UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-80141-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA

v.

EMMANUEL BULLY, JR.,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon an unopposed motion of the United States of America (the "United States") for entry of a Preliminary Order of Forfeiture ("Motion") [ECF No. __] against Defendant EMMANUEL BULLY, JR. (the "Defendant"). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On or around August 17, 2023, a federal grand jury returned an Indictment charging the Defendant with wire fraud in violation of 18 U.S.C. § 1343. Indictment, ECF No. 1. The Indictment also contained forfeiture allegations, which alleged that, upon conviction of a violation of 18 U.S.C. § 1343, affecting a financial institution, the Defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from, proceeds obtained, directly or indirectly, as a result of such violation, pursuant to 18 U.S.C. § 982(a)(2)(A). *See id.* at 9 - 10.

On September 19, 2025, the Defendant pled guilty to wire fraud, in violation of 18 U.S.C. § 1343. *See* Minute Entry, ECF No. 15; Plea Agreement ¶ 1, ECF No. 16. As part of the Defendant's guilty plea, the Defendant agreed to forfeiture, including the entry of a forfeiture money judgment in the amount of $503,335 in U.S. currency, and the forfeiture of substitute property. *See* Plea Agreement ¶ 15, ECF No. 16. In support of the guilty plea, the Defendant executed a Factual Proffer, and the Court found that there was a factual basis to support the Defendant's conviction. *See* Factual Proffer, ECF No. 17. The Factual Proffer also provided a basis for the forfeiture of property. *See id.* at 4. The United States Probation Office has since conducted a presentence investigation, which, in relevant part, included information on the Defendant's forfeiture, addressing a Scrivener's error in the plea agreement specifically that the correct forfeiture money judgment amount is $503,235, not $503,335. *See* Presentence Investigation Report ¶¶ 4 and 25, ECF No. 25.

The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020, to provide financial assistance to Americans suffering from economic harm from the COVID-19 pandemic. *See* Factual Proffer 1, ECF No. 17. One source of relief provided through the CARES Act was the authorization of forgivable loans to businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP"). *Id.* at 1.

The PPP allowed qualifying small businesses and other organizations to receive PPP loans. *Id.* Businesses were required to use PPP loan proceeds on payroll costs, interest on mortgages, rent, and utilities. *Id.* The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on these expense items within a designated period of time and used a defined portion of the PPP loan proceeds on payroll expenses. *Id.* The amount of a PPP loan that a small business was entitled to receive was determined by the number of employees employed by the business and the average monthly payroll costs of the business. *Id.* at 2.

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. *Id.* 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. *Id.* In the PPP loan application, the small business (through its authorized representative) was required to state, among other things, its average monthly payroll expenses of employees. *Id*. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP. *Id.* In addition, businesses applying for a PPP loan were required to provide documentation confirming their payroll expenses. *Id.*

A PPP loan application was processed by a participating lender. *Id.* If a PPP loan application was approved, the participating lender funding the PPP loan using its own funds. *Id.* While a participating lender issued the PPP loan, the loan was 100% guaranteed by the United States Small Business Administration ("SBA"), an executive branch agency of the United States government. *Id.* Bank of America, an approved SBA lender of PPP loans, was a financial institution that was headquartered in Charlotte, North Carolina. *Id.*

Another source of relief provided by the CARES Act was the authorization for the SBA to provide Economic Injury Disaster Loans ("EIDLs") of up to $2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic. *Id.* In order to obtain an EIDL, a qualifying business was required to submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. *Id*. at 2 – 3. The applicant was further required to certify that all information was true and correct to the best of the applicant's knowledge. *Id*. at 3.

EIDL applications were submitted directly to the SBA which processed the applications with support from a government contractor. *Id*. The amount of loan was determined based, in part, on the information provide in the application concerning the number of employees, gross revenues, and cost of goods sold. *Id*. Any EIDL funds were issued directly by the SBA. *Id*.

As set forth in the Factual Proffer, the Defendant became aware of the opportunity to obtain funds through the CARES Act relief programs during the COVID-19 pandemic. *Id*. The Defendant learned how to apply for PPP loans and EIDLs. *Id*.

On April 29, 2020, the Defendant submitted a PPP loan application on behalf of MB Tax Services Consultants (the "April 2020 Loan"), claiming that he controlled that corporation and that it had a principal place of business in Delray Beach, Florida. *Id*. In reality, MB Tax Services Consultants was not an active business with an office in Delray Beach. *Id*. In the PPP application, the Defendant also falsely and fraudulently represented the corporation's average monthly payroll and the number of employees, both of which were material to the size of the loan received. *Id*.

As a result of the false and fraudulent PPP application, Bank of America approved and funded the PPP loan for MB Tax Services Consultants. *Id*. On or about May 13, 2020, Bank of America transferred approximately $20,835.00 to a bank account controlled by the Defendant. *Id*. The Defendant spent these PPP loan proceeds on personal expenses, including jewelry and travel, and not on any legitimate business expenses for MB Tax Services Consultants. *Id*. at 4.

In addition to the April 2020 Loan, the Defendant applied for multiple other PPP loans or EIDLs using his various corporations or as a sole proprietor. *Id*. Just as with the April 2020 Loan, these applications contained false and fraudulent information. *Id*. Many of these loan applications were denied; however, some were funded. *Id*. Ultimately, the Defendant succeeded in receiving $503,235 in CARES Act funds. *See* Presentence Investigation Report ¶¶ 4 and 25, ECF No. 25.

The Defendant spent these fraudulently obtained funds on personal expenses and not on legitimate business expenses like payroll. *See* Factual Proffer, ECF No. 17, at 4; *see also* Presentence Investigation Report ¶ 25, ECF No. 25.

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the Motion [ECF No. ___] is **GRANTED**, and it is hereby **ORDERED** that:

1. Pursuant to 18 U.S.C. § 982(a)(2)(A) and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of $503,235 in U.S. currency is hereby entered against the Defendant.

2. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

4. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

DONE AND ORDERED in West Palm Beach, Florida, this _______ day of December 2023.

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DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE