

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

**OFFENSE CHARGED**

Count 1: 18 U.S.C. 1349 - Conspiracy to commit bank fraud  
 Count 2: 26 U.S.C. 7206(2) - Aiding or Advising a False Tax Return

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

**PENALTY:** Count 1: 30 years imprisonment; \$1,000,000 fine; 3 years supervised release; mandatory \$100 special assessment; forfeiture.  
 Count 2: 3 years imprisonment; \$100,000 fine; 3 years supervised release; mandatory \$100 special assessment; forfeiture.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

▶ Frank Mosley

DISTRICT COURT NUMBER

4:23-cr-00134-AMO

**FILED**  
May 3 2023Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

IRS - Criminal Investigations

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW  
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE  
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person  
 Furnishing Information on this form Ismail J. Ramsey

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.  
 Attorney (if assigned) Abraham Fine

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges ▶

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes  
 been filed? ☐ No

If "Yes"  
 give date  
 filed

**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

▶ Reginald Mosley

DISTRICT COURT NUMBER

4:23-cr-00134-AMO

**FILED**

May 3 2023

Mark B. Busby  
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 OAKLAND

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Abraham Fine

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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

▶ Marcus Wilborn

DISTRICT COURT NUMBER

4:23-cr-00134-AMO

**FILED****May 3 2023**

Mark B. Busby  
 CLERK, U.S. DISTRICT COURT  
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 OAKLAND

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Attorney (if assigned)

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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

▶ Aaron Boren

DISTRICT COURT NUMBER

4:23-cr-00134-AMO

**FILED**

May 3 2023

Mark B. Busby  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**DEFENDANT - U.S.**

▶ Scott Conway

DISTRICT COURT NUMBER

4:23-cr-00134-AMO

**FILED****May 3 2023**
 Mark B. Busby  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND
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Attorney (if assigned)

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- 
- 2)
- ☐
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- 
- 3)
- ☐
- Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction }
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- State
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Comments:

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

**FILED**

May 3 2023

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                           |   |                                                  |                   |
|---------------------------|---|--------------------------------------------------|-------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO.                                         | 4:23-cr-00134-AMO |
|                           | ) |                                                  |                   |
| Plaintiff,                | ) | <u>VIOLATIONS:</u>                               |                   |
|                           | ) | 18 U.S.C. § 1349 – Conspiracy to Commit Bank     |                   |
| v.                        | ) | Fraud;                                           |                   |
|                           | ) | 26 U.S.C. § 7206(2) – Aiding or Advising a False |                   |
| FRANK MOSLEY,             | ) | Tax Return;                                      |                   |
| REGINALD MOSLEY,          | ) | 18 U.S.C. § 981(a)(1)(C), (b)(1) and 28 U.S.C.   |                   |
| MARCUS WILBORN,           | ) | § 2461(c) – Forfeiture Allegation                |                   |
| AARON BOREN, and          | ) |                                                  |                   |
| SCOTT CONWAY,             | ) | OAKLAND VENUE                                    |                   |
|                           | ) |                                                  |                   |
| Defendants.               | ) |                                                  |                   |
|                           | ) |                                                  |                   |

I N F O R M A T I O N

The United States Attorney charges:

Introductory Allegations

At all times relevant to this Information:

1. Defendant FRANK MOSLEY resided in the Northern District of California.
2. Defendant REGINALD MOSLEY resided in the Eastern District of California.
3. Defendant MARCUS WILBORN resided in the Eastern District of California.
4. Defendant AARON BOREN resided in the Eastern District of California.
5. Defendant SCOTT CONWAY resided in the Eastern District of California.
6. Forward Thinking Investors, Inc. (“FTI”) was an entity headquartered in Oakland

INFORMATION

1 California. FRANK MOSLEY and REGINALD MOSLEY had ownership and control over FTI and  
2 were signatories for a financial account at Bank 2 ending in 6953 (“FTI 6953”).

3 7. MDK Consulting, Inc. (“MDK”) was an entity headquartered in Elk Grove, California.  
4 Defendant MARCUS WILBORN had ownership and control over MDK and was the signatory for  
5 financial accounts at Bank 3 ending in 0258 (“MDK 0258”) and 6201 (“MDK 6201”).

