IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)
)
v.) CASE NO.
) 4:22-CR-00084-LGW-BWC-1
BERNARD OKOJIE,)
)
Defendant.)

JURY TRIAL
BEFORE THE HONORABLE LISA GODBEY WOOD
March 28, 2023; 1:37 p.m.
Brunswick, Georgia

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P R O C E E D I N G S

(Call to order at 1:35 p.m.)

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Good afternoon, members of the jury, and welcome back. I trust you had sufficient time for lunch. When we broke, I mentioned to you that now is the time, since you've been sworn, for me to give you some instructions that will guide you in your participation as jurors in this case.

At the end of the trial, I'm going to give you complete instructions that will govern your deliberations and your decisions in the case.

It's going to be your duty to find from the evidence what the facts are. You and you alone are going to be judges of the facts. You will then apply those facts to the law as I give it to you. You must follow the law whether you agree with it or not. It's going to be your duty to decide what happened so you can determine whether the defendant is guilty or not guilty of the crimes that are charged in the indictment.

Now nothing that I may say or do during the course of this trial is intended to indicate to you nor should be taken as an indication to you that I think the defendant is either guilty or not guilty of the crimes or it should not indicate to you what your verdict should be. That's for you and you alone to decide.

The evidence from which you will find the facts is going to consist of testimony of witnesses, documents and other items that are admitted into evidence in the case. Any facts that the lawyers agree to or what we call stipulate to, those also will constitute evidence in the case.

As I've mentioned, the court reporter is making a complete stenographic record of everything that is said during the trial including the testimony of the witnesses in case it should become necessary at some point in time to produce transcripts but those transcripts if prepared at all will not be available in sufficient time or sufficient format for you to rely on during your deliberations, so you will be required to rely on your own individual and collective memory concerning what the testimony was.

On the other hand, any paper or other tangible exhibits received in evidence during the trial will be available for you to study during your deliberations.

Now on some occasions during the trial, exhibits may be handed to you for brief inspection. Some may be displayed here on the overhead screen for you, some on your computer screens in front of you.

As I mentioned, at the end of the case, you will receive those exhibits for you to hold and look at during your deliberations.

Now certain things are not evidence and should not be considered by you in your deliberation in reaching a verdict. First of all, statements, arguments and questions by lawyers are not evidence. Objections to questions are not evidence. Now, lawyers have an obligation to their clients to make objections when they believe that evidence is being offered improperly under the rules of evidence. Don't be influenced by the objection itself. If I decide to sustain an objection to a question, you would just ignore the question. If I overrule an objection, then you will proceed to hear the answer and you would treat that answer like you would any other.

Also if you are ever instructed by me to receive a certain piece of evidence for a limited purpose only, I will let you know what that limited purpose would be and it's important that you follow the instruction and receive that, hear that testimony only for the directed limited purpose. Obviously any testimony that I have to exclude or tell you to disregard is not evidence and should not be considered by you in reaching your verdict.

Also as we've mentioned, anything you've heard outside the courtroom, that's not evidence and it should be disregarded. You're to decide the case solely on the basis of the evidence presented here in the courtroom.

During the course of the trial, I might occasionally ask a question of a witness. If I do, again it doesn't indicate that I have an opinion about whether that witness is being truthful or giving false testimony. That is not what it means. Indeed, nothing I say during the course of the trial should be taken by you as believing that I have some opinion about the facts of the case. That's irrelevant. It is for you to decide only.

As you've seen during jury selection, from time to time, we may have to interrupt the proceedings to have a brief sidebar. As I've explained, we've worked hard to get the case ready to present to you in an orderly fashion. There are times when we necessarily have to confer about a legal application and so forth. We do endeavor to keep those as limited as possible, and if for some reason we do need to have a more extended one, I would have you placed somewhere more comfortable than in those chairs, but we don't anticipate something like that and it is certainly not our intention to seek it out.

There's two kinds of evidence. Some of you who watch certain shows on TV may already know this but there's direct evidence and circumstantial evidence. Direct evidence is direct proof of a fact, like an eyewitness. Circumstantial evidence is proof of facts from which you may infer or conclude that other facts exist, and I will give you more detailed instructions about the difference in those two types of evidence at the end of the trial, but for right now, I want you to understand that you are entitled to consider both kinds of evidence, direct and circumstantial.

It's going to be up to you to decide which witnesses to believe, which witnesses not to believe and how much of any given witness' testimony to believe or disbelieve. I'll give you some guidelines also for determining credibility at the end of the case, but that will be your job to determine which witnesses were credible.

As you've heard, this is a criminal case. There are three basic rules about a criminal case that you must keep in mind. First, the defendant is presumed innocent until proven guilty. The indictment brought by the Government against the defendant is only an accusation, nothing more. It's not proof of guilt or anything else. The defendant therefore starts out with a clean slate.

Second, the burden of proof is on the Government until the very end of the case. The defendant has no burden to prove his innocence or to present any evidence or to testify. And since the defendant has the right to remain silent and may choose whether to testify, you cannot legally put any weight on a defendant's choice not to testify. It's not evidence.

Third, the Government must prove the defendant's guilt beyond a reasonable doubt. I'll give you further instructions on that point, that standard of proof, at the end of the case, but bear in mind that the level of proof required is quite high.

Now, in this case, the defendant is alleged to have committed three crimes. The allegations are set forth in the indictment in three counts. Count 1 alleges conspiracy to commit wire and bank fraud in violation of 18 USC Section 1349. And I will give you very detailed instructions about all three of these allegations at the end of the case, and those instructions will be what control your deliberations and decisions, but for now, in order to help you follow the evidence and help you understand what is being presented to you, I want to give you a summary of the elements of the three offenses that the Government must prove to make its case.

A defendant can be found guilty of Count 1, conspiracy to commit wire and bank fraud, only if all the following facts are proved beyond a reasonable doubt: First, that two or more people in some way or manner agreed to try to accomplish a shared and unlawful plan to commit wire and bank fraud as charged in the indictment; and, second, that the defendant knew the unlawful purpose of the plan and willfully joined in it.

Count 2 alleges wire fraud in violation of 18 USC Section 1343 and 2. A defendant can be found guilty of Count 2, wire fraud, only if all the following facts are proved beyond a reasonable doubt: First, that the defendant knowingly devised or participated in a scheme to defraud someone by using false or fraudulent pretenses, representations or promises; second, that the false pretenses, representations or promises were about a material fact; third, that the defendant acted with the intent to defraud; and, finally, that the defendant transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

Count 3 alleges money-laundering conspiracy in violation of federal law. A defendant can be found guilty of Count 3, money-laundering conspiracy, only if the following facts are proved beyond a reasonable doubt: First, that two or more people agreed to try to accomplish a common and unlawful plan to commit money laundering; and, second, that the defendant knew about the plan's unlawful purpose and voluntarily joined in it.

Now, those are the allegations. As you recall, the defendant has entered a plea of not guilty denying that he committed any of the crimes alleged in the indictment.

Now, a few words about your conduct as jurors. First, I instruct you that during the trial, you are not to discuss the case with anyone or to permit anybody to discuss it with you. Indeed, if somebody tries to discuss the case with you, I'm going to direct you to let the marshal know and they will bring it to my attention.

During your service, you can talk about other things, about basketball, the weather, the holidays, anything but not about the case. Until you retire to your jury room at the very end of the case, you simply cannot talk about it even with each other.

And when I say you're not permitted to talk about the case, I also mean, for goodness' sakes, you're not allowed to electronically talk about it. For goodness' sake, don't post something on Facebook or Instagram or Snapchat or any other electronic way of communicating either.

Again, some of you probably already experienced this when you contacted your coworkers or families at lunch. Tonight when you go home and every night, if somebody asks you what the case is about, I instruct you specifically to tell them only it's a criminal case, it will be over relatively soon, and once it is, you can talk about it with them.

As I've mentioned also, don't read, watch, listen to anything on media including online media about anything to do with the case. Don't do any research, the old kind or the new kind, and finally don't form an opinion until all the evidence is in and you go back to deliberate and reach a verdict with your colleagues. Keep an open mind throughout trial.

Our law requires jurors to follow those instructions in order to help ensure a just and fair trial, and the attorneys who have prepared and the parties who are participating are counting on you upholding these key premises of a fair trial.

As I said, our law doesn't permit jurors to talk with anybody else because only you have been deemed fair. Only you have taken an oath to be fair. No one else is so qualified.

As I have mentioned to you before, we will start at 9:00 a.m. every morning and go until mid-morning, take a brief break, go to lunch, eat lunch, come back, go to mid-afternoon, take a brief break and go until about 5:00 or 5:30 in the afternoon.

All the rules are grounded in our attempt to make sure things are fair. As you understand, there are consequences if the rules aren't followed, and I trust that all of you will follow them.

If you wish, you may take notes during the trial, and I believe the marshal has passed out paper and pens to those who wish to do that.

If you do take notes, please keep your notes to yourself until you and your fellow jurors go to the jury room to decide the case. I will caution you not to let note-taking interfere with your actual appreciation of the case. Recall some people in school tried to write every word down and they missed some of what was going on trying to write everything down, so don't let your note-taking distract you from hearing what's actually happening, and when you leave the courtroom, you should leave your notes in your jury room and the marshal will secure them for you each night and each lunch break.

Whether or not you take notes, you should rely on your own memory of what was said. Notes are only ever to assist your memory only. They are not entitled to greater weight than your actual memory or impression about the testimony, and by all means, don't let somebody else take notes for you. We rely upon each individual person's wisdom and your collective wisdom in coming up with a just verdict.

Now, in just a moment, the actual trial part is about to begin. As you've heard, we will begin with opening statements. Counsel for the Government will begin with their opening statement. An opening statement is simply an outline of what that party believes that the evidence will show.

Next, the defense attorney may but does not have to make an opening statement. Recall also that opening statements are neither evidence nor argument. They are just designed to give you a roadmap of what you might hear.

After opening statements, the Government will present its witnesses, one at a time. For each witness, they will conduct a direct examination and then the Defense will have the opportunity to cross-examine each witness. After cross-examination of that witness, the Government will be given an opportunity to conduct a brief redirect of each witness.

Once all of the government witnesses have been presented, the defendant may, if he wishes but does not have to, present witnesses. They will do direct. Then the Government can cross-examine and then I will allow brief redirect.

After all the evidence is in, the attorneys will present their closing arguments to you. Closing arguments are each party's attempt to summarize and interpret what they believe the evidence has shown.

After the arguments are made, then I will instruct you on the law and you will at last retire to your jury room to reach your verdict.

Counsel for the United States, if you will bring any witnesses that you have present in the courtroom forward. Do you have any witnesses?

MR. JOSEPHSON: We do, Your Honor.

THE COURT: If you will bring all of those, I am going to invoke the rule of sequestration.

MR. JOSEPHSON: Yes, Your Honor.

THE COURT: If you will have all of them come forward to the well of the courtroom.

Are these your two case agents?

MR. JOSEPHSON: Yes, Your Honor.

THE COURT: Is there someone outside?

MR. JOSEPHSON: No, Your Honor.

THE COURT: The Court has invoked the rule of procedure that requires all of the witnesses to remain outside of the courtroom until you're called to testify. Indeed while you're outside the courtroom you're not to discuss your testimony with anyone or allow anyone to discuss it with you. You may, however, discuss your testimony with counsel for either side but not in earshot of other witnesses.

After you've testified, the same rule applies: No discussing your testimony in earshot of others. Counsel for both parties are instructed to let all of their witnesses know that The Court has invoked this rule. Failure to comply with the rule would expose someone not only to contempt of court but exclusion as a witness from the case; understand?

THE WITNESSES: Yes, Your Honor.

THE COURT: Ms. Sharp, if you'll take the names and administer the oath.

SPECIAL AGENT JUSTIN LOTT: I am Special Agent Justin Lott with the SBA OIG.

SPECIAL AGENT DOUGLAS DYE: Special Agent Douglas Dye, FBI, Atlanta Division.

(Witnesses sworn.)

THE CLERK: Thank you.

THE COURT: The rule does not apply to case agents or the defendant. They may stay during the balance of the trial. With that, gentlemen, if you will return to your seat. And Mr. Josephson, who will give the opening for the United States?

MR. JOSEPHSON: Ms. Stanley, Your Honor.

THE COURT: Ms. Stanley, if you will approach the podium and present your opening. And remember, members of the jury, opening statements are neither evidence nor argument, but they are provided as a roadmap, and you should give them your full attention.

MS. STANLEY: May it please The Court, good afternoon ladies and gentlemen of the jury.

This is a case about greed and deception. In the middle of the COVID-19 pandemic, the defendant, Bernard Okojie, applied for at least 24 fraudulent loans from the United States Government. As a result, more than 1.4 million taxpayer dollars went out the door into the pockets of Mr. Okojie and others who should never have gotten that money. That's what this case is about.

But first, ladies and gentlemen, let's go back to 2020 when the COVID-19 pandemic started. Businesses across the country were forced to suddenly shut down. They were facing impossible financial decisions. To help these businesses, the Government decided to give them loans to help keep the lights on, to pay workers, to keep the economy going, but for many small businesses, this wasn't enough.

As you all know, many businesses had to permanently close down because of the pandemic and they may never open their doors again, but in March of 2020, the federal government wanted to give these businesses a fighting chance, so it passed a law called the CARES Act.

The CARES Act authorized federal funds of relief related to the pandemic, but what is important for us is that the CARES Act allocated funds for two kinds of business loans.

The first kind is Economic Injury Disaster Loans. You're going to hear the attorneys and the witnesses talk about E-I-D-L, or EIDL, and that's what those initials refer to, Economic Injury Disaster Loans.

The second kind is Payroll Protection Program loans.

You're going to hear the attorneys and the witnesses refer to these as PPP loans.

To get an EIDL or a PPP loan, you had to fill out an application. You had to enter basic information about your business, the business name, what kind of business it was, how much money the businesses had been making, its expenses, the number of employees and so on.

Between June of 2020 and April of 2021, the defendant, Bernard Okojie, completed at least 24 of these applications for himself and for others.

Here's how the scheme worked. Clients who heard about Mr. Okojie through word of mouth would give him their basic personal information, like their name, their date of birth, their social security number and their bank account information.

Okojie would fill out a loan application using the client's information for a business that did not exist. He would make up fake numbers for how many employees the business had, how much money it was making and what its expenses were.

Okojie would submit that application to the Small Business Administration. In most cases, when that loan application was approved, Okojie's clients would log onto the SBA Web site using a password Okojie had created and digitally sign multiple documents like the loan agreement and the promissory note in order to get the money.

Remember that these client, not Mr. Okojie, signed those documents. When a client's loan application was granted and the money had been deposited into their bank account, that client would meet Okojie in person to give him his fee. That fee was always a percentage of the loan amount, something like 15 or 20 percent.

The clients would make these checks payable to B&K Freight, LLC or Kojie9, LLC, and you will hear those names throughout this trial.

In some cases, Mr. Okojie had the client put something like "for truck leasing" on the memo line of that check. Of course, his clients knew very well that that money was not for trucking fees.

Mr. Okojie deposited those checks into a bank account in the names of those two businesses, B&K Freight and Kojie9, and Mr. Okojie also applied for no less than 12 loans on behalf of himself and businesses he claimed to own, including a plumbing company, a health services company and a trucking business.

