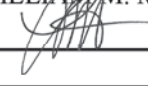


Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence
of the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington

October 15, 2020

WILLIAM M. McCOOL, Clerk

By  Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERIC SHIBLEY,
Defendant.

NO. **CR20-174 JCC**

INDICTMENT

The Grand Jury charges that:

The Paycheck Protection Program

1. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans 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 expenses, through a program referred to as the Paycheck Protection Program ("PPP"). In or around April 2020, Congress authorized over \$300 billion in additional PPP funding.

2. In order to obtain a PPP loan, a qualifying business was required to submit a PPP loan application signed by an authorized representative of the business. The PPP loan application required the business (through its authorized representative) to

1 acknowledge the program rules and make certain affirmative certifications in order to be
2 eligible to obtain the PPP loan. In the PPP loan application, the small business (through
3 its authorized representative) was required to state, among other things, its: (a) average
4 monthly payroll expenses; and (b) number of employees. These figures were used to
5 calculate the amount of money the small business was eligible to receive under the PPP.
6 In addition, businesses applying for a PPP loan were required to provide documentation
7 showing their payroll expenses.

8 3. PPP loan applications were processed by a participating lender. If a PPP
9 loan application was approved, the participating lender funded the PPP loan using its own
10 monies, which were 100% guaranteed by the U.S. Small Business Administration
11 ("SBA"). Data from the application, including information about the borrower, the total
12 amount of the loan, and the listed number of employees, was transmitted by the lender to
13 the SBA in the course of processing the loan.

14 4. PPP loan proceeds were required to be used by the business on certain
15 permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP
16 allowed the interest and principal on the PPP loan to be entirely forgiven if the business
17 spent the loan proceeds on the allowable expenses within a designated period of time and
18 used a certain percentage of the PPP loan proceeds on payroll expenses.

19 ***The Economic Injury Disaster Relief Program***

20 5. The Economic Injury Disaster Loan ("EIDL") program was an SBA
21 program that provided low-interest financing to small businesses, renters, and
22 homeowners in regions affected by declared disasters.

23 6. The CARES Act authorized the SBA to provide EIDLs of up to \$2 million
24 to eligible small businesses experiencing substantial financial disruption due to the
25 COVID-19 pandemic. In addition, the CARES Act authorized the SBA to issue advances
26 of up to \$10,000 to small businesses within three days of applying for an EIDL. The
27 amount of the advance was determined by the number of employees the applicant
28 certified having. The advances did not have to be repaid.

7. In order to obtain an EIDL and advance, a qualifying business had 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. In the case of EIDLs for COVID-19 relief, the 12-month period was that preceding January 31, 2020. The applicant also had to certify that all of the information in the application was true and correct to the best of the applicant's knowledge.

8. EIDL applications were submitted directly to the SBA. The amount of the loan, if the application was approved, was determined based, in part, on the information provided by the applicant about employment, revenue, and cost of goods, as described above. Any funds issued under an EIDL or advance were issued directly by the SBA. EIDL funds could be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments. If the applicant also obtained a loan under the PPP, the EIDL funds could not be used for the same purpose as the PPP funds.

Relevant Individuals

9. Defendant ERIC SHIBLEY was a medical doctor residing in Seattle, Washington. On or about December 13, 2018, SHIBLEY pled guilty to a Violation of a No Contact Order, a criminal misdemeanor under Washington State law. SHIBLEY's sentence included two years' probation expiring on or about December 13, 2020.

10. Individual 1 was a resident of Seattle, Washington. On or about October 22, 2019, Individual 1 was charged in Washington State on state felony drug charges. Individual 1 was arrested on or about April 21, 2020, for failing to appear in the pending case that resulted from the October 2019 charges.

