, as the defendant well knew, all of the SBA loan proceeds would not only be used for business related purposes and that the PPP funds would not be exclusively used to retain workers and maintain payroll or to make mortgage interest payments, lease payments, and utility payments on behalf of the business.

Count	Date	PPP Loan Application Containing False Statements Submitted on Behalf of Business
Three	2/22/2021	Best Filing Tax and Multi Services, Inc.
Four	2/27/2021	Best Cars Dealer, Inc.

In violation of 18 U.S.C. §§ 1014 and 2.

COUNT FIVE
(Illegal Monetary Transaction)

1. Paragraphs 1 through 10 of Part A of Counts One and Two of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about March 4, 2021, in the Middle District of Florida, and elsewhere, the defendant,

DENIS CASSEUS,

did knowingly engage and attempt to engage in the described monetary transaction, in and affecting interstate and foreign commerce, in criminally derived property of a value greater than $10,000, such property having been derived from specified unlawful activity, that is, bank fraud, in violation of 18 U.S.C. § 1344, that is the Defendant caused a wire transfer of PPP loan funds in the amount of $110,000, from an account ending in 9515 to Breeze Escrow and Title, Inc. escrow account, in connection with defendant's purchase of real property located in Cape Coral, Florida.

In violation of 18 U.S.C. §§ 1957 and 2.

FORFEITURE

1. The allegations contained in Counts One through Five are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 982(a)(1) and (a)(2)(A).

2. Upon conviction of a violation of 18 U.S.C. §§ 1014 or 1344, the defendant,

DENIS CASSEUS,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such violation.

3. Upon conviction of a violation of 18 U.S.C. § 1957, the defendant,

DENIS CASSEUS,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property.

4. The property to be forfeited includes, but it not limited to, the following:

a. An order of forfeiture in the amount of approximately $298,875.00, which represents the proceeds obtained from the offenses; and

b. The real property located as 132 SW 10th Place, Cape Coral, Florida 33991, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lots 24 and 25, Block 3624, Cape Coral Subdivision, Unit 49, as per plat thereof, recorded in Plat Book 17, Pages 145 through 154, inclusive, of the Public Records of Lee County, Florida.

Parcel ID Number: 15-44-23-C2-03624.0240

5. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence:

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

A TRUE BILL,

[redacted]

Foreperson

ROGER B. HANDBERG
United States Attorney

By: Yolande G. Viacava

Yolande G. Viacava
Assistant United States Attorney

By: Jesus M. Casas

Jesus M. Casas
Assistant United States Attorney
Chief, Fort Myers Division

FORM OBD-34
January 23

No. 2:23-cr-

UNITED STATES DISTRICT COURT
Middle District of Florida
Fort Myers Division

THE UNITED STATES OF AMERICA

vs.

DENIS CASSEUS

INDICTMENT

Violations: 18 U.S.C. §§ 1344. 1014, 1957, and 2

A true bill,

[redacted]

Filed in open court this 25th day

of January, 2023.

____
Clerk

Bail $____________________