He was successful in getting several of those loans. And just to be clear, ladies and gentlemen, there were businesses that should have been able to get EIDL and PPP loans that did not get those loans because the money for the programs ran out.

So Mr. Okojie lined his pockets with tax dollars while real businesses were left to struggle through the pandemic. Mr. Okojie did several different things with the money that he stole from the Government. He used it to buy a Mercedes and clothing and accessories from Versace. He used some of it for personal investments. He withdrew $9,000.00 or $9500.00 at a time to avoid the reporting requirements that are triggered when someone withdraws $10,000.00 or more from the bank, and he tried to take nearly $40,000.00 of it in cash with him on a plane from Atlanta to Nigeria without declaring that money as federal law requires.

Throughout this trial you're going to hear from numerous witnesses. You're going to hear from the law enforcement agents who conducted this investigation. You're going to hear from the financial analysts who will tell you about the illegal transactions that took place. You're going to hear from individuals who participated in the fraud and received fraudulent loans, you will learn that some of those people knew each other and some of them didn't. But they all had one thing in common. They all got fraudulent loans with the assistance of the defendant.

Now the Judge has already talked to you a little bit about the indictment and the law, but let me talk to you just briefly about those things and the law that Mr. Okojie is alleged to have violated.

In general, Mr. Okojie is charged with committing three crimes, conspiracy to commit wire fraud, one stand-alone count of wire fraud and conspiracy to commit money laundering.

Count 1, conspiracy to commit wire fraud, you may think of big, elaborate schemes when you think of conspiracy, but under the law, a conspiracy is just an agreement or plan between at least two people to do something unlawful, and that plan doesn't have to be written or verbal. You can find it from how people act.

Here Mr. Okojie is charged with conspiring with at least one other person to commit wire fraud. "Fraud" is just a legal term for lies to get money, and wire fraud is simply using an electronic can communication as part of that lie.

Count 1 basically alleges that Mr. Okojie and his clients carried out a plan to fraudulently obtain SBA loans. Mr. Okojie couldn't have carried out his scheme without his clients, and they couldn't have gotten this loan money without Mr. Okojie.

Mr. Okojie's clients got hundreds of thousands of dollars of taxpayer money, and then Mr. Okojie skimmed his cut off the top.

Count 2 is one stand-alone count of wire fraud. It concerns one false loan application that the defendant filed out on behalf of an individual named Katina Banks.

Count 3 alleges a conspiracy to commit money laundering. Money laundering is simply a legal term that means that someone is trying to hide the money made from a crime. Here that crime is fraud.

Mr. Okojie is charged with conspiring to hide the money he got as a result of this scheme, and you'll hear that he did that through the kickback checks he got back from his clients.

Again, this case is not complicated, it is about greed and deception. Mr. Okojie lied to the Government. He lied to the Government during the middle of a devastating pandemic.

You're going to hear that he carried out a massive scheme with lots of people. He did so to take more than 1.4 million in taxpayer dollars that did not belong to him, and as a result of that scheme, he received tens of thousands in kickbacks.

After you hear all the evidence, Mr. Josephson will return to this podium to discuss the case. He will review the evidence that you have heard, and the Government will ask you to hold Mr. Okojie accountable for what he's done and find him guilty of conspiracy and fraud. Thank you.

THE COURT: Mr. Ossick on behalf of the defendant.

MR. OSSICK: Please The Court. I'll be very brief with you this afternoon. My name is John Ossick. I practice in Camden County.

At this point I think The Court described as well as Ms. Stanley described the basic charges in the indictment, and in Counts 1 and 3 talk about each requires an agreement and this unlawful plan to try with someone other than Mr. Okojie.

I think you're going to see that in the indictment, which is the way the Government brought the case here today, they chose not to name who that was. So we will see as we go along.

But I think we're also going to see as we go along that we have a number of witnesses who you can determine from the evidence have concerns on what their own actions were throughout any of these events, these other people who are alleged to be part of the agreements, and yet those concerns can affect what sort of trustworthiness you should place on what they say and is an appropriate, as The Court will tell you later, factor for you to consider on whether or not the Government has met its burden that it has in this matter.

Thank you.

THE COURT: Mr. Josephson, call your first witness.

MR. JOSEPHSON: The Government calls FBI Special Agent Douglas Dye.

THE CLERK: Sir, you were previously sworn. Do you still uphold that oath?

THE WITNESS: Yes, ma'am.

SPECIAL AGENT DOUGLAS DYE,

having been previously duly sworn, was examined and testified as follows:

THE CLERK: State your full name and spell your last and state your occupation and your business address.

THE WITNESS: Douglas Dye, D-y-e, special agent for the FBI, Atlanta Division, Savannah Resident Agency located at 2003

Chatham Center Drive, Savannah, Georgia.

DIRECT EXAMINATION

BY MR. JOSEPHSON:

Q. Agent Dye, how long have you worked for the Federal Bureau of Investigation?

A. 14 years.

Q. Can you tell the jury just in general what your responsibility is as an FBI agent?

A. Responsibility as an FBI agent is primarily to work criminal cases, working violations such as financial crimes, crimes against children, violent crimes, terrorism, national security and fraud.

Q. Do you have to complete training programs in order to become an FBI agent?

A. Yes.

Q. What are some of the programs you have to complete?

A. You go to initial new agent training at Quantico, Virginia. It's approximately six months long and then you come back for multiple in-services annually to do continuing education.

Q. You mentioned that you investigate financial crimes. Do you investigate financial crimes committed against government programs?

A. Yes.

Q. Do those programs include programs that were intended to

address the effects of COVID-19?
A. Yes.
Q. Are you one of the lead agents that led to the charges in this case against the defendant, Bernard Okojie?
A. Yes.
Q. Generally speaking, does this case concern allegations that the defendant filed false and fraudulent COVID-19 loans?
A. Yes.
Q. I want to start by asking you some preliminary questions about the CARES Act. Could you tell the jury generally what is the CARES Act?
A. CARES Act is the Coronavirus Aid Relief Economic Security Act that was -- that was enacted due to the COVID-19 pandemic for emergency financial assistance, and part of that program had the Small Business Administration programs previously mentioned, the Economic Impact -- Economic Injury Disaster Loan and the Paycheck Protection Program, PPP loan.
The PPP loan was funded by the federal government and administrated by financial institutions and the EIDL loan was funded and administered by the SBA.
Q. So Economic Injury Disaster Loans are commonly referred to as EIDLs; is that right?
A. Yes.
Q. And Paycheck Protection Program often referred to by the acronym PPP?

A. Correct.
Q. What are some of the key factors that the Government considers to determine how much money a loan applicant should get in the PPP program and the EIDL program?
A. Some of the key factors are that the company was in existence prior to the 12-month period to the pandemic, that they look at the gross revenue, the cost of goods sold, the number of employees.
Q. To qualify for a PPP loan or an EIDL loan, does somebody have to own a real business?
A. Yes.
Q. Can you just make one up to get a loan?
A. No.
Q. Can you make up gross revenue amounts to get more money?
A. No.
Q. Can you make up employees that don't exist to get more money?
A. No.
Q. Can you, once you get the money, can you just spend it however you want?
A. No. There are program guidelines.
Q. All right. I want to talk about this investigation broadly. What did you learn regarding the PPP and EIDL applications that the defendant, Bernard Okojie, submitted?
A. Through investigative techniques, interviews, examining

financial records, open source information, tax records as well as analysis, we learned that they contained fraudulent information.

Q. Did you notice anything suspicious with respect to gross revenues on the applications?

A. Yes. The gross revenue was inflated. It was incorrect, fraudulent.

Q. Did you notice anything suspicious with the type of business or industry that was listed on the applications?

A. Yes.

Q. What did you see?

A. Saw a myriad of companies listed such as health services, transportation, automobile sales, construction and contractors.

Q. Was it notable to you or suspicious to you that the applications represented that Mr. Okojie operated those businesses at the same time?

A. Yes.

Q. Did you notice any connections between the defendant and the applications that were submitted in the names of other people?

A. Yes.

Q. What did you notice?

A. Well, through -- again, through analyzing financial reports and interviews and other records, we noticed that there were checks paid from the clients to Bernard Okojie. We also noticed similarities in the way they were submitted, specifically IP address that was used on some of them that was common.

Q. Did you interview the people that were connected to the defendant through the loan applications?

A. Yes.

Q. Did they tell you anything that caused you to investigate further?

A. Yes.

Q. What did they tell you?

A. They told me --

MR. OSSICK: Objection, Your Honor, as to hearsay.

THE COURT: Sustained.

Q. (By Mr. Josephson) Without telling me about any of the substance of the interviews, did any of the people you interviewed provide text messages?

A. Yes.

Q. Did the text messages, what did they generally portray?

A. Conversations between the client and Bernard Okojie.

Q. Did those conversations take place during the loan application process?

A. Yes.

Q. Did you obtain copies of those conversations directly from the person and their phone?

A. Yes.

Q. And did you alter those text messages in any way --
A. No.
Q. -- when you received them? Did you put those into your evidence file as a part of this case?
A. Yes, they were included in the 302, FT302.
Q. I'd like to display for the witness, Ms. Roper, and I can say for the record, Ms. Roper is a legal assistant in the US Attorney's Office, and so I will be asking her to assist me in displaying certain records.
Ms. Roper, could you display for the witness what's been marked for identification Government Exhibit 16A, then 16B, and then show 16C.
THE CLERK: Judge, I can not show the jury from their monitors, but with the projectors, I can't mute that if she pulls it up with her computer on the projector, so I need to power that off or if you have a paper you can --
MR. JOSEPHSON: I'm fine powering that off for purposes of displaying it to the witness. We do have paper.
THE CLERK: It will take me just a minute to do that.
Q. (By Mr. Josephson) Mrs. Roper, if you could display for the witness Government Exhibit 16A.
MR. OSSICK: May I inquire how it would be listed here?
THE COURT: Counsel, proceed.
Q. (By Mr. Josephson) Agent Dye, have you had a chance to look through Government Exhibit 16A, 16B and 16C as displayed?

A. Yes, I see one image right now.
Q. Ms. Roper, could you also display 16B for the witness and 16C.
A. Yes, I have reviewed A, B and C, 16A, B and C.
Q. Do you recognize these text messages?
A. Yes.
Q. What are they?
A. They are text messages from Princewill Moneme and Bernard Okojie, Katina Banks and Bernard Okojie and Angela Lovelady and Bernard Okojie.
Q. Did these individuals receive loans with the assistance of the defendant?
A. Yes.
MR. JOSEPHSON: Your Honor, at this time we would move to enter Government Exhibit 16A, 16B and 16C and seek permission to publish to the jury.
THE COURT: Any objection?
MR. OSSICK: No objection.
THE COURT: Admitted without objection. Publish?
MR. JOSEPHSON: Yes, please publish for the jury. Government Exhibit 16B, please, Ms. Roper. And if we could zoom in on that text message to bring it up just to make it a little bit bigger. Could you zoom in on the text message to make it bigger.
Q. (By Mr. Josephson) Agent Dye, could you read what is on

the screen there in that text message?

A. This was a text message from Bernard Okojie to Katina Banks. "Hey beautiful sorry delayed response, been a very busy day for all day. I can't really remember because I don't have your information anymore but you can log in yourself and see and I am also positive I used sole proprietor I used to apply for you. Go back to the e-mail where they said create an account when I was doing the loan. Click on it, where it says log in put your e-mail as user name. Then used this as password, 654321Ab. It should take you into your account and there you will see the information you're asking about."

Q. Ms. Roper, can you zoom back out?

Agent Dye, at the top of the text message, what does it say in that top line there beginning "SBA"?

A. "SBA Ben ATL."

Q. Is that how the defendant was identified in this particular individual's phone?

A. Yes.

Q. What is the password that is listed in this text message that you just read?

A. 654321Ab.

Q. Ms. Roper, could you display 16C for the witness and the jury.

Agent Dye, could you read the text message starting with "once you get"?

A. "Once you get the e-mail saying to create an account click on it and create the account. Use this for password, 654321Ab. Once you finish, log out."

Q. At the top of the text message beginning with "SBA," could you read that?

A. "SBA Loan Officer."

Q. Is that how the defendant was identified in this person's phone?

A. Yes, this was a text message between Angela Lovelady and Bernard Okojie.

Q. Could you read out again the password in the body of this text message?

A. 654321Ab.

Q. Have you encountered this password in any other aspects of this investigation?

A. Yes.

Q. Where have you seen this password?

A. On a notebook.

Q. And where was that notebook obtained?

A. It was obtained at the Hartsfield-Jackson International Airport in Atlanta, Georgia.

Q. From whom?

A. Customs and Border Protection.

Q. From whom was it taken?

A. Bernard Okojie.

Q. I want to ask you some questions -- Ms. Roper, you can pull up the text message?

I want to ask you some questions about the loan applications that were filed in the defendant's name or in a business name associated with the defendant.

Did you obtain certified copies of the loan applications that were filed in the defendant's name or a business associated with him?

A. Yes.

Q. Specifically, have you had the opportunity to review Government Exhibit 1A through 1J and Government Exhibit 3A through 3E prior to the trial today?

A. Yes.

Q. And could you describe generally for the jury what the files in Government Exhibit 1A through 1J and 3A through 3E are?

A. They are loan application files.

Q. And are they associated with anyone in particular?

A. Bernard Okojie.

Q. And were they filed in his name or the business or in a business associated with him?

A. His name and businesses associated with him.

MR. JOSEPHSON: Your Honor, these loan files have been noticed under a Federal Rule of Evidence 902. Certifications have been provided. We've provided notice to the Defense. There's been no objection. We would move to enter them as self-authenticating.

THE COURT: Call out the numbers, please.

MR. JOSEPHSON: Yes, Your Honor. We're going to enter 1A, the EIDL loan file ending in 1576, Bernard; 1B, the EIDL loan file ending in 4228, Kojie9; 1C, the EIDL loan file ending in 2210, Kojie9; 1D, the EIDL loan file ending in 4980 Kojie9, 1E, the EIDL loan file ending in 0394 B&K; 1F, the EIDL loan file ending in 4296, Kojie9; 1G, the EIDL loan file ending in 1403, B&K; 1H, the EIDL loan file ending in 1462, B&K; 1I, the EIDL loan file ending in 2218, Kojie9; 1J, the EIDL loan file ending in 2885, Bernard.

We also at this time are entering Government Exhibits 3A through 3E. 3A is the PPP loan file, Benworth, Bernard Okojie; 3B is the PPP loan file, Regions, Kojie9, LLC; 3C is the PPP loan file, Regions, B&K Auto; 3D is the PPP loan file, Synovus, Southern A1 Preservation; 3E is the PPP loan file, Harvest, Shekitha Okojie. Those are the loan files we are seeking to exhibit as self-authenticating at this time.

THE COURT: And Mr. Ossick, any objections?

MR. OSSICK: None, Your Honor.

THE COURT: Admitted without objection. Proceed.

Q. (By Mr. Josephson) Agent Dye, did the defendant's loan applications include his personal information on them?

A. Yes.

Q. Mrs. Roper, can you please display for the witness and the jury Government Exhibit 1H.

Agent Dye, do you recognize this type of application?

A. Yes, it is an EIDL application.

Q. And, Ms. Roper, could we zoom in on the general company information listed at the top, that entire column, yes.

What is the legal name of the company here?

