FILED IN OPEN COURT
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KEVIN P. WEIMER, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *v.* BOEROEPAE JORDAN	Criminal Information No. 1:24-CR-304

THE UNITED STATES ATTORNEY CHARGES THAT:

Background

At all times relevant to this Information:

The Defendant

1. BOEROEPAE JORDAN ("JORDAN") was an individual residing in the Northern District of Georgia.

2. Defendant JORDAN was released from Federal Bureau of Prisons custody on or about September 9, 2019, and began serving a six-year term of supervised release imposed as part of his sentence in Criminal Action No. 1:13-CR-238, which followed a 72-month term of imprisonment for firearm offenses.

The Small Business Administration

3. The United States Small Business Administration ("SBA") was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of

small businesses and by assisting in the economic recovery of communities after disasters.

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

The EIDL Advance Program

5. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or about March 2020 that was designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic.

6. One source of relief that the CARES Act provided was the authorization of the SBA to offer Economic Injury Disaster Loan (EIDL) funding to business owners affected by the pandemic. Using the SBA online portal, EIDL applicants submitted personal and business information as part of each EIDL application.

7. The EIDL application process involved filling out assorted data fields relating to the size of the affected business entity, the ownership of the business, the number of employees, and gross business revenues realized in the 12 months prior to the date of the disaster (January 31, 2020). This information was used by SBA application evaluation systems to calculate the principal amount of EIDL funding the small business was eligible to receive.

8. As part of an EIDL application, an applicant may request and receive up to $10,000 as an EIDL Cash Advance Grant based on the number of employees

claimed. For each employee, the business was eligible for a $1,000 grant. The EIDL Cash Advance Grant need not be repaid to the SBA if the loan application was ultimately denied by the SBA or if the applicant later declines the EIDL that may be offered by the SBA.

The Paycheck Protection Program

9. Another source of relief that the CARES Act provided was the authorization of up to $349 billion in forgivable loans to small businesses for payroll, mortgage interest, rent/lease, and utilities through a program referred to as the Paycheck Protection Program ("PPP"). Congress has since authorized additional PPP funding.

10. The PPP allowed qualifying small businesses and other organizations to receive PPP loans. Businesses must use PPP loan proceeds for payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on these expense items within a designated period of time and used a certain percentage of the PPP loan proceeds for payroll expenses.

11. The amount of a PPP loan that a small business may have been entitled to receive was determined by the number of employees employed by the business and the business's average monthly payroll costs.

12. In order to obtain a PPP loan, a qualifying business was required to submit a PPP loan application, which was signed by an authorized representative of the business. The PPP loan application required the business

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

13. The SBA oversaw the PPP. However, individual PPP loans were issued by private, approved lenders who received and processed PPP applications and supporting documentation, and then made loans using the lenders' own funds, which were 100% guaranteed by the SBA. Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

Relevant Financial Institution

14. Celtic Bank Corporation ("Celtic Bank") was a bank financial institution with headquarters in Salt Lake City, Utah. Celtic Bank participated in the SBA's PPP as a lender, and, as such, was authorized to lend funds to eligible borrowers under the terms of the PPP.

Execution of the Scheme – Checking Account

15. On or about March 13, 2020, Defendant JORDAN caused his mother, DJ, to open a business checking account at Wells Fargo with an account number ending in 3397 ("WF 3397") for the business A/E Multi-Diamond Entertainment Incorporated. The application to open the account stated that DJ was the "sole owner" and "owner with control of the entity," and that the business had two locations, ten employees, and annual gross sales of $20,000. Defendant JORDAN's name was not listed on the account opening documents.

Execution of the Scheme – EIDL Advance

16. On or about April 5, 2020, Defendant JORDAN electronically submitted, and assisted in the submission of, an online request to the SBA via the internet for an EIDL Advance of $5,000. That request was submitted in the name of the business A/E Multi-Diamond Entertainment Incorporation, and stated that the business had five employees, was opened on December 28, 1977, and was 51% owned by Defendant JORDAN and 49% owned by DJ. The submission requested that the EIDL Advance be deposited into WF 3397.

