UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 8:24-cr-317-VMC-AEP

DAVID ANTONETTI 18 U.S.C. § 1343

INDICTMENT

The Grand Jury charges:

COUNTS ONE AND TWO
(Wire Fraud)

A. Introduction

At times relevant to this Indictment:

1. DAVID ANTONETTI, a resident of the Middle District of Florida, falsely and fraudulently represented himself as the owner and sole employee of a non-existent motion picture and video production business in order to obtain federal Paycheck Protection Program ("PPP") loans to which he was not entitled.

The Small Business Administration

2. 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.

3. The SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government-backed guarantees. In addition to

traditional SBA funding programs, The CARES Act, established several new temporary programs and provided for the expansion of others to address the COVID-19 outbreak, which was declared a nationwide disaster by the President on March 13, 2020.

4. One of the new loan programs was the SBA PPP, which was a loan designed, in part, to provide a direct incentive for small businesses to keep their workers on the payroll. Under this program, the SBA could forgive all or part of the borrowing businesses' loans provided that employees were kept on the payroll for eight weeks and borrowers submitted documentation confirming that the loan proceeds were used for certain qualifying business expenses (i.e., payroll, rent, mortgage interest, or utilities).

5. Interested applicants applied through an existing SBA lender or any other participating federally-insured financial institution. The PPP application process required applicants to submit a Borrower Application Form through an SBA-approved financial entity. The application contained information as to the purpose of the loan, average monthly payroll, number of employees, and background of the business and its owner. Applicants were also required to make certain good faith certifications, including that economic uncertainties had necessitated their loan requests for continued business operations, and that they intended to use loan proceeds only for the authorized purposes.

6. Bank #1 was a federally-insured financial institution that had computer servers used for processing financial transactions located outside the State of Florida. Bank #1 was a member bank of the Federal Home Loan Bank of San Francisco.

7. Lender #1 participated in the SBA's PPP as a lender, and as such, was authorized to lend funds to eligible borrowers under the terms of the PPP.

B. **The Scheme and Artifice**

8. Beginning on an unknown date, but no later than in or around March 2021, and continuing through at least in or around October 2021, in the Middle District of Florida and elsewhere, the defendant,

DAVID ANTONETTI,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises about a material fact.

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

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

a. It was part of the scheme and artifice that the defendant would and did prepare and submit, and cause to be prepared and submitted, two materially false and fraudulent applications to the PPP, which program was tailored to provide benefits and relief to businesses and workers negatively impacted by the COVID-19 pandemic.

b. It was further a part of the scheme and artifice that, in order to induce the financial institutions to fund PPP loans, the defendant would and did prepare and submit, and cause to be prepared and submitted, to Lender #1 applications that contained multiple materially false and fraudulent representations and pretenses, including:

i. overstating the gross income for the defendant's motion picture and video production business;

ii. representing and certifying that loan proceeds would be used for business-related purposes; and

iii. fraudulently affirming the truth of statements in the applications.

c. It was further a part of the scheme and artifice that the defendant would and did submit fraudulent supporting documentation, including a 2019 IRS Form Schedule C, Profit or Loss from Business form.

d. It was further a part of the scheme and artifice that the defendant would and did cause Lender #1 to approve PPP loan applications and cause to be transmitted PPP loan proceeds via interstate wire transfers to Bank #1;

e. It was further a part of the scheme and artifice that the defendant would and did use the PPP funds, and cause the PPP funds to be used, for unauthorized purposes and for his own personal enrichment and the enrichment of others; and

f. It was a further part of the scheme and artifice that the defendant would and did perform acts and make statements to promote and achieve the scheme and artifice and to misrepresent, hide, and conceal the scheme and artifice and the acts committed in furtherance thereof.

D. <u>Execution of the Scheme and Artifice</u>

10. On or about the date set forth below in each count, in the Middle District of Florida and elsewhere, the defendant,

DAVID ANTONETTI,

for the purpose of executing the aforesaid scheme and artifice, knowingly and intentionally transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce the writings, signs, signals, pictures, and sounds described below, each transmission constituting a separate count:

COUNT	DATE OF WIRE	DESCRIPTION OF WIRE
ONE	April 28, 2021	Defendant caused an electronic funds transfer in the amount of $20,136 in PPP funds, sent from outside of Florida to a Bank #1 account in the defendant's name within the Middle District of Florida
TWO	May 19, 2021	Defendant caused an electronic funds transfer in the amount of $20,136 in PPP funds, sent from outside of Florida to a Bank #1 account in the defendant's name within the Middle District of Florida

All in violation of 18 U.S.C. § 1343.

FORFEITURE

1. The allegations contained in Counts One and Two are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

3. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of approximately $40,272, which represents the proceeds the defendant obtained from the offenses.

4. 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 pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

[redacted]

Foreperson

ROGER B. HANDBERG
United States Attorney

By: ______________________
Christopher Poor
Assistant United States Attorney

By: for ______________________
Rachelle DesVaux Bedke
Assistant United States Attorney
Chief, Economic Crimes Section

FORM OBD-34
July 24

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

DAVID ANTONETTI

INDICTMENT

Violations: 18 U.S.C. § 1343

A true bill,

[redacted]

Foreperson

Filed in open court this 11th day

of July 2024.

Lynne Vito

Clerk

Bail $_______________