A. B&K Freight, LLC.

Q. And what is the full business address?

A. 617 Addison Way, McDonough, Georgia 30253.

Q. Thank you. Ms. Roper, please zoom out and can we zoom in on the primary contact information at the bottom.

Agent Dye, what is the name on this application?

A. Bernard Okojie.

Q. And what is the address for the primary contact?

A. 325 Mango Court, McDonough, Georgia 30253.

Q. And what is the name of the primary, the primary contact position, what is that?

A. Owner.

Q. Can we zoom out, Ms. Roper, and can we scroll down to 1H3, Page 3. Can you zoom in on the contact block at the bottom there all the way at the bottom, the contact, Number 1, yes, ma'am.

What is the name in the contact information here, Agent Dye?

A. Bernard Okojie.

Q. And based on your familiarity with the defendant's personal information, can you identify that that is his social security number?
A. Yes.
Q. Can you identify that that is his birth date?
A. Yes.
Q. And what is his place of birth?
A. Nigeria.
Q. And is he listed as a US citizen?
A. Yes.
Q. For some of the loan applications, did the defendant submit a photo of himself and his driver's license?
A. Yes.
Q. Can you please display Government's Exhibit 3A64? Can we zoom in on the two photos in the middle of this document.
Agent Dye, what are these photos showing here?
A. Top one is a photo of a government-issued driver's license for Bernard Okojie and the second one is a selfie of Bernard Okojie.
Q. Based on your investigation in this case, do you know what the defendant looks like?
A. Yes.
Q. And is he here today in this courtroom?
A. Yes.
Q. Could you point him out for the record. Just describe

generally what he's wearing?
A. A white suit.
Q. In addition to the loan files that the defendant filed in his own name or his purported business name, did he file or assist with the filing of applications for other people?
A. Yes.
Q. How did you identify those people?
A. We identified them through investigative activity, including interviews, financial analysis.
Q. Did you review any financial records in this case?
A. Yes.
Q. What did you learn from the financial records?
A. We saw payments from the clients to Bernard Okojie on financial records.
Q. Were you able to match any financial records to particular loan applications?
A. Yes. The client's names that paid Bernard Okojie, we had SBA loans.
Q. You mentioned that you saw payments to the defendant. Generally speaking, what were the amounts? Were they small, fairly large?
A. Large.
Q. Did you notice anything with respect to the amounts of money they paid him and percentages of the loans in the applications?

A. Yes.
Q. What did you see?
A. They were approximately 10 to 20 percent of the loan amount approved.
Q. Did that suggest anything to you regarding whether the payment was connected to the loan?
A. Yes.
Q. What did it suggest to you?
A. That it was a payment related to the loan.
Q. What is an IP address?
A. It's an Internet protocol address. It's like a serial number for the handshake of a device connecting to the Internet.
Q. Was there anything notable regarding the IP addresses associated with the loan applications you reviewed in this case?
A. Yes.
Q. What did you notice with respect to IP addresses?
A. We noticed that on some of the EIDL applications for Bernard Okojie and his companies, as well as some of the ones for his clients on the DocuSign document, the IP had a similar IP address, had the same IP address on some of them.
Q. Have you reviewed the actual loan files of the people who received assistance from the defendant?
A. Yes.
Q. Are these people who paid money to the defendant for preparing the loan file?

A. Yes.
Q. Prior to today, have you reviewed Government Exhibit 2A through 2J?
A. Yes.
Q. Are those documents the loan files of individuals who received assistance from the defendant in submitting a loan application?
A. Yes.
MR. JOSEPHSON: Your Honor, we would move to admit 2A through 2J as self-authenticating under 902. We have provided certifications and notice of those certifications to the Defense prior to today and move to admit them now.
THE COURT: Any objection?
MR. OSSICK: Could you give me the numbers again.
THE COURT: It's 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I and 2J.
MR. OSSICK: No objection.
THE COURT: Admitted without objection.
MR. JOSEPHSON: Yes, Your Honor, for the record would you like me to read the actual exhibit number or the title of the exhibit?
THE COURT: You can read the name of the person associated with each.
MR. JOSEPHSON: Yes, Your Honor, 2A is Ginell Adams; 2B, Wanda Anderson; 2C, Princewill Moneme; 2D, Katina Banks; 2E,

Ardell Chatman; 2F, Frentres Winding; 2G, Lenora Johnson; 2H, Charlie Bey; 2I, Inspired By a Lovelady; 2J, Kojie8, LLC. Those are the filings for 2A through 2J.

Q. (By Mr. Josephson) Agent Dye, you mentioned financial records. Did you and other members of the investigative team analyze those records?

A. Yes.

Q. What records did you and others analyze?

A. We analyzed financial institution records as well as IRS and Department of Revenue records.

Q. Who did these records belong to?

A. They belonged to Bernard Okojie and his clients.

Q. And by clients, do you mean people who paid him to assist with filing the loan?

A. Yes.

Q. Have you had an opportunity to review Government Exhibit 4A through 4I?

A. Yes.

Q. Generally speaking, what are those exhibits?

A. They are the financial institution records.

Q. And do they belong to the defendant?

A. Yes.

MR. JOSEPHSON: Your Honor, we have provided notice of these records. They are certified copies. We provided the certifications to the Defense prior to today. We do move to admit them as self-authenticating under 902.

THE COURT: Any objection, Mr. Ossick?

MR. OSSICK: No, Your Honor.

THE COURT: All right, admitted without objection.

MR. JOSEPHSON: For the record, Your Honor, 4A are the bank records from Regions Bank ending in 4304; 4B are the bank records from Regions ending in 4728; 4C are the bank records from Regions ending in 6930; 4D are the bank records from Regions ending in 4752; 4E are the bank records from Bank of America ending in 4329; 4F are the bank records from Bank of America ending in 3812; 4G are the bank records from Synovus ending in 7575; 4H are the bank records regarding a Regions car loan; and 4I are loans from First Citizens, ending in 3160 and 7009.

Q. (By Mr. Josephson) Agent Dye, I listed off a lot of financial records. What types of information, relevant information, did they contain to the investigation?

A. They contained just deposits and credits. They contained biographical information and historical data information for transactions.

Q. Did the records show loan money coming into the defendant's accounts?

A. Yes.

Q. Did the records show withdrawals of the money as well?

A. Yes.

Q. Did the records also show deposits of checks from other people?

A. Yes.

Q. Have you and others on the investigative team had an opportunity to analyze the financial records of people who had loan applications who had the assistance of the defendant to fill out loan applications?

A. Yes.

Q. Are you generally familiar with Government Exhibit 11A through 11H?

A. Yes.

Q. Are these the financial records of people who had loans prepared by the defendant?

A. Yes.

MR. JOSEPHSON: Your Honor, these records like the others are self-authenticating under Federal Rules of Evidence 902. We have provided certifications. There's been no objection. We move to admit them now as self-authenticating records.

THE COURT: Mr. Ossick?

MR. OSSICK: No objection.

THE COURT: 11A through H inclusive are admitted without objection.

Q. (By Mr. Josephson) All right, Agent Dye, we have entered into evidence a fair amount of records just now, loan records of the defendant, financial records of the defendant, loan records of people who had applications prepared by the defendant as well as those individuals' financial records.

Are all of these documents voluminous?

A. Yes.

Q. They are high in number?

A. Yes.

Q. Do they concern a large amount of information?

A. Yes.

Q. Do they involve numerous people?

A. Yes.

Q. Would a summary chart help condense that information and convey it in a convenient fashion for the jury?

A. Yes.

Q. And would that eliminate the need to go through boxes and boxes of financial records and loan records?

A. Yes.

Q. Have you and others on the investigative team prepared that kind of chart?

A. Yes.

Q. Is it your understanding that the records underlying, the underlying records for this chart were provided to the Defense in this case?

A. Yes.

Q. Is the chart that you and others have prepared accurate?

A. Yes.
Q. The information was taken from actual loan records and financial records and placed into the chart?
A. Yes.
MR. JOSEPHSON: Your Honor, the Government would move to --
Q. (By Mr. Josephson) Actually before I move to admit, Agent Dye, have you reviewed Government Exhibit 6 prior to today?
A. Yes.
Q. And is that the exhibit that you've just described, the summary exhibit?
A. Yes.
MR. JOSEPHSON: Your Honor, we would move to admit Government Exhibit 6 at this time. This is a summary chart admissible under Rule 1006. We move to admit and seek permission to publish for the jury.
THE COURT: Any objection, Mr. Ossick?
MR. OSSICK: No objection.
THE COURT: Admitted without objection and you may proceed to publish.
MR. JOSEPHSON: Ms. Roper, please publish Government Exhibit 6 for the jury and the witness. If we could zoom in on the first column, "Applicant," all the way down.
Q. (By Mr. Josephson) Agent Dye, before we get into some of the specific numbers, could you tell the jury who is listed here

in the "Applicant" column?

A. The applicant, read the names?

Q. Yeah. Let's start at the top. Who are the people listed in the top section there?

A. Katina Banks, Ginell Adams, Wanda Anderson, Charlie Bey, Ardell Chatman, Lenora Johnson, Princewill Moneme, Frentres Winding, Angela Lovelady.

Q. Who are these nine people?

A. They are people that Bernard Okojie completed loan applications for.

Q. Could you read out the applicants listed on the bottom part of this chart here?

A. B&K Freight, LLC; Kojie9, LLC; Bernard Okojie; Bernard Okojie; Kojie9, LLC; Kojie9 Home Care, LLC; Kojie9 Plumbing Service, LLC; B&K Automobile Sale, Inc.; Kojie9, LLC; B&K Freight, LLC; Bernard Okojie, PPP; Kojie9, LLC, PPP; Shekitha Okojie, PPP; Southern A1 Preservation, LLC, PPP; Kojie8, LLC.

Q. Who were these 15 people or entities?

A. These are business, businesses or people or family members associated with Bernard Okojie.

Q. For each person or business listed on this column, was there a loan application submitted?

A. Yes.

Q. Is that an application that you and others in the investigative team reviewed?

A. Yes.

Q. Ms. Roper, can we zoom back out to the full chart in Government 6? And can we zoom in on the column that says "Business Activity or Industry."

Agent Dye, what generally does this column show?

A. It shows the business activity or industry indicated on the loan application.

Q. Was an applicant required to explain the general nature of their business in order to get a loan?

A. Yes.

Q. And are these the types of industries or businesses that were listed on the defendant's loan or the loans of people that he assisted?

A. Yes.

Q. Do the industries and businesses listed here vary pretty widely?

A. Yes.

Q. Could you give some examples of what's listed here?

A. Health services, health services, health services, construction and contractors, construction and contractors, health services, construction and contractors, construction and contractors, health services, transportation, freight, business services, automobile sales and gas service station, transportation, health services, construction and contractors, automotive sales and gas service station, freight, freight, food services, trucking, food services, real estate/property management, health services.

Q. That's a lot of businesses. Are the defendants' purported businesses the ones listed at the bottom of this chart?

A. Yes, the second section.

Q. Does this mean that on the applications the defendant claimed to operate all of these types of businesses at the same time?

A. Yes, himself or his family members.

Q. So the representation, was the representation on all of these applications that the defendant or family member operated a transportation business, a freight business, a business services business, an automotive sales and gas station business, a transportation business, multiple health services businesses, a construction and contractors business, a couple of freight businesses and a food service business, all at the same time?

A. Yes.

Q. Was that suspicious to you?

A. Yes.

Q. Why is that?

A. It's a wide range of activity as well as did not see that type of activity on financial records.

Q. Ms. Roper, could we zoom out to Government 6 and could we zoom in on the "Applicant" column.

Agent Dye, how many loan applications total are listed on

this chart? How many names or entities are listed? If you could just count them out?
A. 24.
Q. 24. Ms. Roper, could we zoom out to Government's 6. Agent Dye, you previously testified that one of the key pieces of information the Government considers to determine the amount of the loan is gross revenues; is that correct?
A. Yes.
Q. Can we zoom in on the "Gross Revenue Claimed" column. What is the gross revenue column representing here, Agent Dye?
A. That is the gross revenue of the business for the 12 months prior to the pandemic, which would be the year 2019.
Q. That's what's represented on the application?
A. Represented on the application.
Q. Let's start on the bottom part of this column. Who does these numbers belong to, whose application?
A. Bernard Okojie or family members or businesses associated with him.
Q. And what's the total amount of money that the defendant claimed to generate in gross revenues on his EIDL applications?
A. $2,415,273.00.
Q. Is that in one year prior to the pandemic?
A. Yes.
Q. For the other nine people listed at the top, how much money is listed on the applications that they submitted with the

assistance of the defendant?

A. $2,178,300.00.

Q. Ms. Roper, could we zoom out and just encapture the total amount of money of gross revenue claimed, still the gross revenue column, but get the total at the bottom there that was cut off?

If you added those two figures together that you just mentioned, what is the total amount of gross revenue that was claimed either by the defendant or on the applications that he assisted with?

A. $4,593,573.00.

Q. Is that in a one-year period prior to COVID-19?

A. Yes.

Q. Ms. Roper, could we zoom back out to Government's 6 and now zoom in on the "Employees Claimed" column. Agent Dye, you testified that the number of employees was important for the Government to determine the amount of the loan; is that correct?

A. Yes.

Q. What is, let's start at the bottom, the bottom column. What does this column represent?

A. Employees claimed on the applications by Bernard Okojie or businesses associated with him and his family members.

Q. Was this the roughly 2019, the one year prior to COVID?

A. Yes.

Q. What is the total number of employees that the defendant represented to the United States Government that he employed?

A. Total number that he or businesses or family members is 82.

Q. 82 people. At the top there, how many people again, what does the top column represent?

A. The top column represents employees claimed on the EIDL applications for the people that Bernard Okojie submitted applications for.

Q. What was represented on those applications in terms of number of employees?

A. 50.

Q. 50, and what was the total number of people in terms of employees claimed on the defendant's applications in his name, his businesses' names or on the applications submitted in other people's names?

A. 132.

Q. Can we zoom back out to Government's 6, Ms. Roper, and zoom in on the "Approved Loan Amount" column. Agent Dye, what are we seeing here in the "Approved Loan Amount" column?

A. This is the approved loan amount based on the information submitted on the EIDL or PPP loan applications. For the top part is for the people that Bernard Okojie submitted applications for and the lower one is for Bernard Okojie, his businesses or businesses of his family members.

Q. How much did the defendant or his family members get in

COVID money?
A. For loan, COVID money was $363,283.50.
Q. How much did the nine people get who had the assistance of the defendant in filling out their COVID loans?
A. $1,089,400.00.
Q. What's the total amount of money that the United States Government paid out?
A. $1,452,683.50.
Q. Can we zoom out on Government's 6, Ms. Roper. Agent Dye, were any of the defendant's applications rejected?
A. Yes.
Q. Can we zoom in on the "Total Attempted" column, the second one from the right. What is represented here, Agent Dye, in the "Total Attempted" column?
A. The "Total Attempted" are the total amounts based on all applications submitted for both the people he submitted applications for, also the ones for himself, businesses that is controlled by him and family members.
Q. And what is the total attempted amount at the bottom there?
A. $2,633,383.50.
Q. Can we zoom back out on Government's 6 and zoom in on the last column there. You mentioned that there were various people who paid the defendant to fill out the loan applications?
A. Yes.