Relevant Entities

11. As of at least April 2020, SHIBLEY controlled various limited-liability companies registered in Washington State (collectively, “the Shibley Entities”), including

1 Dituri Construction LLC, SS1 LLC, Seattle's Finest Cannabis LLC a/k/a SFC LLC, The
2 A Team Holdings LLC, ES1 LLC, and Eric R Shibley MD PLLC d/b/a Shibley Medical.

3 12. Dituri Construction LLC was a Washington State Limited Liability
4 Company that was registered with the State of Washington on or about January 2, 2020.
5 Individual 1 was listed as Dituri Construction LLC's only identified governor and the
6 business purported to be located at Individual 1's residence. On or about January 9,
7 2020, Dituri Construction LLC obtained an Employer Identification Number ("EIN")
8 ending in 8508 from the Internal Revenue Service ("IRS").

9 a. On or about April 30, 2020, and May 1, 2020, a Statement of
10 Change and an Amended Annual Report, respectively, were filed with the State of
11 Washington listing SHIBLEY as the registered agent and only identified governor for
12 Dituri Construction LLC and SHIBLEY's residence as the principal office address.

13 b. On or about May 5, 2020, an Operating Agreement dated on or
14 about January 7, 2020 was filed with the State of Washington purporting to show that
15 SHIBLEY owned 90 percent of Dituri Construction LLC.

16 c. On or about May 9, 2020, SHIBLEY and Individual 1 executed a
17 purchase agreement, made effective May 5, 2020, by which SHIBLEY purchased Dituri
18 Construction LLC from Individual 1 for \$10.

19 d. On or about May 28, 2020, a second EIN ending in 8667 was
20 obtained from the IRS for an entity using the name Dituri Construction that purported to
21 be located at SHIBLEY's residence.

22 e. From at least on or about January 1, 2019, to on or about February
23 15, 2020, Dituri Construction LLC had no employees for which federal payroll taxes
24 were paid.

25 13. SS1 LLC was a Washington State Limited Liability Company that was
26 registered with the State of Washington on or about October 3, 2017. SHIBLEY was
27 SS1 LLC's registered agent and only identified governor. On or about January 2, 2018,
28 SS1 LLC obtained an EIN ending in 2134 from the IRS.

1 a. SS1 LLC was administratively dissolved on or about March 3, 2020.
2 On or about April 6, 2020, SHIBLEY filed documentation with Washington State to
3 reinstate SS1 LLC.

4 b. On or about April 20, 2020, an EIN ending in 7509 was obtained
5 from the IRS for an entity using the name SS1 that purported to be located at SHIBLEY's
6 residence.

7 c. From at least on or about January 1, 2019, to on or about February
8 15, 2020, SS1 LLC had no employees for which federal payroll taxes were paid.

9 14. Seattle's Finest Cannabis LLC was a Washington State Limited Liability
10 Company that was registered with the State of Washington on or about November 3,
11 2017. SHIBLEY was Seattle's Finest Cannabis LLC's registered agent and only
12 governor. Seattle's Finest Cannabis LLC obtained an EIN ending in 3580 from the IRS
13 on or about November 13, 2017.

14 a. On or about May 13, 2020, SHIBLEY filed paperwork with the
15 Washington State Secretary of State changing Seattle's Finest Cannabis LLC's name to
16 SFC LLC.

17 b. From at least on or about January 1, 2019, to on or about February
18 15, 2020, Seattle's Finest Cannabis LLC a/k/a SFC LLC had no employees for which
19 federal payroll taxes were paid.

20 15. The A Team Holdings LLC was a Washington State Limited Liability
21 Company that was registered with the State of Washington on or about December 10,
22 2018. SHIBLEY was The A Team Holdings LLC's registered agent and only governor.
23 On or about February 7, 2019, The A Team Holdings LLC obtained an EIN ending in
24 7088 from the IRS.

25 a. From at least on or about January 1, 2019, to on or about February
26 15, 2020, The A Team Holdings LLC had no employees for which federal payroll taxes
27 were paid.