6 8. AB Consulting Group, Inc. (“ABCG”) was an entity headquartered in Roseville,  
7 California. Defendant AARON BOREN had ownership and control over ABCG and was the signatory  
8 for a financial account at Bank 2 ending in 3752 (“ABCG 3752”).

9 9. CTES Industries, Inc. (“CTES”) was an entity headquartered in Rocklin, California.  
10 Defendant SCOTT CONWAY had ownership and control over CTES and was the signatory for a  
11 financial account at Bank 4 ending in 0567 (“CTES 0567”).

12 10. Bank 1 was a financial institution headquartered in Fort Lee, New Jersey, whose deposits  
13 were insured by the Federal Deposit Insurance Corporation.

14 11. Bank 2 was a financial institution headquartered in San Francisco, California.

15 12. Bank 3 was a financial institution headquartered in Charlotte, North Carolina.

16 13. Bank 4 was a financial institution headquartered in New York, New York.

17 14. Financial Services Company 1 was a brokerage services company headquartered in  
18 Boston, Massachusetts.

19 15. Payroll Company 1 was a cloud-based payroll, benefits, and human resources company  
20 headquartered in San Francisco, California.

21 The Paycheck Protection Program

22 16. The Paycheck Protection Program (“PPP”) was a COVID-19 pandemic relief program  
23 administered by the Small Business Administration (“SBA”) that provided forgivable loans to small  
24 businesses for job retention and certain other expenses. The PPP permitted participating third-party  
25 lenders to approve and disburse SBA-backed PPP loans to cover payroll, fixed debts, utilities,  
26 rent/mortgage, accounts payable and other bills incurred by qualifying businesses during, and resulting  
27 from, the COVID-19 pandemic. PPP loans were fully guaranteed by the SBA.

28 17. To obtain a PPP loan, a qualifying business had to submit a PPP loan application, which



1 was signed by an authorized representative of the business. The PPP loan application required the  
2 business (through its authorized representative) to acknowledge the program rules and make certain  
3 affirmative certifications to be eligible to obtain the PPP loan, including that the business was in  
4 operation and either had employees for whom it paid salaries and payroll taxes or paid independent  
5 contractors. A business applying for a PPP loan was required to provide documentation showing its  
6 payroll expenses, such as filed federal income tax documents.

7 18. PPP loan applications were electronically submitted or caused to be submitted by the  
8 borrower and received through SBA servers located in Virginia or Oregon. Once approved, the business  
9 received the PPP loan proceeds via an electronic funds transfer from the third-party lender to a financial  
10 account under the control of the business.

11 19. The proceeds of a PPP loan could be used for certain specified items, such as payroll  
12 costs, costs related to the continuation of group health care benefits, or mortgage interest payments. The  
13 proceeds of a PPP loan were not permitted to be used by the borrowers to purchase consumer goods,  
14 automobiles, personal residences, clothing, jewelry, to pay the borrower's personal federal income taxes,  
15 or to fund the borrower's ordinary day-to-day living expenses unrelated to the specified authorized  
16 expenses.

17 20. Bank 1 was a third-party participating lender in the PPP and a federally insured financial  
18 institution as defined in 18 U.S.C. § 20.

19 FRANK MOSLEY's Employment History

20 21. FRANK MOSLEY was an employee at the Internal Revenue Service ("IRS") from 1987  
21 until 2000. His last position before separating from the IRS was Revenue Officer. Revenue Officers are  
22 civil collections and enforcement agents of the IRS. Revenue Officers do not perform audits of  
23 taxpayers. Instead they educate and inform taxpayers, and also enforce levies and liens against  
24 taxpayers' assets when the taxpayers owe delinquent tax debts. Revenue Officers commonly encounter  
25 schemes by taxpayers, such as placing assets in nominee names, using shell corporations to obscure  
26 ownership of assets and bank accounts, and other similar measures to evade the IRS. Revenue Officers  
27 are trained to detect and investigate these schemes as part of civil, non-criminal, tax compliance efforts.