Q. Is that correct? What does this last column represent?
A. The last column represents payments made by individuals that Bernard Okojie submitted applications for to Bernard Okojie for completing the loan applications.
Q. Those figures, do they range from 18 -- I'm sorry, $14,000.00 all the way up to $30,000.00?
A. Yes.
Q. Is that money that was paid by a certain person to fill out a loan application?
A. Yes.
Q. How long does it take to fill out a loan application if you just fill in the numbers without checking or verifying them, approximately?
A. Five minutes.
Q. Five minutes, and you said how many people are on this chart here?
A. There's nine people at the top.
Q. So nine applications; is that right?
A. Plus one in the bottom.
Q. Nine applications, you said it's about five minutes to fill out the application?
A. Yes, sir.
Q. So if my math is correct, around 45 minutes?
A. Yes.
Q. How much did the defendant get paid to do that?

A. $165,935.00.
Q. For less than an hour work?
A. Correct.
Q. You said you reviewed financial records in this case; is that right?
A. Yes.
Q. Those records are entered into evidence, specifically the defendant's financial records are entered into evidence, as Government Exhibits 4A through 4I. Have you reviewed those records?
A. Yes.
Q. Did you see anything in the defendant's financial records that would support the contention that he generated businesses, that he owned businesses that generated hundreds and hundreds of thousands of dollars?
A. No.
Q. Did you review the financial records of the people who had loan applications, who submitted loan applications with the assistance of the defendant?
A. Yeah, some of them.
Q. Did you see anything in those financial records that would show those people owned real businesses that grossed a couple hundred thousand dollars a year?
A. No.
Q. Did you see anything in the financial records that the

defendant employed over 50 people?
A. No.
Q. Did you see anything in the records that the people who got the assistance from the defendant employed multiple people, that each person employed multiple people?
A. No.
Q. Have you reviewed the defendant's tax return as part of this investigation?
A. Yes.
Q. Specifically have you reviewed the tax returns the defendant filed in 2017, 2018, 2019 and 2020?
A. Yes.
Q. I'd like to show the witness what's been marked for identification as Government Exhibit 5A through 5F.
Agent Dye, do you recognize these documents?
A. So this is one, okay.
Q. Could we display 5, 5B?
A. Okay.
Q. 5C?
A. Yes.
Q. 5D, 5E and 5F.
A. Yes.
Q. You recognize these documents?
A. Yes, sir.
Q. What are they?

A. They are tax documents for 2017, 2018, '19 and '20 as well as two certifications of lack of record for two businesses.

MR. JOSEPHSON: Your Honor, certifications have been filed for these tax documents. We move to admit them now under Rule 902. No objection has been previously made.

THE COURT: Any objection, Mr. Ossick?

MR. OSSICK: No.

THE COURT: Then Exhibits 5A through F inclusive are admitted without objection.

Q. (By Mr. Josephson) Ms. Roper, before we go back and talk about the tax documents, can you go back and pull up the Government Exhibit 6, the summary chart, and can we zoom in on the "Total Gross Revenue" column for the applications the defendant submitted at the bottom there, so "Gross Revenues Claimed" at the bottom?

Agent Dye, what was the total gross revenues claimed in the defendant's applications, either his or his family members, that figure there on the left?

A. I think I'm seeing a combined one. Could we go back, please, and go to the one right above it?

Q. Zoom in, what is the figure displayed here?

A. That is the combined gross revenue information that was submitted on the loan applications, both PPP and EIDL for businesses for Bernard Okojie, those that are associated with him or family members including --

Q. What is that number if you could read it?
A. $2,415,273.00.
Q. All right, can we move back --
A. That's for the year prior to the pandemic, 12 months, 2019.
Q. Ms. Roper, can we move back to the tax exhibits and publish Government 5C and move to the second page there. Do you recognize the Government 5C?
A. Yes. It is a tax document for 2019, 1040 individual income tax return for Bernard and Shekitha Okojie, married filing jointly.
Q. Have you read this tax return?
A. Yes, I have.
Q. Did you see any of the entities that were listed on the defendant's PPP and EIDL loan applications in the tax return?
A. No.
Q. Did you see gross revenues discussed in the tax return in the amount of over two million dollars?
A. No.
Q. Did the defendant submit a W-2 of some kind showing work earned in an employment fashion?
A. No.
Q. Was there anyone who had a W-2 in this tax return?
A. Yes.
Q. Who did?

A. Shekitha Okojie.
Q. Who is Shekitha Okojie?
A. Bernard Okojie's spouse.
Q. And what was the nature of that employment?
A. It was for a business that owns McDonald's restaurants.
Q. Ms. Roper, could we display Government Exhibit 5C18. You can remove that.
In addition to the failure to declare certain gross revenues did you see any fake tax documents? In your investigation, did you see any fake tax documents?
A. Yes.
Q. When you say fake tax documents, can you describe generally what you saw with respect to fake tax documents?
A. We saw Schedule C and some other documents that were created to support the EIDL or PPP loan application that were not included in the tax returns that were officially filed.
Q. So you saw the documents submitted with the loan applications but they weren't actually submitted to the IRS?
A. Correct.
Q. Can we display what's been entered into evidence as Government 3A56 Agent Dye. Do you recognize this document?
A. Yes.
Q. What is the business name listed there?
A. Bernard Okojie.
Q. What is the address?

A. 325 Mango Court, McDonough, Georgia 30253.
Q. For this one application, what is the total amount of income from IRS Form 1040 Schedule C Line 7 listed?
A. $100,000.00.
Q. And what is the amount requested on the loan in the middle part of the page? I believe it starts with "multiplied by 2.5 plus EIDL."
A. $20,833.00.
Q. Is that the amount of the loan that the defendant was seeking?
A. Yes.
Q. In order to obtain that loan amount, would the defendant have to represent certain gross revenues?
A. Yes.
Q. And what was that representation here?
A. The $100,000.00.
Q. Please display 3A71 already entered into evidence. What are we looking at on 3A71?
A. This is a Schedule C profit and loss form, profit or loss from business, Tax Form 2019.
Q. And was this form attached to the application that you just discussed?
A. Yes.
Q. Can you tell me who is the name of the proprietor listed at the top?

A. Bernard Okojie.
Q. What's the type of business?
A. Food service.
Q. And can we zoom in on Line 1, the figure, the figure there, that entire Line 1, if you can, including the figure represented. What does that say?
A. Gross receipts or sales.
Q. And what's the amount there, if you can read it? It looks like it might be cut off.
A. $100,000.00.
Q. $100,000.00. Can we zoom out on this exhibit. Was the document we just discussed ever submitted to the IRS?
A. No.
Q. Is it an IRS form?
A. Yes.
Q. But never submitted to the IRS?
A. Correct.
Q. Was it submitted in order to get a loan?
A. Yes.
Q. Can we show Government 3C6 previously entered into evidence. What is this document, Agent Dye?
A. Also a Schedule C profit or loss from business tax document 2019 for Bernard Okojie.
Q. And to be clear, this is another Schedule C submitted for another application?

A. Correct.
Q. What's the name at the top there for the proprietor?
A. Bernard Okojie.
Q. And what is Mr. Okojie doing on this application? What's the nature of the business?
A. Used car dealer.
Q. And what's the name of the business in the Box C there?
A. B&K Automobile Sale, Inc.
Q. What is the gross revenue that's listed for B&K Automobile Sale, Inc. in Line 1?
A. $181,222.00.
Q. And is this for the tax year 2019?
A. Yes.
Q. Was this document ever submitted to the IRS?
A. No.
Q. Can we display Government 3D101. What is the business legal name listed on 3D101?
A. Southern A1 Preservation, LLC.
Q. What type of loan application is this?
A. Paycheck Protection Program.
Q. What is the name of the owner listed in the middle of this document?
A. Shekitha Okojie.
Q. Is she the 100 percent owner? I think there's an ownership percentage next to her name.

A. Yes.
Q. Who is Shekitha Okojie?
A. Spouse of Bernard Okojie.
Q. What is the requested amount of this particular loan? And specifically I'm asking multiply by 2.5 plus EIDL. There's some more language, then it says equals the loan request amount?
A. $102,917.50.
Q. Is that the requested amount of the loan that Ms. Okojie through Southern A1 Preservation, LLC is requesting?
A. Yes.
Q. What is the average monthly payroll that's listed next to the requested loan amount?
A. $41,167.00.
Q. What is payroll in general?
A. Payroll is the amount of money a business pays to employees.
Q. Do you recall whether this application contained any tax documents?
A. Yes.
Q. Could we please display 3D50. Do you recognize 3D50, Agent Dye?
A. Yes.
Q. What is 3D50?
A. It's another Schedule C profit or loss from business Tax Form 2019.

Q. And what's the name of the proprietor on this form?
A. Shekitha Okojie.
Q. What's the nature of the business that's represented?
A. Real estate property management.
Q. And the name of the company?
A. Southern A1 Preservation, LLC.
Q. What is the gross revenue that is listed for Southern A1 Preservation, LLC on Line 1?
A. $180,278.00.
Q. Did you see Southern A1's Schedule C listing $180,278.00 of gross revenues in the Okojie family tax return?
A. No.
Q. Was this submitted to get COVID money?
A. Yes.
Q. Display Government 3E.

THE COURT: And, counsel, it is approximately time for our mid-afternoon break. Is this a convenient time?

MR. JOSEPHSON: This is a good time.

THE COURT: Ladies and gentlemen, it is time for us to stop for a 15-minute comfort break, so we will be in recess until 3:30.

Special Agent, you are entitled to step down and get a sip of water, take a comfort break, but you are to consider yourself still on the stand during the break so that means you're not to discuss your testimony with anyone including any of the attorneys during this brief break. Understand?

THE WITNESS: Yes, Your Honor.

THE COURT: With that understanding, and the jury will remember, don't discuss the case, don't make up your mind, don't read, watch or listen to anything. Let's rise for the jury. We will be in recess until 3:30.

(The jury exits the courtroom.)

THE COURT: Counsel, we will be in recess until 3:30.

(Recess from 3:15 p.m. to 3:29 p.m.)

THE COURT: Let's bring in the jury.

(The jury enters the courtroom.)

THE COURT: Special Agent Dye, when we took our brief break, you were on the stand sworn to tell the truth. Do you reaffirm that oath for the balance of your testimony?

THE WITNESS: Yes, Your Honor.

THE COURT: Proceed.

Q. (By Mr. Josephson) Agent Dye, before the break, we were discussing some of the tax documents that were submitted into court as various loan applications; is that right?

A. Yes.

Q. Ms. Roper, could we display Government 3E? Government 3E has been previously entered into evidence.

Agent Dye, what is Government's 3E?

A. It is a Paycheck Protection Program form.

Q. What was the business legal name listed there?

A. Shekitha Okojie.
Q. What is the address?
A. 325 Mango Court, McDonough, Georgia.
Q. What's the total amount of gross income that's listed there?
A. $100,000.00.
Q. And on the right-hand side, there's a formula multiplied by 2.5 plus EIDL. It equals loan requested amount. What is the loan requested amount?
A. $20,833.00.
Q. Can we display 3E61? Agent Dye, what is 3E61?
A. It's a Schedule C profit or loss from business, Tax Document 2019.
Q. Was this document submitted in support of this particular loan application?
A. Yes.
Q. What is the name of the proprietor listed?
A. Shekitha Okojie.
Q. And what is the nature of the business that's listed?
A. Food services.
Q. What is the gross revenue amount listed on Line 1 of this Schedule C?
A. $100,000.00.
Q. Did you see this document in the actual tax returns submitted on behalf of the defendant and his wife?

A. No.
Q. We can pull down 3E61.
I want to move on from the tax records, Agent Dye, and ask you about the Georgia Department of Labor. Did you request documents from the Georgia Department of Labor?
A. Yes.
Q. Why did you do that?
A. To look for information concerning the businesses on the applications submitted by Bernard Okojie.
Q. Does a real business in Georgia generally have to file some type of paperwork with the Georgia Department of Labor?
A. Yes.
Q. In general, what types of paperwork does the GDOL require?
A. They require businesses to register with them, specifically because of unemployment tax claim requirements, and in that requirement, they must submit their business name, which they would do through the Georgia Secretary of State, obtain an EIN and collect the information, business structure payroll for full-time and part-time employees, the first date of the first payroll as well as provide the business address, e-mail address, the principal address and e-mail address and the identity of the owner, partners or key management personnel like a CFO, CEO.
Q. Do they also administer unemployment insurance programs?
A. Yes.
Q. Ms. Roper, can we pull up the summary chart that was

previously displayed, Government Exhibit 6. And please zoom in on the employees claimed chart at the bottom. The employees claimed chart, the entire column.

Agent Dye, I want to direct your attention to the bottom of this column. Are these the employees that the defendant claimed on his COVID-19 loan application?

A. Yes, 82.

Q. 82, all right. 82 employees. Did you see any actual payroll records from the GDOL record for any employees?

A. No.

Q. Did the GDOL provide paperwork certifying that they didn't have any records for the defendant's business entities?

A. Yes.

MR. JOSEPHSON: Your Honor, we provided this certification in discovery to the defendant. It's a self-authenticating document certification. Move to admit under 902.

THE COURT: Is that Number 7?

MR. JOSEPHSON: Number 7, yes.

THE COURT: Any objection?

MR. OSSICK: No, Your Honor.

THE COURT: Admitted without objection.

MR. JOSEPHSON: Please publish Government's 7, Ms. Roper.

Q. (By Mr. Josephson) Is this a copy of the certification of

no records from the Georgia Department of Labor?
A. Yes, it is.
Q. We can pull down Government 7. Thank you.
Agent Dye, did you also review records from the Georgia Secretary of State?
A. Yes.
Q. What does the Georgia Secretary of State generally require of real businesses in Georgia?
A. Georgia Secretary of State requires that businesses register with the secretary of state's office.
Q. Did you review the registrations that were associated with the defendant's purported businesses?
A. Yes.
Q. What did you generally find?
A. I found that some were registered. Some were not registered. Some were dissolved and some had changed names.
Q. In this investigation, did you attempt to interview the defendant?
A. Yes.
Q. And where did you attempt to conduct that interview?
A. I went to his house, his residence.
Q. And where was that house located?
A. 325 Mango Court, McDonough, Georgia.
Q. Generally speaking, where is McDonough located?
A. It's in Henry County, which is south of Atlanta off of

I-75.
Q. What type of house was it?
A. It was a single family two-story residential home.
Q. What was the nature of the neighborhood?
A. It was a preplanned neighborhood with -- that you would generally see in that area with pool and tennis amenities.
Q. Did you see any cars in the driveway?
A. Yes, there was a black Escalade.
Q. Was the defendant at this house when you tried to interview him?
A. He was not.
Q. Did you call him?
A. I did.
Q. And what phone number did you use?
A. I called him from my telephone number, and I called him -- I'd have to refresh my memory, but I believe it was 470 --
Q. Well, I'm not asking you the specific number. How did you know the defendant's phone number?
A. It was the number on the EIDL applications.
Q. Did he answer your phone call --
A. No.
Q. -- initially?
A. It went to voicemail, and I left a voicemail identifying myself and requested him to call me back.
Q. And did the defendant call you back?