16. ES1 LLC was a Washington State Limited Liability Company that was registered with the State of Washington on or about October 25, 2012. SHIBLEY was ES1 LLC's registered agent and only governor. On or about November 11, 2012, ES1 LLC obtained an EIN ending in 5849 from the IRS.

a. From at least on or about January 1, 2019, to on or about February 15, 2020, ES1 LLC had no employees for which federal payroll taxes were paid.

17. Eric R Shibley MD PLLC dba Shibley Medical was a Washington State Professional Limited Liability Company that was registered with the State of Washington on or about December 12, 2012. SHIBLEY was Eric R Shibley MD PLLC's registered agent and only governor. On or about December 23, 2012, Eric R Shibley MD PLLC obtained an EIN ending in 9052 from the IRS.

a. From at least on or about January 1, 2019, to on or about February 15, 2020, Eric R. Shibley MD PLLC had no employees for which federal payroll taxes were paid.

Relevant PPP Lenders

18. Financial Institution 1 was a Federal Deposit Insurance Corporation-insured bank headquartered in Salt Lake City, Utah. Financial Institution 1 participated as a PPP lender to small businesses.

19. Lender 1 was a publicly traded real-estate investment trust with its primary offices in New York, Texas, and New Jersey that participated in the PPP as both a lender and a broker between borrowers and other PPP lenders. Lender 1 served as a broker for PPP loans for Financial Institution 2, a Federal Deposit Insurance Corporation-insured bank headquartered in West Reading, Pennsylvania. As a broker, Lender 1 collected and provided loan applications to Financial Institution 2 for funding once approved.

20. Lender 2 was a non-bank small-business lender headquartered in Laguna Hills, California. Lender 2 participated as a PPP lender to small businesses.

1 21. Financial Institution 3 was a state-chartered, nationally-insured credit union
2 headquartered in Chubbuck, Idaho. Financial Institution 3 participated as a PPP lender to
3 small businesses.

4 22. Financial Institution 4 was a Federal Deposit Insurance Corporation-insured
5 bank headquartered in Detroit, Michigan. Financial Institution 4 participated as a PPP
6 lender to small businesses.

7 23. Financial Institution 5 was a Federal Deposit Insurance Corporation-insured
8 bank headquartered in Tukwila, Washington. Financial Institution 5 participated as a
9 PPP lender to small businesses.

10 24. Financial Institution 6 was a Federal Deposit Insurance Corporation-insured
11 bank headquartered in San Francisco, California. Financial Institution 6 participated as a
12 PPP lender to small businesses.

13 25. Financial Institution 7 was a Federal Deposit Insurance Corporation-insured
14 bank headquartered in Fort Lee, New Jersey. Financial Institution 7 participated as a PPP
15 lender to small businesses.

16 26. Financial Institution 8 was a Federal Deposit Insurance Corporation-insured
17 bank headquartered in Portland, Oregon. Financial Institution 8 participated as a PPP
18 lender to small businesses.

19 ***Bank Accounts Controlled by SHIBLEY***

20 27. SHIBLEY controlled and had sole signatory authority over multiple bank
21 accounts in his name and in the names of the Shibley Entities at many different financial
22 institutions, including at Financial Institution 5, Financial Institution 6, Financial
23 Institution 9, and Financial Institution 10.

24 28. SHIBLEY controlled and was the sole signatory on the following bank
25 accounts at Financial Institution 5:

26 a. A checking account ending in 7277 in the name of Dituri
27 Construction LLC.
28

1 b. A savings account ending in 7219 in the name of Dituri Construction
2 LLC.

3 c. A checking account ending in 9724 in the name of SS1 LLC.

4 d. A savings account ending in 9683 in the name of SS1 LLC.

5 29. SHIBLEY controlled and was the sole signatory on the following bank
6 accounts at Financial Institution 6:

7 a. A checking account ending in 9116 in the name of The A Team
8 Holdings LLC.