28 22. Since 2011, FRANK MOSLEY worked as a Tax Enforcement Officer for the City of



1 Oakland.

2 The Scheme to Defraud

3 23. Beginning at a date unknown, but no later than on or about July 2, 2020, and continuing  
4 to a date unknown, but to at least on or about approximately September 30, 2021, the defendants,

5 FRANK MOSLEY,  
6 REGINALD MOSLEY,  
7 MARCUS WILBORN,  
8 AARON BOREN, and  
9 SCOTT CONWAY

10 devised a scheme and artifice to defraud through which they obtained approximately \$3 million as a  
11 result of fraudulent PPP-loan applications submitted on behalf of FTI, MDK, ABCG, and CTES.

12 Although each of the companies' PPP loan applications certified that each company had between 19 and  
13 49 employees and between approximately \$150,000 and \$430,000 in monthly payroll, in reality all four  
14 companies were little more than shell companies, with no payroll expenses. Upon receipt of the PPP  
15 loan proceeds, FRANK MOSLEY, REGINALD MOSLEY, WILBORN, BOREN, and CONWAY did  
16 not use the funds for any legitimate business expenses, such as to pay employees. Rather, they used the  
17 funds for significant personal expenses, personal credit cards, personal investments, and distributions to  
18 their family members. To cover up the scheme, FRANK MOSLEY and REGINALD MOSLEY created  
19 fake payroll accounts for some of the companies and submitted false payroll tax returns to the IRS.

20 Manner and Means

21 24. The objective of FRANK MOSLEY, REGINALD MOSLEY, WILBORN, BOREN, and  
22 CONWAY's scheme was to obtain funds for personal use by submitting fraudulent loan applications for  
23 PPP funds. FRANK MOSLEY and REGINALD MOSLEY submitted the first successful loan  
24 application on behalf of FTI in August of 2020. After receiving those fraudulently obtained funds,  
25 FRANK MOSLEY and REGINALD MOSLEY recruited others who owned companies that existed  
26 prior to February 2020 to submit fraudulent loan applications, including WILBORN, BOREN, and  
27 CONWAY, who were longtime acquaintances of REGINALD MOSLEY. FRANK MOSLEY and  
28 REGINALD MOSLEY helped prepare the fraudulent loan applications for WILBORN, BOREN, and  
CONWAY. Per a written agreement that the defendants exchanged via email, FRANK MOSLEY and

1 REGINALD MOSLEY received a kickback of at least 15% of the fraudulently obtained proceeds for  
2 loans submitted by each of the other three co-conspirators, in return for helping prepare and submit the  
3 fraudulent loan applications.

4 25. In furtherance of their conspiracy to defraud, the defendants in total submitted four  
5 fraudulent PPP loan applications. The submission of each of these loan applications was an overt act in  
6 furtherance of the conspiracy.

7 FTI'S \$1.07 Million PPP Loan

8 26. On or about August 6, 2020, FTI applied for a \$1,070,795.00 PPP loan through Bank 1.  
9 The loan application listed FRANK MOSLEY's home address in Oakland as the location of the business  
10 and listed REGINALD MOSLEY as the owner of the business. The application falsely stated that FTI  
11 had an average monthly payroll of \$428,318.00 and 49 employees. The application included a Form  
12 941 Employer's Quarterly Federal Tax Return for the second quarter (April, May, June) of 2020, which  
13 was supposedly filed with the IRS, that stated that FTI made wage payments to employees totaling  
14 \$1,195,413.00 during that period. The application also included a Form 940 Employer's Annual Federal  
15 Unemployment Tax Return for 2020, which was supposedly filed with the IRS, in which FTI estimated  
16 it would pay a total of \$4,781,652.00 to all employees during 2020. These Forms 940 and 941 were  
17 fraudulent. In fact, FTI paid no payroll taxes and reported no employees from January 1, 2019 through  
18 June 30, 2020.