A. Yes, two days later, he called me back.
Q. Do you remember the approximate date?
A. The 19th of 2021, November 19th, 2021.
Q. Were you driving at the time?
A. Yes, I was.
Q. Did you pull off the road when the defendant called you?
A. I did not.
Q. Was the phone call recorded?
A. Yes, it was.
Q. Have you listened to that recording?
A. I have.
Q. And does the recording accurately depict the conversation that you had with the defendant on the phone on November the 19th, 2021?
A. Yes, it does.
Q. And have you entered that recording into evidence?
A. Yes.
Q. Have you reviewed the audio recording prior to the trial today identified in Government Exhibit 8?
A. Yes.
Q. Is that a copy of the recording that you've just testified about?
A. Yes.

MR. JOSEPHSON: Your Honor, we would move to admit Government Exhibit 8.

THE COURT: Any objection?

MR. OSSICK: No objection.

THE COURT: Admitted without objection.

MR. JOSEPHSON: We would like to play this audio file for the jury.

THE COURT: Proceed.

(Audio played.)

THE COURT: Wait, if you will stop, it's in the middle of something.

MR. JOSEPHSON: Having some technical difficulty there. We're going to start the audio file first with the volume fully up.

(Audio played.)

Q. (By Mr. Josephson) There wasn't another phone call after that?

A. No, sir.

Q. The last question I want to ask you, Agent Dye, I want to go back for just a second to the Georgia Department of Labor. I would like to display 3D1 and 3B21 previously entered into evidence.

While we're pulling that up, you testified previously that you did not find records from the Georgia Department of Labor; is that correct?

A. Yes, lack of records.

Q. Did you see documents in the loan applications that

purported to be payroll records?
A. Yes.
Q. And did you notice that those payroll records, did you notice anything suspicious about those payroll records compared to other applications?
A. Yes.
Q. What did you see?
A. I saw a payroll record for Bernard Okojie and a payroll record for Shekitha Okojie and they were very similar, had some numbers were identical.
Q. Did the payroll records represent that there was, there were taxes withheld from certain payments to people?
A. Yes.
Q. And we have a -- pulled up here 3D1 and 3B21, and I'd like to direct your attention to the top portion of the page that says "Employee Taxes."
A. Yes.
Q. Are the numbers in this section -- and specifically I'm asking -- I'm asking about really the entire column there that starts with hours and earnings and goes to deductions and then it has employee taxes?
A. Yes.
Q. Did you notice anything unusual regarding the numbers in these two different payroll records?
A. Yes.

Q. What did you notice?
A. They are identical.
Q. Identical numbers, are these different companies supposedly?
A. Yes. The -- the first one on the left is Southern Preservation A1, LLC and the one on the right is Kojie9, LLC.
Q. And just as an example, the amount of money that was deducted for 401(k), what does that say, if you could? Can you read that?
A. $300.00.
Q. And then for the other one it was what?
A. $300.00.
Q. And the amount of insurance right below that?
A. My readers aren't so great.
Q. Hard to say?
A. I'm sorry.
Q. Is it the same amount on both of them?
A. Yes.
Q. Does that hold true for numerous categories of information?
A. Yes.
Q. I want to ask you finally at the bottom right, could we zoom in on employer taxes and we can just do one of the forms. It says Georgia state unemployment, SUTA, $326.94; is that correct?

A. Yes.
Q. Did the Georgia Department of Labor have any records that there were Georgia state unemployment taxes filed for the entities in either of these applications?
A. No, they had lack of records.
MR. JOSEPHSON: Your Honor, that concludes my questions.
THE COURT: All right, cross-examination, Mr. Ossick.

CROSS-EXAMINATION

BY MR. OSSICK:
Q. Agent Dye, I believe you indicated, I think it's 11A through 11H were the -- what you referenced as client financial records?
A. Yes.
Q. And I think you indicated that they showed where 15 percent or 20 percent would be paid out from the proceeds of these various loans; is that correct?
A. Yes. It slightly varied.
Q. And these clients were the people, you named their names, they were like the top part of the various summary charts we've been looking at?
A. Yes, sir.
Q. The analysis you did of the remaining monies, how much of that showed it was spent on things within the -- I believe you described it as the guidelines of these programs, of the 85 or 80 percent payoff? How much of it was within the guidelines you

referenced?
A. I did not conduct an analysis on that.
Q. You didn't look at how any of them spent that money?
A. We asked in the interviews.
Q. Did you do sort of forensic analysis on any of it?
A. Did not do forensic analysis on it.
Q. Now you indicated that you had received training in connection with being an FBI agent, quite a bit; right?
A. Yes.
Q. And did some of that have to do with how to do, conduct interviews?
A. Yes.
MR. OSSICK: That's all I have. Thank you.
THE COURT: Any brief redirect?
MR. JOSEPHSON: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. JOSEPHSON:
Q. Can you pay kickbacks with COVID money?
A. No.
Q. And by kickbacks, I mean can you pay somebody to falsely submit a loan and use the loan proceeds in order to do that?
A. No.
Q. The Government hasn't approved that?
A. Correct.
Q. With respect to the other money that was in the accounts

of people who got assistance from the defendant, did you see anything generally that showed that they owned businesses that grossed over 200 grand?

A. No.

MR. JOSEPHSON: No further questions, Your Honor.

THE COURT: Mr. Josephson, do you contemplate this witness remaining at the table as the case agent?

MR. JOSEPHSON: Yes, Your Honor.

THE COURT: Then you may have a seat. Call your next witness.

MS. STANLEY: The Government calls SBA Attorney Adviser Raymond Brown.

RAYMOND BROWN,

having been first duly sworn, was examined and testified as follows:

THE CLERK: Thank you. You may be seated and if you will please state your full name, spell your last name, state your occupation and your business address.

THE WITNESS: Name is Raymond Brown. That's B-r-o-w-n. I'm an attorney for the Small Business Administration. Did you say business address?

THE CLERK: Yes, please.

THE WITNESS: 149 T5 Kingsport Road, Fort Worth, Texas 76155.

DIRECT EXAMINATION

BY MS. STANLEY:
Q. Good afternoon, Mr. Brown. You said you work for the Small Business Administration?
A. Yes, ma'am.
Q. Is that sometimes abbreviated SBA?
A. That's correct.
Q. And what is your job title there?
A. I'm a supervisory attorney.
Q. What is the SBA's mission?
A. The SBA's mission is to help small businesses in various ways.
Q. Is one of the ways the SBA does that by providing loans?
A. Yes, that's correct.
Q. Do your duties as a supervisory attorney involve administering disaster relief programs?
A. Yes, that's exactly correct. I worked in the disaster lending area.
Q. Is the EIDL one of those programs?
A. Yes.
Q. What does EIDL stand for?
A. It stands for Economic Injury Disaster Loan.
Q. Are you familiar with the Coronavirus Aid, Relief and Economic Security Act?
A. The CARES Act, yes, ma'am.
Q. At a high level, can you explain what the CARES Act is?

A. So the CARES Act is -- was basically funding for coronavirus pandemic relief, including we work the EIDL, the economic injury loans, and so that loan program already existed. CARES Act funded it specifically for coronavirus pandemic.

Q. Can you explain in a little more detail what the EIDL program does?

A. So the EIDL program, it's economic injury. It's a disaster loan. The program existed before COVID. It was -- can be in conjunction with a physical disaster like if you have tornadoes, hurricanes, floods, things like that, but it provides working capital to businesses that are impacted by whatever kind of disaster it was, so like a hurricane, if everybody evacuates, you've got no clientele.

So you're going to suffer some kind of economic injury. With the pandemic, it was because of the lockdowns and things like that that businesses were suffering economic injury.

Q. Obviously, the CARES Act had many components, but did it a have a particular emphasis on small businesses?

A. Yes, yes. We are part of the Small Business Administration.

Q. And why was the CARES Act focused on providing relief for small businesses in particular?

A. Small businesses, just by nature of being smaller, are not going to have, you know, kind of the cash reserves and things to weather some kind of major economic event, economic injury like

the pandemic, that a larger business would.
Q. Were some businesses forced to limit operations as a result of the pandemic?
A. Yes, ma'am.
Q. And were some of them forced to temporarily close?
A. That's correct.
Q. You mentioned the CARES Act appropriating funds for the EIDL program. Did it also allocate funds for the PPP loan program?
A. Yes. The Paycheck Protection Program, that was one of the other programs funded by the CARES Act.
Q. Were a substantial amount of EIDLs distributed in a short period of time in response to COVID-19?
A. Yes, ma'am.
Q. Do you have an estimate on about how many EIDLs were distributed as a result of the pandemic?
A. It was about 3.8 million loans that were disbursed total for the pandemic.
Q. Who was eligible for EIDLs authorized under the CARES Act?
A. Businesses that -- you had to be a business in existence prior to the declaration of the disaster, which was January 31st of 2020. You had to obviously already be in business at that time because you suffered an economic injury because of COVID. So if you didn't exist, if the business didn't exist before COVID, then there is no injury, so it's -- yes.

Q. Were these loans designed to provide startup funds for businesses that were not in existence before the pandemic?
A. No. It was not for startup funds. It was not for expanding your operation, anything like that. It was just to meet the needs that you couldn't meet because of the pandemic.
Q. Who provides the funds for EIDLs?
A. So the funds, ultimately they come from Congress and then they are disbursed directly to the borrowing business by the Government, by the SBA.
Q. Do the funds ultimately come from tax dollars then?
A. Yes, ma'am, that's correct.
Q. Where is the SBA office located that is responsible for processing EIDL applications?
A. That's the Fort Worth, Texas address.
Q. Is there a particular office within the SBA that is responsible for transmitting funds?
A. So, yes, after we make -- process the loan and make a request for disbursement, then it goes to our Denver Finance Center, Denver, Colorado.
Q. So when an EIDL application is approved, is there always a transmission of that application from Fort Worth to Denver?
A. When it's funded, yes, ma'am.
Q. Do you know where the money goes for funded EIDL loans after Denver?
A. After Denver, it goes to the treasury office in Kansas

City.
Q. And those are through wire transmissions?
A. That's correct.
Q. Are you familiar with the EIDL application process?
A. Yes, ma'am.
Q. Is there an application form associated with the EIDL application process?
A. Yes, there was.
Q. Are you familiar with that form?
A. Yes.
MS. STANLEY: Your Honor, request permission to approach the witness?
THE COURT: Yes.
Q. (By Ms. Stanley) Mr. Brown, I'm handing you what's been marked as Government Exhibit 10. If you will review that and let me know if you are familiar with this document?
A. Yes, ma'am.
Q. You're familiar with this document?
A. Yes.
Q. What is it?
A. So the first four to five pages here are basically frequently asked questions, instruction pages for the EIDL program, and then the rest of the packet is the screens for the application process.
Q. Do these pages show what the application form would have

looked like on a Web site?
A. Yes, ma'am.
Q. On the SBA's Web site in particular?
A. Correct.
Q. This is something the SBA produced?
A. Correct.
MS. STANLEY: Your Honor, the Government moves to admit Exhibit 10 and to publish it to the jury.
THE COURT: Any objection?
MR. OSSICK: No.
THE COURT: Admitted without objection proceed.
Q. (By Ms. Stanley) Thank you. Ms. Roper, Page 6 of Government's 10, please.
Mr. Brown, how did an applicant for an EIDL loan access the EIDL application?
A. So they would go to SBA.gov which is the SBA's general Web page and there's a link that requests pandemic relief, something like that, and it would take them to this page.
Q. So is this the first set of questions that an EIDL applicant would see?
A. Yes, ma'am.
Q. Can you explain to the jury what is contained in that section at the bottom of the page where it says "Eligible Entity Verification"?
A. So these are basically just preliminary eligibility

questions. You know, the first one, you have to verify that you are a small business, that you are not engaged in any type of act that -- activity that you couldn't be, you know, that would have been prohibited under the program.

Q. Ms. Roper, will you go to Page 7 of Government's 10 and zoom back out, please.

Will you zoom into that top section, Ms. Roper.

Mr. Brown, what is Step 1 Disclosure Subsection 3 asking for?

A. Basically you have to affirmatively certify that you're not engaged in what would be ineligible or illegal activities.

Q. And what kinds of those, what kinds of activities would make you ineligible for an EIDL?

A. So like the first one says any kind of illegal activity, but down towards the bottom you've got gambling activities, something of a sexual nature, lobbying, like lobbying Congress, those types of things are prohibited, you know, within our program.

Q. So an applicant had to check through all of these boxes in order to go to the next step of the application?

A. That's correct.

Q. Ms. Roper, can we go to Page 9 of Government 's 10. And if you will zoom in and I know, Mr. Brown, there are several lines on this page of the application, but generally what is this section of the application asking for?

A. So this section, business information is, it starts out gross revenues and cost of goods sold. Those were basically what we used to establish how much, how large of a loan you could get, and down at the bottom, it's got business information like what's the name of the business, mailing address, contact information, that type of info.
Q. Ms. Roper, will you zoom in to the third line down, labeled "Gross Revenues for the 12 Months Prior." Mr. Brown, is this asking for -- I'm sorry, Ms. Roper, will you go to the second line down that says "Gross Revenues."
Does that second line down, Mr. Brown, ask for the gross revenues of the company for the year prior to the pandemic?
A. That's correct.
Q. And that's using that January 31st, 2020 date you mentioned earlier?
A. That's correct.
Q. The next item, you mentioned cost of goods sold. Is that the same time period used for that number?
A. Yes, ma'am.
Q. Can you explain how the SBA calculated how much money a business was eligible for under the EIDL program?
A. So for the EIDL program when we first started out, they provide, the applicant provides gross revenues and cost of goods sold, and the beginning of the program is basically considering a six-month injury period. We're asking for gross revenues and

cost of goods sold for the year prior to the disaster, so we take gross revenues, subtract cost of goods sold and divide that answer by two because it's a six-month injury period.

Q. In this page, Mr. Brown, there's red lines on the left-hand side of the form. Do those mean that those blanks were required to be filled in?

A. That's correct.

Q. Ms. Roper, if you will go to the next page, Page 10 of Government's 10. Mr. Brown, generally speaking, what is this page of the application asking for?

A. This is the business owner information.

Q. Is this asking for the applicant to enter basic information about the owner of the business?

A. That's correct, you know, name, contact info, title office they hold, ownership percent, that type of thing.

Q. Ms. Roper, if you will go to the next page, Page 11, and if you will zoom in to the section entitled "Additional Information." Mr. Brown, again generally at a high level, what is this section of the application asking for?

A. So this is asking about criminal history. If the business or any of the listed owners have any pending, have any convictions or any pending indictment, criminal cases going on, if they are currently suspended or prohibited from dealing with the federal government.

Q. Ms. Roper, if you will zoom back out and zoom into the bottom section of this page.

Mr. Brown, what is Section 7 asking for?

A. This is asking if someone else helped you complete the application, so, you know, SBA sends you to this page. Generally people complete it themselves but we do ask if anyone has helped you complete it. We have a limitation on how much can be paid for assistance, filling out the SBA form.

Q. What is that limit?

A. It's $2500.00.

Q. Can you make that payment out of the loan proceeds?

A. Conceivably you could. It's -- if, you know, if I had to pay it up front, you would be paying it before, but if the person making the -- you know, putting the application in for you did it contingent upon you getting the loan, then right. It's not permissible if that's what you're asking.