9 b. A savings account ending in 3536 in the name of The A Team
10 Holdings LLC.

11 30. Financial Institution 9 was a nationally-insured credit union headquartered
12 in Vienna, Virginia. SHIBLEY controlled and was the sole signatory on the following
13 bank accounts at Financial Institution 9:

14 a. A checking account ending in 9972 in the name of Eric R Shibley
15 MD PLLC.

16 b. A savings account ending in 7528 in the name of Eric R Shibley MD
17 PLLC.

18 c. SHIBLEY also controlled a savings account ending in 4507 in the
19 name of ES1 LLC.

20 31. Financial Institution 10 was a nationally-insured credit union headquartered
21 in Seattle, Washington. SHIBLEY controlled and was the sole signatory on the
22 following bank accounts at Financial Institution 10:

23 a. A savings account ending in 5320 in the name of SS1 LLC.

COUNTS 1 – 7**(Wire Fraud)**

32. The allegations in Paragraphs 1 – 31 are re-alleged and incorporated by reference as if set forth in full herein.

A. The Scheme to Defraud

33. Beginning in or around April 2020, and continuing until in or around June 2020, in Seattle, within the Western District of Washington, and elsewhere, defendant ERIC SHIBLEY, together with others known and unknown to the Grand Jury, knowingly and with intent to defraud, devised and executed and attempted to execute a scheme and artifice to defraud Financial Institution 1, Financial Institution 2, Financial Institution 3, Financial Institution 4, Financial Institution 5, Financial Institution 6, Financial Institution 7, Financial Institution 8, Lender 1, Lender 2, and the SBA and to obtain money and property in the custody and control of Financial Institution 1, Financial Institution 2, Financial Institution 3, Financial Institution 4, Financial Institution 5, Financial Institution 6, Financial Institution 7, Financial Institution 8, Lender 1, Lender 2, and the SBA by means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts, all by filing false and fraudulent applications for PPP and EIDL funds.

B. Purpose of the Scheme to Defraud

34. The purpose of the scheme to defraud was for SHIBLEY to unjustly enrich himself by obtaining PPP and EIDL loan proceeds under false and misleading pretenses, including by making false statements about the monthly payroll expenses, employees, and revenues of the Shibley Entities and about SHIBLEY's probation status. It was also the purpose of the scheme to defraud to conceal the scheme.

C. Manner and Means of the Scheme to Defraud

35. To carry out the scheme to defraud, SHIBLEY submitted and caused to be submitted multiple fraudulent PPP loan applications on behalf of the Shibley Entities to Financial Institution 1, Financial Institution 2, Financial Institution 3, Financial Institution

1 4, Financial Institution 5, Financial Institution 6, Financial Institution 7, Financial
2 Institution 8, Lender 1, and Lender 2 (“the Fraudulent PPP Applications”) and
3 approximately 13 fraudulent EIDL loan applications on behalf of the Shibley Entities to
4 the SBA (“the Fraudulent EIDL Applications”).

5 36. In each of the Fraudulent PPP Applications and the Fraudulent EIDL
6 Applications, SHIBLEY identified himself as the sole or majority owner of each entity.

7 37. SHIBLEY made, and caused to be made, material false statements in each of
8 the Fraudulent PPP Applications, which SHIBLEY knew to be false when he made them
9 and caused them to be made. For example:

10 a. In each of the Fraudulent PPP Applications, SHIBLEY falsely
11 certified that he was not currently on probation. In fact, as SHIBLEY knew, he was on
12 probation in Washington State at the time he submitted the applications.

13 b. In each of the Fraudulent PPP Applications, SHIBLEY knowingly
14 provided false information about the number of employees the Shibley Entities had for
15 whom payroll taxes were paid as of February 15, 2020. In fact, as SHIBLEY knew, none
16 of the Shibley Entities had the number of qualifying employees SHIBLEY claimed on the
17 applications as of February 15, 2020.