19 27. On or about August 10, 2020, the \$1,070,795.00 PPP loan to FTI was approved and the  
20 proceeds were deposited into the FTI 6953 bank account. On that same day, FRANK MOSLEY  
21 transferred \$128,965.40 from the FTI 6953 account into a personal bank account. Activity in that  
22 account subsequent to August 10, 2020, revealed a pattern of activity that was not consistent with a  
23 company that has average monthly payroll of \$428,318.00. Instead of being used to pay any legitimate  
24 business expenses, the funds were used to make payments to credit cards held in the name of FRANK  
25 MOSLEY, multiple transfers to personal bank accounts of the MOSLEYS, and multiple transfers  
26 totaling to over \$450,000.00 to an investment account at Financial Services Company 1, for which  
27 FRANK MOSLEY and REGINALD MOSLEY are the two accountholders.

28 28. After receiving the loan proceeds, FRANK MOSLEY and REGINALD MOSLEY,

1 through FTI, filed false tax returns to cover up their fraudulent scheme. On or about November 9, 2020,  
2 FTI filed a Form 941 covering the 3rd Quarter of 2020 that reported that FTI had 49 employees and paid  
3 \$182,035.30 in wages during July, August, and September of 2020. On or about February 22, 2021, FTI  
4 filed a Form 941 covering the 4th Quarter of 2020 that reported that FTI had 50 employees and paid  
5 \$728,141.20 in wages during October, November, December of 2020. On or about February 8, 2021,  
6 FTI filed a Form 940 for 2020 that reported that FTI paid \$910,176.50 in wages during 2020. Each of  
7 these federal tax returns was fraudulent, as FTI did not have any legitimate employees during this time  
8 period.

9 29. In addition to the August 2020 PPP loan, FTI received approximately \$112,000 in  
10 fraudulent loan proceeds through other COVID-related loan programs.

11 MDK'S \$1.02 Million PPP Loan

12 30. On or about March 12, 2021, MDK applied for a \$1,018,709.00 PPP Loan from Bank 1.  
13 The loan application listed WILBORN as the owner of the business. The application falsely stated that  
14 MDK had 49 employees with an average monthly payroll of \$407,483.66. The application also  
15 contained false income tax returns, supposedly filed with the IRS and signed by WILBORN, asserting  
16 that MDK received \$5,678,414.00 in gross receipts during 2020 and paid a total of \$4,889,804.00 to all  
17 employees in 2020. In fact, MDK did not file any tax documents for this time period.

18 31. On or about March 19, 2021, the loan was approved and Bank 1 deposited \$1,018,709.00  
19 into the MDK 0258 bank account. After receiving the money, WILBORN used it for various personal  
20 expenses, wired \$152,700.00 to the FTI 6953 bank account belonging to FRANK MOSLEY and  
21 REGINALD MOSLEY (15% of the total loan amount), and transferred \$866,009.00 to the MDK 6201  
22 bank account.

23 32. After moving \$866,009.00 to the MDK 6201 account, WILBORN, with the aid of  
24 FRANK MOSLEY and REGINALD MOSLEY, began conducting payroll transactions through the  
25 MDK 6201 bank account using Payroll Company 1. The purpose of these payroll transactions was to  
26 disguise the fraudulent scheme and make it appear as though the PPP funds were actually being used to  
27 make payroll payments when they were not. The supposed MDK "employees" that were paid through  
28 the Payroll Company 1 platform were WILBORN's family members and others connected to FRANK

1 MOSLEY and REGINALD MOSLEY. In fact, 43 of the 53 MDK employees that entered into the  
2 MDK account at Payroll Company 1 and were supposedly paid wages by MDK through Payroll  
3 Company 1 were listed as having the home address of a P.O. Box in Oakland, California, that was  
4 registered to FRANK MOSLEY.

5 ABCG's \$500,000 PPP Loan

6 33. On or about February 25, 2021, ABCG applied for a \$500,000.00 PPP Loan from Bank 1.  
7 The application listed BOREN as the owner of the business. The application falsely stated that ABCG  
8 had 25 employees with an average monthly payroll of \$200,000.00. The application also contained false  
9 income tax returns, supposedly filed with the IRS and signed by BOREN, asserting that ABCG received  
10 \$2,689,151.00 in gross receipts during 2020 and that ABCG paid a total of \$2,400,000.00 to all  
11 employees in 2020. In fact, ABCG did not file any tax documents for this time period.