Q. Are you allowed to make that payment to a person who assisted you out of the money that you get from the SBA?

A. No, no. That's not a permissible use of loan proceeds for us.

Q. It's not permissible under the guidelines of the program?

A. Correct.

Q. Ms. Roper, will you go to the next, Page 12 of Government's 10, please. Mr. Brown, what is an EIDL advance?

A. So the EIDL advance was something that came along with the COVID pandemic. It was basically a way to try to get more money out, some of the money faster into the hands of the businesses that needed it, so they came up with this EIDL advance program that was based on the number of employees you have. It's all part of the same application, and that advance could be funded a lot quicker than, you know, processing the entire loan towards an approval decision.

Q. Did you have to pay that EIDL advance back?

A. No. If you got advanced funds, those were not -- they did come out of your loan eligibility, but they were not repaid with the loan. It was basically a grant.

Q. How was the EIDL advance amount calculated?

A. It was calculated based on the number of employees you stated you had in the application up to ten. It was $10,000.00 max on the grant, so when you put in number of employees, you put in two, you to $2,000.00. You put in six, you get $6,000.00, up to 10.

Q. Is this page of the form referencing that EIDL application, I mean, advance, excuse me?

A. That's correct.

Q. So what does Question Number 8 ask the applicant to do?

A. Check the box basically. It says, "I would like to be considered for an advance of up to $10,000.00," and you would have to check that box for it to kick off the advance grant process.

Q. That's all you had to do was check the box to be considered for that $10,000.00 grant?

A. And you had to fill in the number of employees, which I think was directly above that box.

Q. Right below that, Ms. Roper, if you will zoom into Question Number 9. What is that asking for, Mr. Brown?

A. So within the application, specifically for the grant and also for the loan if it gets approved, the applicant puts in their bank account information where they want that money to go.

So whatever grant you get approved for and then subsequently the loan, whatever bank name, routing number and account number that you put in the application, that's where SBA sends that money.

Q. You can zoom back out, Ms. Roper.

And, finally, Mr. Brown, based on your experience with the SBA, does the SBA ask for certain certifications on its own applications?

A. Yes, ma'am.

Q. What are certifications?

A. Certifications basically that statements that you've made here are truthful information, not unlike the oath I took when I came up here. Just that you're telling the truth in providing this information, you know, to get SBA, to induce SBA to give you this loan.

Q. Why are those kinds of certifications important in the loan application process?

A. So in COVID pandemic framework, they were especially important because of the size of the pandemic and the number of small businesses seeking aid. You know, we had to kind of streamline our processes and so, you know, we had to rely very heavily on the truthfulness of the statements made by the businesses. You know, we had to get a lot of money out to a lot of businesses to keep them afloat, so there wasn't, you know, our normal back-checking that was going on at that time.

Q. And did you have to provide supporting documentation for an EIDL loan during the pandemic?

A. It could be asked for, but mostly no. I mean, what you provided in the application was what was used to process your loan.

Q. So just what was contained in the application that we just went through?

A. Correct.

Q. Can you go to the next page of this document, Ms. Roper.

Mr. Brown, what does this page of this document reflect?

A. This appears to be the answers to the application questions.

Q. After you filled in the EIDL application, would you then review a summary of what you had just entered?

A. Right, it's like a review page.

Q. Is that what this page shows?

A. Yes, ma'am.

Q. Ms. Roper, would you go to the next page, please.
And what does this page of the application process reflect, Mr. Brown?
A. Same kind of thing. This is reviewing the business owner information that you entered.
Q. At the bottom of the page, Question 12, what is that asking the applicant to do?
A. That's the, you know, confirming that it's not like a computer program, it's not batch entering, that you're not a robot, you're not a computer system, that you're actually a person. You've got to check the box.
Q. After answering that question, would the applicant submit the application to the SBA for the processing?
A. That's correct.
Q. Is that what that "Submit" button at the bottom shows?
A. Yes, ma'am.
Q. Ms. Roper, would you go to the next page. After an applicant hits "Submit" on this application, what happens next?
A. So that application number that they get back on the screen there is assigned. It's an individual, it's a unique identifier for that particular application so that it can be pulled up and referenced in the system by anybody working the file at SBA, and it's the number you would call in and give us when you're asking questions, status updates, things about your loan, and then that basically submits and transmits into our

processing system for grants to be disbursed and the decision to be made on the loan application.

Q. Were some loan applications automatically approved?

A. Yes, ma'am.

Q. Can you elaborate on that a little bit more? How did that work?

A. Within the system, if there were no, you know, kind of red flags, then the loan application could be auto-approved by -- by the system.

Q. Did anyone have to sign off on that before the money went out the door?

A. You would have a team lead sign off, which is kind of like a supervisor level signoff.

Q. If there were any red flags, what happened next?

A. Then it would get routed to a loan officer for processing and they process it much more in line with how our regular disaster loans get processed. You'd have more sets of eyes and then it goes to the same supervisor signoff.

Q. After a loan application is approved, what's the next step for the applicant?

A. We generate closing documents. We send them their -- this is your approved loan amount and they have to accept that, and then we generate closing documents and they would go into the portal. They have to create a portal account and they go into the portal where they can electronically sign the loan closing documents.

Q. Let me break that down a little bit to make sure I'm clear. After a loan application is approved, is there an e-mail sent to the applicant?

A. Yes. Yeah, communication is done through e-mail basically that directs you back to the portal to take action.

Q. And would that e-mail be sent to the e-mail address listed in the application?

A. That's correct.

Q. And at what point in this process would an applicant create a log-in user name and password?

A. They could create a portal account just as soon as they got to this last screen that assigns them an application number.

Q. And they would have to do that before they could log back into the portal to sign the closing documents?

A. That's correct.

Q. What kind of closing documents did the applicant have to sign?

A. So the basic loan-closing package, you have what's called a loan authorization and agreement, which is the contract. It tells you what the terms are, the amount of the loan, repayment, who it's between, the borrower's name and Small Business Administration, that kind of thing, and then you've got a promissory note, which is your basic promise to pay. It's got interest amount, payment amount, due on the first of whatever month starting in however long your deferment period is, that type of info, and if it's a secured loan, if it's above $25,000.00, you would have a security agreement, which is a document you have to sign. It's the collateral, providing the collateral for the loan.

Q. So two to three documents depending on the amount of the loan?

A. Correct.

Q. And was there a separate step where the applicant had to choose the loan amount?

A. That was part in the -- in the -- when I said they could accept, we told them what their maximum eligibility was. There was a slider where they could choose a smaller amount if they, you know, felt like they only needed a smaller amount.

Q. After that, that's when the loan closing documents would be uploaded to the portal for signature?

A. That's correct.

Q. And they would digitally sign these documents or how would they sign?

A. Yes. They were all electronically signed. We used DocuSign vendor because it's an e-sign program and so we had all the documents e-signed through DocuSign.

Q. Did the loan authorization and agreement that they had to sign contain a certification that all of the information in the loan application was true, correct and complete?

A. Yes, it did.
Q. Ms. Roper, you can take Government's 10 down.
Mr. Brown, are EIDL funds only authorized for certain uses?
A. (Nods head).
Q. Do they have to be business-related expenses?
A. Yes. It's a loan to a business so it has to be spent on the business.
Q. What kinds of business expenses can a business spend that money on?
A. It's basically operating expenses that they normally would pay that they can't because of the pandemic.
Q. Would mortgage bills for a business location count?
A. If it was a regular payment that they were paying before the pandemic and they couldn't because of the pandemic, then they could spend it on that type of things.
Q. Utilities, would that count?
A. Correct.
Q. Payroll for their employees?
A. That's correct.
Q. Ms. Roper, can you please publish Government's 2A Page 32.
Mr. Brown, just briefly, is this a summary of the information contained in the application form that we just looked at?
A. Yes, this is the data output from what we collect in our

system.

Q. Okay. Can you see, Ms. Roper, will you zoom in to the column under I believe it says "Value." I'm sorry, I'm having a hard time reading it, there in the middle, Line 8 through 33, second to last column to the right. Yes, ma'am.

Mr. Brown, looking at the numbers contained on this summary, are you able to explain how the SBA would calculate the maximum amount of loan money this applicant would be eligible for?

A. So this $233,900.00 line was the gross revenues, so that's what we would start with. The line directly below it, we would subtract out cost of goods sold. Nothing was entered in this case, so we're going to take $233,900.00 minus zero and then divide it by two.

Q. So about 117 or 118 thousand dollars?

A. Approximately, yes.

Q. Ms. Roper, you can take that bottom down.

Mr. Brown, if the SBA learned that false information was provided with the loan application, would that affect its lending decision?

A. Yes.

Q. Would providing false information about a business's gross revenues influence the SBA's decision to approve a loan?

A. Yes, it would result in a decline.

Q. Specifically could inflating the numbers inflate the

amount of money that a business could be eligible for?
A. It could just based on that formula.
Q. Would falsely affirming that a business was in existence prior to the pandemic impact the SBA's decision to provide a loan?
A. Yes.
Q. If the business falsely reported employees, would that impact the SBA's decision to provide an EIDL advance?
A. Yes.
Q. Did the money for the EIDL program run out?
A. Yes. Initially, what was initially approved by the CARES Act at one point ran out. The pandemic went on, you know, a lot longer than anybody expected, so there was a second round of funding, probably I guess early 2021 that funded the program to keep it going because the pandemic was still ongoing.
Q. Did that second round of money also run out?
A. Yes. Ultimately that ran out in May of 2022.
Q. Was there any additional pandemic-related EIDL funding after that?
A. Not that I'm aware of.
MS. STANLEY: Nothing further, Your Honor.
THE COURT: Cross-examination, Mr. Ossick.
MR. OSSICK: No questions.
THE COURT: Any objection to this witness being excused?
MS. STANLEY: No, Your Honor.

THE COURT: You may step down and you're excused.

THE WITNESS: Thank you.

THE COURT: On behalf of the United States, call your next witness.

MS. STANLEY: The Government calls SBA OIG Special Agent Lott.

THE CLERK: You were previously sworn. Do you still uphold that oath?

THE WITNESS: Yes.

SPECIAL AGENT JUSTIN LOTT,

having been first duly sworn, was examined and testified as follows:

THE CLERK: State your full name, spell your last. State your occupation and your business address.

THE WITNESS: My name is Justin Lott. Last name spelled L-o-t-t. I'm a special agent with the United States Small Business Administration Office of Inspector General. My duties include criminal investigations where the SBA is a victim or has an interest.

After the COVID pandemic, my responsibilities primarily related to the financial fraud investigations involving COVID fraud such as PPP and EIDL loan fraud.

DIRECT EXAMINATION

BY MS. STANLEY:

Q. Thank you, Agent Lott.

How long have you worked at the SBA?

A. Since June of 2021.

Q. Where did you work before that?

A. Previously I was a special agent working for the United States Army Criminal Investigation Command in a unit called the major procurement fraud unit.

Q. Are you familiar with the Payroll Protection Program?

A. Yes, I am.

Q. Is your familiarity through your work with the SBA?

A. Yes, it is.

Q. Can you generally describe what a PPP loan is?

A. As we've heard, the CARES Act had multiple facets to it, of which was the EIDL loans as well as the PPP loans. PPP loans were another form of small business funding to help struggling small businesses during the COVID-19 pandemic.

Q. So who is eligible for PPP loans authorized under the CARES Act?

A. To be eligible for a PPP loan, you had to be a small business in operation prior to February 15, 2020.

Q. Who provided the funds for PPP loans?

A. So the PPP program was actually, the SBA delegated authority for the program to third-party financial institutions and those financial institutions were ones that ultimately funded the loans; however, they are fully 100 percent backed by the United States Government, the taxpayer and the SBA.

Q. Did the funding for the PPP program run out at some point?
A. Yes, it did.
Q. Do you know when that was?
A. I don't offhand.
Q. Were there restrictions on what a PPP loan could be used for?
A. Yes, there were. Similar to the EIDL, it had to be eligible expenses for a small business that was in operation prior to February 15th, 2020.

Some of those categories included payroll expense, such as the name implies, also things like mortgage, say if you had a business operating out of a home, interest expense, things of that nature.
Q. Are you generally familiar with the PPP loan application process?
A. Yes, I am.
Q. Is there an application form for a PPP loan?
A. Yes, there is.
Q. Are you familiar with that form?
A. I am.
Q. Ms. Roper, will you please publish Government's 3A56.

Agent Lott, is this an example of at least the first page of a PPP loan application?
A. Yes, it is.
Q. Does this document show the information submitted in a PPP

loan application?

A. Yes, it does.

Q. What kind of information does it include?

A. So it's got the business legal name, in this case Bernard Okojie. It's got the individual associated with that business, business address, the year of the establishment which, of course, is important because you had to be in operation prior to February of 2020.

It's also got other information such as business phone number, a taxpayer identification number, number of employees that was claimed as well financial information such as gross income and payroll information.

Q. Ms. Roper, will you go to the next page, please. What does this page of this application show, Agent Lott?

A. So this is a continuation of the application page. As you will see kind of towards the bottom, these are general questions and certifications that the applicant had to attest to which is indicated by their signed initials.

Q. Can we go to the next page, Ms. Roper. Are these further certifications to which the applicant had to attest?

A. Yes, they are.

Q. Ms. Roper, will you go to next page.

Agent Lott, did an applicant have to represent when applying for a PPP loan that everything in the application was true and correct and complete?

A. Yes, they did.

Q. Did they then have to sign the application?

A. They did.

Q. Is that what's reflected on this page of the document?

A. Yes. In this case, you see the printed name as well as the electronic DocuSign signature of the applicant as well as the date and title.

Q. Ms. Roper, you can take that down. Thank you. Did a business applying for a PPP have to submit some kind of document showing payroll expenses?

A. Yes, they did. Generally, they would come in the form of either some kind of payroll ledger, some kind of payroll report showing payroll expenditure or it could come in the form of IRS documents such as an IRS Schedule C, which is the profit or loss from a business, as well as a Form 940 that would be a tax return for unemployment.

Q. Are you familiar with the PPP loan applications submitted by the defendant in this case and in his wife's name?

A. Yes, I am.

Q. Is the application we just looked at for one of those?

A. Yes, it is.

Q. How many total PPP loans were applied for in the defendant's name or in the name of one of his businesses or in his wife 's name or in the name of one of her businesses?

A. In total, we identified five applications, three of which related to Mr. Okojie himself, two of those related to his wife, Shekitha.

Q. How many of those were funded?

A. There were four total, two for each that were funded.

Q. Did you review the federal tax documents that were included with those applications?

A. Yes, I did.

Q. Did you compare them to the actual tax records filed by the defendant and his wife with the IRS?

A. Yes, I did.

Q. Are the PPP loan documents different from what was filed with the IRS?

A. Yes, they are different.

Q. Did you compare any of those tax documents submitted with the loans with each other?

A. Yes, I did.

Q. Ms. Roper, can you please pull up two documents, 3A71 and 3E61?

Agent Lott, is the document on the left submitted with one of Mr. Okojie's PPP applications?

A. Yes.

Q. And was the document on the right submitted with one of Shekitha Okojie's loan applications?

A. Yes, it was.

Q. Did anything stand out to you about these two documents?

A. Yes. Some things that stood out were the similarities with the font, the color, also similarities with the type of business that was purported on this tax form. They were both identifying as food service business, both with the same address, 325 Mango Court, McDonough, Georgia, and they both purport to have gross receipts or sales of $100,000.00 on the nose.