18 c. In each of the Fraudulent PPP Applications, SHIBLEY knowingly
19 provided false information about the monthly payroll obligations of each of the Shibley
20 Entities. In fact, as SHIBLEY knew, none of the Shibley Entities had the monthly payroll
21 obligations that SHIBLEY falsely claimed them to have.

22 d. SHIBLEY provided false tax return information, which SHIBLEY
23 knew to be false when he provided it, to Financial Institution 1, Financial Institution 3,
24 Financial Institution 4, Financial Institution 5, Financial Institution 6, Financial Institution
25 7, Financial Institution 8, Lender 1, and Lender 2 to support the Fraudulent PPP
26 Applications, including fake IRS Forms 941 that included false statements about the
27 taxable wages, tips, and other compensation the Shibley Entities had paid to employees in
28 tax years 2019 and in the first quarter of 2020. In fact, none of the Shibley Entities had

1 filed IRS Forms 941 for tax years 2019 and the first quarter of 2020 and had not paid the
2 taxable wages, tips, and other compensation reported in the IRS Forms 941 SHIBLEY
3 submitted.

4 38. SHIBLEY submitted multiple applications to different PPP lenders in the
5 name of Eric R Shibley MD PLLC using different EINs.

6 39. On at least two occasions, SHIBLEY fraudulently used the identities of other
7 individuals to support his false claims that Dituri Construction LLC and SS1 LLC had
8 qualifying employees by providing the individuals' names and the last four digits of their
9 social security numbers to PPP lenders.

10 40. SHIBLEY opened checking and savings accounts in the names of some of
11 the Shibley Entities shortly before or at the time he submitted fraudulent PPP loan
12 applications in their names. SHIBLEY then provided these account numbers to the PPP
13 lenders to which he submitted fraudulent loan applications as business accounts into which
14 PPP loan funds should be deposited. For example:

15 a. On or about April 21, 2020, SHIBLEY opened Financial Institution
16 5 accounts ending in 9724 and 9683 in the name of SS1 LLC, approximately six days
17 after SHIBLEY submitted the first fraudulent PPP loan application in SS1 LLC's name.

18 b. On or about April 30, 2020, SHIBLEY opened Financial Institution
19 5 accounts ending in 7219 and 7277 in the name of Dituri Construction LLC, the same
20 day SHIBLEY submitted the first fraudulent PPP loan application in Dituri Construction
21 LLC's name.

22 41. SHIBLEY made, and caused to be made, material false statements in the
23 Fraudulent EIDL Applications, which SHIBLEY knew to be false when he made them and
24 caused them to be made. SHIBLEY knowingly provided false information about the
25 Shibley Entities' operations, including the entities' gross revenues, cost of goods sold, and
26 number of employees in the twelve-month period preceding January 31, 2020.

27 42. In addition, on several of the Fraudulent EIDL Applications SHIBLEY
28 falsely certified that he was not currently on probation. In fact, as SHIBLEY knew, he was

on probation in Washington State at the time he submitted the applications.

43. In at least two of the Fraudulent EIDL Applications, SHIBLEY falsely claimed to own and operate a sole proprietorship in his name. In fact, SHIBLEY knew that no sole proprietorship in his name existed.

44. To conceal the scheme to defraud, SHIBLEY transferred PPP loan and EIDL funds he received, based on the false representations he made and caused to be made in the Fraudulent PPP Applications and the Fraudulent EIDL Applications, between bank accounts he controlled shortly after he first received the funds.