12 34. On or about March 22, 2021, the loan was approved and Bank 1 deposited \$500,000.00  
13 into the ABCG 3752 bank account. In the days that followed, BOREN used these funds to pay for  
14 various personal expenses and wired \$75,000.00 to the FTI 6953 bank account belonging to FRANK  
15 MOSLEY and REGINALD MOSLEY.

16 CTES's \$380,000 PPP Loan

17 35. On or about March 4, 2021, CTES applied for a \$380,000.00 PPP Loan from Bank 1.  
18 The application listed CONWAY as the owner of the business. The application falsely stated that CTES  
19 had 19 employees with an average monthly payroll of \$152,000.00. The application also contained false  
20 income tax returns, supposedly filed with the IRS and signed by CONWAY, asserting that CTES  
21 received \$2,184,444.00 in gross receipts during 2020 and that CTES paid a total of \$1,824,000.00 to all  
22 employees in 2020. In fact, CTES did not file any tax documents for this time period.

23 36. On or about March 15, 2021, the loan was approved and Bank 1 deposited \$380,000.00  
24 into the CTES 0567 bank account. In the days that followed, CONWAY used these funds to pay for  
25 various personal expenses and wired \$57,000.00 to the FTI 6953 bank account belonging to FRANK  
26 MOSLEY and REGINALD MOSLEY.

27 COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Bank Fraud)

28 37. The factual allegations in Paragraphs 1 through 36 are re-alleged and incorporated herein

as if set forth in full.

38. Beginning on a date unknown but no later than on or about July 2, 2020, and continuing to a date unknown, but to at least on or about September 30, 2021, in the Northern District of California and elsewhere, the defendants,

FRANK MOSLEY,  
REGINALD MOSLEY,  
MARCUS WILBORN,  
AARON BOREN, and  
SCOTT CONWAY,

and others known and unknown to the United States Attorney, did knowingly conspire to devise and intend to devise a material scheme and artifice to defraud, and to obtain money and property from a federally insured financial institution by means of materially false and fraudulent pretenses, representations, and promises, and by omissions and concealment of material facts, in violation of Title 18, United States Code, Section 1344.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO: (26 U.S.C. § 7206(2) – Aiding and Advising False Tax Returns)

39. The factual allegations in Paragraphs 1 through 38 of this Information are re-alleged and incorporated as if fully set forth here.

40. On or about February 8, 2021, in the Northern District of California and elsewhere, the defendants

FRANK MOSLEY and  
REGINALD MOSLEY

did willfully aid and assist in, procure, counsel, and advise the preparation and presentation to the Internal Revenue Service of a U.S. Federal Income Tax Return, Form 940, for FTI, for calendar year 2020, which return was false and fraudulent as to a material matter, in that it contained false employee and payroll tax figures, whereas the defendants FRANK MOSLEY and REGINALD MOSLEY then and there knew that the employee numbers and payroll tax figures included on the return were false, in violation of Title 26, United States Code, Section 7206(2).

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and (b)(1) & 28 U.S.C. § 2461(c) – Criminal Forfeiture)

41. All of the allegations contained in this Information are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and (b)(1) and Title 28, United States Code, Section 2461(c).

42. Upon a conviction for the offenses alleged in Count One of this Information, the defendants,

FRANK MOSLEY,  
REGINALD MOSLEY,  
MARCUS WILBORN,  
AARON BOREN, and  
SCOTT CONWAY,

shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and (b)(1) and 28 U.S.C. § 2461(c) all property constituting, and derived from, proceeds the defendant obtained directly and indirectly, as the result of those violations.

43. If any of the aforementioned property, as a result of any act or omission of defendant –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 that cannot be divided without difficulty;

any and all interest the defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to 21 U.S.C. § 853p, as incorporated by 18 U.S.C. § 982(b)(1).

All in violation of Title 18, United States Code, Section 981(a)(1)(C) and (b)(1), Title 28, United States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: May 3, 2023

ISMAIL J. RAMSEY  
United States Attorney

/s/ Abraham Fine  
ABRAHAM FINE  
Assistant United States Attorney