Q. You can take those down, Ms. Roper.

Agent Lott, did you compare payroll documents submitted with any of these PPP loans with each other?

A. Yes, I did.

Q. Ms. Roper, can you pull up 3B21 and 3D1, please.

MS. ROPER: Can you repeat the second?

Q. (By Ms. Stanley) 3D1. Agent Lott, was the document on the left submitted with one of Mr. Okojie's loan applications?

A. Yes, it was.

Q. Can you identify what business this report relates to?

A. Relates to a business identified as Kojie9, LLC.

Q. And was the document on the right submitted with one of Shekitha Okojie's loan applications?

A. Yes, it was.

Q. What business was that in relation to?

A. It was identified in relation to Southern Preservation A1, LLC.

Q. Does anything stand out to you comparing those two documents?

A. Yes. When I compared the documents, I noticed that the top section of each document, the payroll purported for Mr. Bernard Okojie that you see on the left, the numbers are exactly the same as that seen on the right with Ms. Shekitha Okojie.

Q. And are these two payroll reports, were these submitted in connection with two different PPP loan applications than the two tax documents we just looked at?

A. That's correct. These are for different applications.

Q. And you mentioned there was a fifth PPP loan application in the defendant's name?

A. That's correct. There was a fifth that was unfunded because the funds at that time for the PPP program had run out.

Q. Was there a Schedule C tax document filed with that application?

A. Yes, there was.

Q. Was it similar to the ones we just looked at?

A. Yes, it was.

Q. Was it different from the tax documents filed by the defendant with the IRS?

A. Yes, it was.

Q. Were there payroll reports submitted with that application?

A. I don't recall offhand.

Q. Did the defendant receive approximately $125,000.00 in PPP

loans?
A. Yes, approximately.
Q. Did his wife Shekitha also received approximately $125,000.00 in PPP loans?
A. Yes, approximately.
Q. Thank you, Ms. Roper. You can take those down.
Did you review the bank records for the account into which one of Shekitha Okojie's PPP loans was deposited?
A. Yes, I did.
Q. How much money was that loan for?
A. I believe it was approximately $103,000.00 that I observed going into a Synovus account that was 100 percent controlled by Ms. Shekitha Okojie.
Q. Did you see a payment for $25,000.00 immediately being made out of that loan money?
A. Yes. It was within a week or two of the 103,000-plus received from the PPP. As soon as those funds were deposited, within a week or two a $20,000.00 official check was cut and made payable to the benefit of B&K Freight and signed and endorsed on the back by Mr. Bernard Okojie.
Q. Did you review the bank records for B&K Freight and see that check being deposited into a B&K Freight account?
A. Yes, I did.
Q. Ms. Roper, will you please pull up Government Exhibit 4B Page 115.

Agent Lott, what does this show?

A. So this is the official check that was drawn from Shekitha Okojie's Synovus account. The funds were payable to B&K Freight, and as we see on the second image below, the official check was endorsed by Mr. Bernard Okojie and the check was in the amount of $20,000.00.

Q. Thank you, Ms. Roper. You can take that down.

Agent Lott, were all five PPP loan applications in the defendant's or in his wife's name submitted after January 11th of 2021?

A. That is correct.

Q. I'd like to ask you now about the flow of the loan money --

A. Okay.

Q. -- in this case. During this investigation did you review records from the Small Business Administration for EIDLs in the names of Bernard Okojie and several businesses he said he owned and operated?

A. Yes, I did.

Q. Were there ten loan files total that you reviewed?

A. Yes.

Q. Did those loan files show all of the information submitted as part of the loan applications?

A. Yes, they do.

Q. Do they also show whether the loan was granted and how

much money was disbursed?
A. Yes, they did.
Q. Did they also show which bank account the money was deposited into?
A. They do.
Q. How many of those ten loan applications were granted?
A. For Mr. Okojie himself was three.
Q. Are those records voluminous?
A. They are.
Q. Did you also review bank records for the accounts into which these loan proceeds were deposited?
A. Yes, I did.
Q. Were there three bank accounts total?
A. There were three different bank accounts.
Q. Do the records show the EIDL loan proceeds being deposited into those three accounts?
A. Yes, they do.
Q. Whose names were on those three accounts?
A. The three accounts, they were under three different names. One was under the name Kojie9, LLC. Another account was under the B&K Freight, LLC and another name or another account rather was under the personal name of Mr. Bernard Okojie.
Q. Was he the authorized signer on all three of those accounts?
A. Yes, the only authorized signer on all three accounts.

Q. Are those bank records voluminous?
A. They are.
Q. Have you developed summary charts that accurately reflect certain loan and loan proceeds data from those loan files and bank records?
A. Yes, I have.
Q. Do those charts present that information in a way that's easy to understand?
A. They do.
Q. Generally what do those summary charts show?
A. So they start by showing from the SBA official EIDL file, we talked about how the application identified the bank accounts where the SBA proceeds are deposited to it, so I show a screenshot that captures what bank account those are to be deposited to.

I then follow up by showing from the actual financial statements from that financial institution, identifying where those funds flow into that bank account.

MS. STANLEY: At this time, Your Honor, we would move to admit Government Exhibit 12A, 12B and 12C. The underlying documents for those three summary charts are already in evidence and they are admissible under Federal Rule 1006.

THE COURT: Any objection, Mr. Ossick?

MR. OSSICK: No.

THE COURT: Admitted without objection 12A through 12C inclusive.

Q. (By Ms. Stanley) Thank you, Your Honor.

Ms. Roper, will you please publish Government's Exhibit 12A.

Agent Lott, what does this document show?

A. This a summary of a funded EIDL application ending 1462. This was in relation to Mr. Bernard Okojie for his B&K Freight company. Section A shows a screenshot of a funded EIDL advance in the amount of $5,000.00 and a $9700.00 EIDL loan that were shown to be deposited into a Regions bank account ending 4728.

Dropping down to Section E, this is where I identified the funds, confirmed that they were, in fact, deposited to that 4728 account, and then down at the bottom, that is a screenshot of the signature card identifying Mr. Bernard Okojie as the signator on the account identified as B&K Freight, LLC.

Q. So did an EIDL in the amount of $14,700.00 total disburse in the name of B&K Freight, LLC?

A. Yes, they did.

Q. Into the name of B&K Freight, LLC?

A. Yes, they did.

Q. Ms. Roper, will you please pull up Government's 12B and zoom in, as you did.

Agent Lott, what does 12B show?

A. So this is a similar summary, again for Mr. Bernard Okojie. This was in reference to EIDL application ending 2218.

This was in reference to his company operated under the name Kojie9, LLC. In this case, there was a $6,000.00 EIDL advance and then an $11,700.00 EIDL loan that were deposited to his Regions Bank Account 4752.

Q. Was the name on that bank account Kojie9, LLC?

A. Yes, it was.

Q. That was $17,700.00 total?

A. In total, yes, it was.

Q. Ms. Roper, will you please pull up Government's Exhibit 12C and zoom in as you did with the previous two, please.

Agent Lott, what does this document show?

A. So this is a snapshot showing EIDL application ending 2885 under the name of Mr. Bernard Okojie was funded in the amount of $9,000.00 in the form of an EIDL advance and a $34,900.00 EIDL loan less a $100.00 UCC filing, and those funds were deposited into a First Citizens bank account ending 3160.

Q. Was that bank account in the name of Bernard Okojie?

A. Yes.

Q. So that was about $43,000.00 in total?

A. Approximately, yes.

Q. Did Mr. Okojie receive a total of approximately $76,000.00 from these three applications?

A. Yes.

Q. You can take that down, Ms. Roper.

Agent Lott, during this investigation, did you also review

records from the Small Business Administration for eight EIDLs in the names of other individuals or businesses?
A. Yes, I did.
Q. Based on your investigation, did you learn that Bernard Okojie had completed those loan applications?
A. Yes, I did.
Q. Were there eight loan files total?
A. There were.
Q. Do those loan files show all of the information submitted as part of the loan application?
A. They do.
Q. Do they also show whether the loan was granted and how much money these purported businesses received?
A. Yes, they did.
Q. Did they also show which bank accounts the money was deposited into?
A. Yes.
Q. How many of those eight loan applications were granted?
A. All eight.
Q. Are those loan records voluminous?
A. Yes, they are.
Q. Did you also review bank records for the accounts into which those loan proceeds were deposited?
A. Yes, I did.
Q. Were there eight bank accounts total?

A. Yes.
Q. Do they show the EIDL proceeds being deposited into those accounts?
A. Yes, they do.
Q. Do the names on those bank accounts match the names on the loans?
A. Yes, they do.
Q. Are those bank records voluminous?
A. They are.
Q. Have you developed summary charts that accurately reflect certain loan and loans proceeds data from those loan files and bank records?
A. Yes, I have.
Q. Do they present the information in a way that's easy to understand?
A. Yes.
Q. And generally what do those summary charts show?
A. Similar to what we just walked through with Mr. Okojie's loans, I set up a similar summary that shows the official EIDL file identifying what accounts the funds were deposited to. We then followed the funds through the financial institution and confirmed the deposit was made, and then for these eight applications, we identified, as soon as the funds were deposited, official checks or cashier's checks were made out payable to Mr. Okojie or his businesses.

MS. STANLEY: Your Honor, we would move to admit Government's Exhibits 12D, 12E, 12F, 12G, 12H, 12I, 12J and 12K as summary charts under Federal Rule 1006. The underlying records are in evidence already.

THE COURT: But not 12L?

MS. STANLEY: Not at this time.

THE COURT: Any objection?

MR. OSSICK: No.

THE COURT: Admitted without objection, Exhibits 12D through 12K inclusive.

MS. STANLEY: Thank you, Your Honor.

Q. (By Ms. Stanley) Agent Lott, I would like to go through each of these summary charts.

Ms. Roper, please publish 12D and zoom in.

Agent Lott, what does this show?

A. This is a summary of a funded EIDL application ending 2809 for a Ms. Ginell Adams, who is identified as Individual 1 in the indictment, and similar to what we've just gone through in this case, the SBA records show that $117,000.00 EIDL loan less a hundred-dollar UCC filing fee was deposited to a Navy Federal account ending 3255. In the middle where you see the red box, you can see the funded $117,000.00 again less the hundred-dollar filing fee was deposited to that account, and immediately after, a check was issued in the amount of $17,550.00. We then followed that through to identify what that payment was in reference to, and it ties to this image here, which is an official check from Navy Federal Credit Union from remitter Ginell Adams Judson made payable to Kojie9, LLC in the amount of $17,550.00.

Q. Go to the next page, please, Ms. Roper.

What does this show, this document show?

A. Section D here is just a summary showing where we followed the payment from Ms. Ginell Adams through to account ending 4752, which is a Regions Bank identified as Mr. Bernard Okojie's.

Q. Who is that check made payable to?

A. It's made payable to Kojie9, LLC.

Q. I should ask you before, Agent Lott. Do these summary charts also show images of checks taken from Mr. Okojie's bank records?

A. Yes, they do. So we tried to show the image from the source financial institution from the payor and then also showed the deposited check image from Mr. Okojie's account.

Q. Ms. Roper, will you please pull up 12E.

Agent Lott, what does that document show?

A. So this a funded EIDL application ending 0514, in reference to Wanda Anderson, who is referenced as Individual 2 in the indictment.

It shows that SBA funded an EIDL loan in the amount of $121,400.00 again less a hundred-dollar filing fee that was said to be deposited to a bank account ending 3742.

We followed the flow of the funds and identified that they were deposited to a Cadence bank account under the name of Wanda Adams Anderson. We can see the flow of the money going in as well as immediately withdrawal $121,300.00.

Subsequently, we identified that there was a deposit of $18,210.00 deposited into Mr. Okojie's -- I believe that's a Region's account 4728.

Q. Page 2, Ms. Roper.

What does that show, Agent Lott?

A. So this shows the image of the source of that deposit, which was a cashier's check made payable to B&K Freight, LLC in the amount of $18,210.00 payable from Ms. Wanda Anderson. It's hard to see, but it's in the top left corner there.

And so it shows the remitter is Wanda Anderson, identifies in the memo line that it was payable for a leasing payment, and the check was endorsed by Mr. Bernard Okojie signing as B&K Freight, LLC on the back.

Q. Ms. Roper, will you please pull up 12F.

What does this chart reflect, Agent Lott?

A. So this a summary for a funded EIDL application for a Princewill Moneme. This is in reference to EIDL application ending 0534. Mr. Moneme was funded a $117,000.00 EIDL loan, less a hundred-dollar filing fee, into his bank account ending 7667.

So we identified on 7/22/20 the transaction. You can see identified as "SBAD Treas 310." The funds are deposited to his account, and then subsequently there is a withdrawal of $14,055.00 and we followed that through and identified that that was a check made payable to B&K Freight and ultimately Mr. Okojie.

Q. Page 2, please, Ms. Roper.

Does this show the receipt of the check into Mr. Okojie's account?

A. Yes, it does.

Q. Ms. Roper, will you please publish 12G.

Can you please summarize this chart, Agent Lott.

A. Yes, this is a funded EIDL application ending 9966 in the name of Ms. Katina Banks, who is identified as Individual 4 in the indictment.

She was funded for a $123,400.00 EIDL loan less a hundred-dollar filing fee which went into her bank account ending 8445.

Once again, we followed the flow of the money into her MidSouth Community financial institution. Identified on 7/29 we see the red box indicating a withdrawal by check in the amount of $18,495.00.

Q. Page 2, please, Ms. Roper.

A. And this is the source official check that was purchased with those funds from her withdrawal. You can see it's made payable to B&K Freight, LLC from a remitter being Ms. Katina L. Banks, yes, Banks in the amount of $18,495.00, and once again endorsed and signed on the back by Mr. Okojie.

Q. Can you zoom out, Ms. Roper. Go to Page 3, please.

And then does this page show the check being deposited into Mr. Okojie's bank account?

A. Yes, it does.

Q. Ms. Roper, will you please publish 12H.

Can you summarize this chart please, Agent Lott.

A. Yes. This is a funded EIDL application in the name of Ardell Chatman, who is identified as Individual 5 in the indictment. You'll see this is reference to EIDL application ending 4418. The SBA funded the loan in the amount of $122,300.00 less a hundred-dollar filing fee that was deposited into Mr. Chatman's account ending 4961. Once the funds were deposited, we observed -- I believe on the next page.

Q. Page 2, please, Ms. Roper.

A. -- there was a withdrawal from his account in the amount of $30,575.00 that was utilized to purchase a cashier's check that was made payable to BK Freight, LLC and deposited into Mr. Okojie's Regions bank account ending 4728.

Q. Ms. Roper, will you please publish Government's 12I.

Agent Lott, what about this one?

A. Similar summary, this time for Frentres Winding, who is referenced as Individual 6 in the indictment. This is EIDL application ending 1006. She was funded a loan in the amount of $123,500.00 less a hundred-dollar filing fee that was deposited into her bank account ending 3254. Once we identified those funds were deposited, we observed a withdrawal in the amount of $28,530.00.

Q. Page 2, please, Ms. Roper.

A. In the top image, I'm having a hard time seeing that. So this is a copy of a Wood Forest cashier's check made payable to Kojie9, LLC, this time in the amount of $15,510.00.