45. To further conceal the scheme to defraud, SHIBLEY withdrew PPP loan funds he received from PPP lenders in cash.

D. Execution of the Scheme to Defraud

46. On or about the dates set forth below, in Seattle, in the Western District of Washington, and elsewhere, defendant ERIC SHIBLEY, for the purpose of executing the above-described scheme to defraud, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce the following writing, signals, pictures, and sounds:

<u>Count</u>	<u>Date</u>	<u>Interstate Wire Transmission</u>
1	April 23, 2020	Electronic transmission of loan note with false certifications in the name of The A Team Holdings LLC to Lender 1.
2	April 25, 2020	Electronic transmission of fraudulent PPP loan application in the name of Seattle's Finest Cannabis LLC to Financial Institution 4.
3	May 2, 2020	Electronic transmission of fraudulent PPP loan application in the name of Dituri Construction LLC to Lender 1
4	May 4, 2020	Electronic transmission of fraudulent PPP loan application in the name of Dituri Construction LLC to Financial Institution 1.
5	May 5, 2020	Electronic transmission of loan note with false certifications to Lender 2 in the name of SS1 LLC.
6	June 7, 2020	Electronic transmission of fraudulent EIDL loan application in the name of Dituri Construction LLC to the SBA.

7	June 7, 2020	Electronic transmission of fraudulent EIDL loan application in the name of SS1 LLC to the SBA.
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All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 8 – 10**(Bank Fraud)**

47. The allegations in Paragraphs 1 – 31 and 33 – 45 are re-alleged and incorporated by reference as if set forth in full herein.

A. The Scheme to Defraud

48. From in or around April 2020 through in or around June 2020, at Seattle, in the Western District of Washington and elsewhere, defendant ERIC SHIBLEY, together with others known and unknown to the Grand Jury, did knowingly and intentionally devise and intend to devise a scheme to obtain money, funds, assets, and property owned by and under the custody and control of financial institutions participating in the PPP loan program, specifically Financial Institution 1, Financial Institution 2, Financial Institution 3, Financial Institution 4, Financial Institution 5, Financial Institution 6, Financial Institution 7, and Financial Institution 8 by means of materially false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

B. The Purpose of the Scheme to Defraud

49. The purpose of the scheme to defraud was for SHIBLEY to unjustly enrich himself by obtaining PPP loan proceeds under false and misleading pretenses, including by making false statements about the monthly payroll expenses and employees, of the Shibley Entities and about SHIBLEY's probation status. It was also the purpose of the scheme to defraud to conceal the scheme.

C. Execution of the Scheme to Defraud

50. On or about the following dates, at Seattle, in the Western District of Washington and elsewhere, defendant SHIBLEY committed and willfully caused others to commit the following acts, each of which constituted an execution of the fraudulent scheme:

<u>Count</u>	<u>Date</u>	<u>Act</u>
8	April 25, 2020	Submission of fraudulent PPP loan application in the name of Seattle's Finest Cannabis LLC to Financial Institution 4.

9	April 30, 2020	Submission of a signed loan note with false certifications to Financial Institution 2 for The A Team Holdings LLC.
10	May 4, 2020	Submission of fraudulent PPP loan application in the name of Dituri Construction LLC to Financial Institution 1.

All in violation of Title 18, United States Code, Sections 1344(2) and 2.

COUNTS 11 – 15**(Money Laundering)**

51. The allegations in Paragraphs 1 – 50 are re-alleged and incorporated by reference as if set forth in full herein.

52. On or about the dates set forth below, in the Western District of Washington and elsewhere, defendant ERIC SHIBLEY, knowing that the funds involved represented proceeds of some form of unlawful activity, engaged in and willfully caused others to engage in the following monetary transactions, in and affecting interstate commerce, in criminally derived property of a value greater than \$10,000, which property, in fact, was derived from specified unlawful activity, namely, wire fraud in violation of 18 United States Code, Section 1343, and bank fraud in violation of 18 United States Code, Section 1344(2), as charged in Counts 1 – 10:

<u>Count</u>	<u>Date</u>	<u>Monetary Transaction</u>
11	May 4, 2020	Transfer of \$960,000 from Financial Institution 6 account ending in 9116 in the name of The A Team Holdings LLC to Financial Institution 6 account ending in 3536 in the name of The A Team Holdings LLC.
12	May 6, 2020	Transfer of \$563,500 from Financial Institution 5 account ending in 7277 in the name of Dituri Construction LLC to Financial Institution 5 account ending in 7219 in the name of Dituri Construction LLC.
13	May 19, 2020	Transfer of \$820,000 from Financial Institution 5 account ending in 9724 in the name of SS1 LLC to Financial Institution 5 account ending in 9683 in the name of SS1 LLC.
14	May 26, 2020	Withdrawal of \$150,000 in cash from Financial Institution 6 account ending in 3536 in the name of The A Team Holdings LLC.
15	June 22, 2020	Deposit of \$20,000 cashier's check from Financial Institution 10 account ending in 5320 into Financial Institution 9 account ending in 4507 in the name of ES1 LLC.

All in violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE ALLEGATIONS

The allegations contained in Counts 1 – 7 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of an offense alleged in Counts 1 – 7, the Defendant ERIC SHIBLEY shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property that constitutes or is traceable to proceeds of the offense. This property includes, but is not limited to:

1. \$804,816.63 in U.S. funds seized on or about May 27, 2020 from Financial Institution 6 account ending in 3536 held in the name of The A Team Holdings, LLC;
2. \$100,000 in U.S. funds seized on or about May 29, 2020 from Financial Institution 6 account ending in 2378 held in the name of ES1, LLC;
3. \$49,500.86 in U.S. funds seized on or about May 29, 2020 from Financial Institution 9 account ending in 7528 held in the name of Eric R. Shibley MD, PLLC;
4. \$114,440 in U.S. funds seized on or about June 25, 2020 from Financial Institution 10 account ending in 5390 held in the name of Dituri Construction, LLC;
5. \$114,743.59 in U.S. funds seized on or about June 25, 2020 from Financial Institution 10 account ending in 5320 held in the name of SS1, LLC; and,
6. A sum of money reflecting the proceeds the Defendant obtained from the offense.

The allegations contained in Counts 8 – 10 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of an offense alleged in Counts 8 – 10, the Defendant ERIC SHIBLEY shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any property that constitutes or is traceable to proceeds of the offense.

1 The allegations contained in Counts 11 – 15 of this Indictment are hereby
2 realleged and incorporated by reference for the purpose of alleging forfeiture. Upon
3 conviction of an offense alleged in Counts 11 – 15, the defendant, ERIC SHIBLEY, shall
4 forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1),
5 any property involved in the offense, or any property traceable to such property.

6 **(Substitute Assets)**

7 If any of the above-described forfeitable property, as a result of any act or
8 omission of the defendant,

- 9 a. cannot be located upon the exercise of due diligence;
10 b. has been transferred or sold to, or deposited with, a third party;
11 c. has been placed beyond the jurisdiction of the Court;
12 d. has been substantially diminished in value; or
13 e. has been commingled with other property which cannot be divided without
14 difficulty;

15 it is the intent of the United States, pursuant to Title 21, United States Code, Section
16 853(p), and Title 28, United States Code, Section 2461(c), to seek the forfeiture of any
17 other property of the defendant, up to the value of the above-described forfeitable
18 property.

19 //

20 //

A TRUE BILL:

DATED: 10/15/2020

*(Signature of Foreperson redacted
Pursuant to the policy of the Judicial
Conference of the United States)*

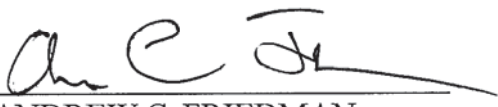
FOREPERSON

 for
DANIEL S. KAHN
Acting Chief, Fraud Section
Criminal Division, Department of Justice


AMANDA R. VAUGHN
Trial Attorney


LAURA CONNELLY
Trial Attorney


BRIAN T. MORAN
United States Attorney


ANDREW C. FRIEDMAN
Assistant United States Attorney


BRIAN D. WERNER
Assistant United States Attorney