17. On or about May 1, 2020, as a result of the online request, the SBA transferred $5,000 into WF 3397.

Execution of the Scheme – PPP Loan

18. On or about May 19, 2020, Defendant JORDAN electronically signed and submitted, and assisted in the submission of, a PPP Borrower Application Form for a business named AE Multi-Diamond Entertainment Inc. via the internet to

Celtic Bank. The application requested a loan in the amount of $291,250. The application stated that the purpose of the loan was payroll, lease/mortgage interest, and utilities; that AE Multi-Diamond Entertainment Inc. had 18 employees and an average monthly payroll of $116,500; and that Defendant JORDAN owned 100% of the business.

19. In addition, the PPP loan application contained the electronically signed initials of Defendant JORDAN to certify each of the following representations:

a. The Applicant business was in operation on February 15, 2020, and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on Form(s) 1099-MISC;
b. Current economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant;
c. The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments; and
d. The information provided in the application and in all supporting documents and forms is true and accurate in all material respects, and knowingly making a false statement is punishable under the law.

20. In support of the application, Defendant JORDAN submitted, and assisted in the submission of, a falsified IRS Form 941 for January, February, and March 2020 for A/E Multi-Diamond Entertainment Inc. The form stated that, for those

months in 2020, A/E Multi-diamond Entertainment Inc. paid $349,500.09 of wages and other compensation to 18 employees. Defendant JORDAN also submitted, and assisted in the submission of, a falsified account statement for WF 3397 dated February 28, 2020. The checking statement listed an account balance of $424,504.41.

21. However, A/E Multi-Diamond Entertainment Inc. was not a functioning business and did not have any employees. Defendant JORDAN had not filed the Form 941 with the IRS, and the WF 3397 business checking account did not exist until approximately March 13, 2020.

22. On or about May 19, 2020, Defendant JORDAN electronically signed and submitted, and assisted in the submission of, via the internet, a U.S. Small Business Administration Promissory Note for SBA Loan Number ******7408 in the amount of $291,250.

23. On or about May 20, 2020, as a result of the PPP loan application and note signed by Defendant JORDAN, Celtic Bank transferred $291,250 into his checking account.

Count One

Wire Fraud – 18 U.S.C. § 1343 and § 2

24. The factual allegations contained in paragraphs 1 through 23 of this Information are re-alleged and incorporated by reference as if fully set forth herein.

25. On or about April 5, 2020, in the Northern District of Georgia, the Defendant, BOEROEPAE JORDAN, aided and abetted by others known and unknown, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission of material facts, did, with intent to defraud, cause to be transmitted by means of a wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, an EIDL Advance request containing false information related to the ownership, starting date, and number of employees of the business "A/E Multi-Diamond Entertainment Incorporation."

All in violation of Title 18, United States Code, Section 1343 and Section 2.

Count Two
Wire Fraud – 18 U.S.C. § 1343 and § 2

26. The factual allegations contained in paragraphs 1 through 23 of this Information are re-alleged and incorporated by reference as if fully set forth herein.

27. On or about May 19, 2020, in the Northern District of Georgia, the Defendant, BOEROEPAE JORDAN, aided and abetted by others known and unknown, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations,

and promises, and by omission of material facts, said scheme affecting a financial institution, did, with intent to defraud, cause to be transmitted by means of a wire communication in interstate and foreign commerce certain writings, signs, signals, and sounds, namely, a PPP Borrower Application Form containing false information related to the existence and payroll expenses of the business AE Multi-Diamond Entertainment Inc. and the purpose of the applied-for PPP loan, accompanied by falsified tax and bank documentation.

All in violation of Title 18, United States Code, Section 1343 and Section 2.

Forfeiture

Upon conviction of one or more of the offenses alleged in Counts One and Two of this Information, the defendant, BOEROEPAE JORDAN, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of said violations, including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Two of this Information.

If, as a result of any act or omission of the defendant, any property subject to forfeiture:

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

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

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

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

the United States of America intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

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