Q. And do the Region bank records for Mr. Okojie's account reflect that check being deposited into it?

A. Yes, they do.

Q. Ms. Roper, will you please publish Government's 12J.

What about this chart, Agent Lott?

A. This a funded EIDL application ending 4256 for Lenora Johnson, who is identified as Individual 7 in the indictment. She received a SBA loan in amount of $122,500.00 less a hundred-dollar filing fee.

Those funds were observed going into her account ending 9201. Records from her Pike National Bank confirmed that that EIDL loan was deposited, and then on August 7th, 2020 or, excuse me, August 7, 2020 -- no, I'm sorry, the funds were deposited 122,400.00 on 8/7 and then subsequently withdrawn on 8/11.

Q. Page 2, please, Ms. Roper.

What does Page 2 reflect, Agent Lott? Can you zoom in at the top, please, Ms. Roper?

A. I observed on August 11th, 2020, $28,395.00 was withdrawn from Ms. Johnson's account ending 4683 and on the same day a cashier's check payable to B&K Freight, LLC was issued in the amount of $15,375.00.

Q. And do these documents also reflect that check being deposited into one of Mr. Okojie's bank accounts?

A. Yes, they do.

Q. Finally, Agent Lott, let's look at 12K. Ms. Roper, will you please publish 12K.

Can you summarize this one, Agent Lott?

A. Yes. This was a funded EIDL application, ending in 4028 for Mr. Charlie Bey who is identified as Individual 8 in the indictment. He received an SBA-funded loan of $119,300.00 minus a hundred-dollar filing fee that was deposited into his account ending 7241.

Q. Can you zoom back out, Ms. Roper.

Were you able to trace that loan money into his account and then portions of it going out in a check made payable to Okojie or one of his businesses?

A. Yes, we were.

Q. Is that reflected here in these documents?

A. Yes. You will see the withdrawal made for $17,745.00.

Q. Agent Lott, for each of the eight individuals identified in the indictment, were you able to trace the deposit of EIDL loans in their name to their bank accounts?

A. Yes, I was.

Q. Were you able to trace checks being made, cut out of those EIDL loan proceeds and made payable to the defendant or one of his businesses?

A. Yes, I was.

Q. And were you able to see those checks being deposited into one of three bank accounts in one of the defendant's businesses' names or in his name?

A. Yes, I was.

Q. I'm going to ask you about one more summary chart, Agent Lott.

Did you also review another EIDL loan file in the name of Angela Lovelady?

A. Yes, I did.

Q. Did you obtain bank records for her bank account?

A. We did not.

Q. But did you identify a cashier's check for Ms. Lovelady that deposited into the Regions B&K Freight account that you've been speaking about?

A. Yes, I did.

Q. Again, were those records all voluminous?

A. Yes, they were.

Q. Did you create a summary chart showing certain loan and loan proceeds data from Ms. Lovelady's loan file and the B&K

Freight records?

A. Yes, I did.

Q. Does it present that information in a way that's easy to understand?

A. Yes.

MS. STANLEY: At this time, Your Honor, we would move to admit Exhibit 12L.

THE COURT: Any objection?

MR. OSSICK: No.

THE COURT: Admitted without objection.

Q. (By Ms. Stanley) Thank you, Your Honor.

Ms. Roper, will you please pull up Government's Exhibit 12L.

What does this document show, Agent Lott?

A. This is another summary chart identifying Ms. Angela Lovelady. It looks like this is EIDL application ending 5646. She received an SBA EIDL loan in the amount of $123,000.00 less a $100.00 filing fee that was shown be deposited to her bank account ending 1458.

Q. Did she also take, get a cashier's check out of that loan money?

A. Yes. We observed a cashier's check in the amount of $18,435.00, and this screenshot here is a deposit into Mr. Okojie's account reflected on 8/13 in the amount of $33,810.00, of which that consists of two, two checks you can see -- scroll back up.

So you can see on this bottom, this is an -- essentially a deposit slip. You can see there's a total amount deposited of $33,810.00 of which there is a cash or cashier's check deposit of $18,435.00 in addition to another check unrelated that was in the amount of $15,375.00.

And if you scroll down to that last page, that's where we identified the cashier's check made payable to B&K Freight, LLC from Angela Lovelady in the amount of that $18,435.00 payment.

Q. Is there a memo for this check reflected in that red box on the front of the check?

A. Yes. In that red box next to the purchaser's name, Ms. Angela Lovelady, it's identified as being purchased for truck leasing.

Q. You can take that down, Ms. Roper. Thank you.

Agent Lott, did about $1,890,400.00 in loan proceeds go out the door for these nine applications?

A. Yes, they did.

Q. And did about $165,935.00 of that go to the defendant?

A. Yes, it did.

Q. Finally, Agent Lott, I want to ask you about how some of the loan money was spent in this case.

When you reviewed the bank records for the two business accounts that you talked about earlier, the Kojie9 and B&K Freight, LLC?

A. Right.
Q. Are those the business names on those two accounts?
A. That's correct.
Q. When you reviewed those records, did you see any evidence of business expenses?
A. No, I didn't. I observed that the vast overwhelming majority of deposits in those accounts were sourced either through SBA loans under the name of Mr. Okojie or his purported businesses or related to deposits from the individuals he assisted with getting their loans.
The other -- no, I'm sorry -- the other minimal deposit activity I observed was things such as merchant refunds, say if he went shopping and returned something at a store, a couple hundred dollars here and there.
Q. Did you see any evidence of payroll either going out or coming in?
A. No, I did not.
Q. Did you see any evidence of money going out to fund a business?
A. I did not.
Q. What kinds of things was that money being spent on?
A. So we observed various spending, lots of cash withdrawals, money being used to finance a down payment on a Mercedes Benz vehicle, shopping. I believe I calculated approximately 4200-ish dollars in Gianni Versace for purchases. We identified

for moccasins, bracelets, steel-frame sunglasses, sports shoes and things of that nature, just various other expenditures that I would classify as personal in nature, things like convenience stores, fast foods, Nike retailers, just general shopping.

Q. Did you obtain records from Versace?

A. Yes, we did.

Q. I'm going to show you what's been marked as Government's Exhibit 13, Agent Lott. If you will review this briefly and let me know if you recognize it.

A. Yes, I do.

Q. Are these the records you obtained from Versace?

A. Yes, they are.

MS. STANLEY: We would move to enter these records, Government's 13, Your Honor, under 902 as self-authenticating. Notice has been provided to the Defense.

THE COURT: Any objection, Mr. Ossick?

MR. OSSICK: No.

THE COURT: Admitted without objection.

Q. (By Ms. Stanley) Again, approximately how much money based on these records was spent at Versace?

A. Based on these records, it was approximately $4200.00.

Q. What was the time period for those purchases?

A. I believe it was August through Octoberish 2020.

Q. Could you see those transactions on Mr. Okojie's bank accounts?

A. Yes, I could.
Q. Ms. Roper, will you please publish 13 Page 6.
And what kinds of things was he buying at Versace?
A. Based on the receipts and the supporting records we got back from Versace, we see various receipts supporting moccasins, sports shoes, metal-frame sunglasses, bracelets.
Q. Is this one of those receipts?
A. Yes, it is.
Q. What's the total amount purchased on this day?
A. The total applied to a Visa card was $2,022.84.
Q. You can take that down, Ms. Roper.
You mentioned that Mr. Okojie also spent some of the loan money, SBA money, on purchase of a Mercedes vehicle?
A. That's correct.
Q. Did you obtain records related to that purchase?
A. Yes, we did.
Q. Where did you obtain them from?
A. We identified from a review of the Regions financial records, we identified initially the $2,000.00 which were all made payable to Leith, Inc., I believe, which we identified was a Mercedes Benz dealer out of Raleigh, North Carolina. We then followed up, obtained records from Leith, Inc. who provided us with a bill of sale identifying the purchase of a Mercedes Benz vehicle of approximately $50,000.00, of which a $2,000.00 down payment was made and a loan was taken for the rest.

Q. Agent Lott, I'm going to show you Exhibit 14.
Your Honor, I apologize, may I approach the witness?
THE COURT: Yes.
Q. (By Ms. Stanley) Are those the records you obtained from that dealership in North Carolina?
A. Yes, they are.
MS. STANLEY: Your Honor, we move to admit Government 14 under 902. Notice that has been provided to the Defense previously.
THE COURT: Any objection, Mr. Ossick?
MR. OSSICK: No.
THE COURT: Admitted without objection.
Q. (By Ms. Stanley) Ms. Roper, will you please publish 14 Page 3.
What kind of car did the defendant buy, Agent Lott?
A. According to the records, let's see, I believe it was a 2015 Mercedes Benz.
Q. Did he get a loan for that car?
A. Yes, he did.
Q. From where?
A. From Regions Bank.
Q. Based on your review of those loan documents as well as these documents from the dealership, do you know what the total cash price was for the car?
A. Yes. I believe you see it on this screenshot kind of the

middle right. So you can see at the top there it identifies cash price of vehicle $49,316.00 and then the balance due at the bottom after all the fees and everything is added is a total of $56,347.92.

Q. Will you zoom back out, Ms. Roper. Is the defendant's personal information on this bill of sale?

A. Yes, it is.

Q. Will you please zoom in at the top, Ms. Roper.

Is the defendant's name listed here, Agent Lott?

A. Yes, it is.

Q. What is the address listed on this document?

A. 617 Addison Way, McDonough, Georgia.

Q. Did Mr. Okojie register this car with the State of Georgia?

A. Yes, he did.

Q. Was his driver's license also provided to the dealership?

A. Yes, it was.

Q. Is that reflected in the records?

A. Yes, it is.

Q. You can take that down. Did you also obtain records from Robinhood?

A. Yes, I did.

Q. What is Robinhood?

A. My understanding is Robinhood is essentially an online platform that can be used to purchase stock and crypto currency.

Q. Did those records show that Mr. Okojie also invested some of the SBA loan money through Robinhood?
A. Yes, it does.
Q. How much money approximately?
A. Thousands of dollars.
Q. Can you see his name in transactions through Robinhood reflected on the bank records?
A. Yes, you can. My -- my observations of the Regions account identified withdrawals payable to Robinhood specifically identified with Mr. Bernard Okojie's name. I was also able to trace those same payments from Regions directly to deposits made into Robinhood.
Q. I'm going to show you what's been marked as Government's Exhibit 15.
Your Honor, may I approach?
THE COURT: Yes.
Q. (By Ms. Stanley) Folder contains a disk marked as Government's Exhibit 15. Have you seen that disk before today, Agent Lott?
A. Yes, I have.
Q. What does that disk have on it?
A. This is a disk with voluminous records received from Robinhood.
Q. Did you sign and date that disk?
A. Yes, I did.

MS. STANLEY: Your Honor, we would move to admit Government's Exhibit 15 again under Rule 902. Notice has been provided to the Defense.

THE COURT: Any objection, Mr. Ossick?

MR. OSSICK: No.

THE COURT: Admitted without objection.

Q. (By Ms. Stanley) All right, Agent Lott, when you reviewed Mr. Okojie's First Citizens bank account, and is that the third of the three bank accounts you've been speaking about earlier?

A. That's correct.

Q. When you reviewed that bank account, did you see any evidence of business expense?

A. No, I did not.

Q. What kind of spending did you see?

A. So first I observed on the deposit side the deposits were vastly made up of again either SBA loans under Mr. Okojie's name or his businesses, with the exception of there were a few tax refunds from the State of Georgia and the IRS.

Q. And what kinds of things was he spending that money on?

A. Very similar spending habits as I observed in Regions, a lot of spending of a personal nature, identified additional purchases from Versace, payments made at Mercedes dealerships, fast foods, cash withdrawals, luxury spending.

Q. Were there purchases at something called OnlyFans?

A. Yes, there were.

Q. About how many?
A. Offhand, I recall various transactions. There were at least three statements' worth.
MR. OSSICK: Nothing further, Your Honor.
THE COURT: Mr. Ossick, cross-examination.

CROSS-EXAMINATION

BY MR. OSSICK:
Q. May I ask you to bring up I think it's 12L, please.
Just want to clarify something with you. I believe this was -- you just saw this exhibit.
A. Yes, sir.
Q. And this you indicated was a, on the checking credit portion, you traced it back to being part of the proceeds from one of these loans?
A. That is correct.
Q. And on the receipt, it says it's cash?
A. Correct.
Q. That's not currency, though, is it?
A. I'm not sure I follow.
Q. Do you see 12L?
A. Yes, sir.
Q. Do you see it was outlined in red?
A. Yes, sir.
Q. I believe you identified it on direct?
A. Yes, sir.

Q. You indicated that that was -- represented the check from the portion of the loan?
A. That's correct.
Q. But it was a cashier's check? Didn't you say that?
A. That's correct.
Q. So it wasn't cash; it was a cashier's check?
A. I can't speak to how the bank classified it on the deposit slip.
Q. You can tell that it's the cashier check when you're tracing the funds, but now you can't when you don't know whether it's the cash or the cashier's check?
A. I can speak to the timing of the flow. I can see the payment of 18,435.00 paid by Ms. Angela Lovelady via the cashier's check. I can see the deposit on 8/13 for the total of $33,810.00 of which is split up of a deposit of 18,435.00 which matches the amount and the timing of the payment from Ms. Lovelady as well as an additional $15,375.00.
Q. And on the 18,435.00, it says it's cash rather than a cashier's check?
A. Again, I can't identify how they classified it, if they identified a cashier's check as cash on the specific form, but again my analysis is just to show that that fund was deposited into his account.

MR. OSSICK: Thank you.

THE COURT: All right, any brief redirect?

MS. STANLEY: Briefly, Your Honor.

THE COURT: Yes.

REDIRECT EXAMINATION

BY MS. STANLEY:

Q. If you will pull up Government Exhibit 12, Ms. Roper, Page 2, please.

Agent Lott, does this show that a cashier's check in the amount of $18,435.00 made out to B&K Freight, LLC from Angela Lovelady was deposited into a Regions bank account in the name of the defendant?

A. That's correct. You can see on the top image the endorsement, signature of Mr. Bernard Okojie, and then at the bottom, I show the source of where we obtained this image, and it was directly from the Regions 4728 bank account of Mr. Bernard Okojie.

Q. And the amount on that cashier's check matches the amount on that deposit slip?

A. That is correct.

MS. STANLEY: Nothing further.

THE COURT: Any objection to this witness being excused?

MS. STANLEY: No, Your Honor.

THE COURT: Is he going to remain at counsel table?

MS. STANLEY: Yes, Your Honor.

THE COURT: You may step down.

Well, ladies and gentlemen it is time to break. It's been a full day. Timewise, we've made excellent progress in the case. As I mentioned earlier today, we will start promptly at 9:00 a.m. tomorrow, so do as you did during lunch and pay respect to your fellow jurors and be in the room so we can start as promptly to 9:00 a.m. as possible.

Remember the familiar admonition. Don't talk about the case. Don't make up your mind. Don't do independent research. Don't listen to anything in the media about the case. With that, let's rise for this jury.

(The jury exits the courtroom.)

THE COURT: All right, counsel, we will be in recess until 9:00 a.m. tomorrow.

(Proceeding concluded at 5:18 p.m.)

CERTIFICATION

I certify that the foregoing is a true and correct transcript of the stenographic record of the above-mentioned matter.

Debra D Gilbert

__________________________________ 04/26/2023

Debra Gilbert, Court Reporter Date