UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-80141-Cr-Middlebrooks/Matthewman
18 U.S.C. § 1343
18 U.S.C. § 982(a)(2)

UNITED STATES OF AMERICA

v.

EMMANUEL BULLY, JR.,

Defendant.
___________________________________/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

The Small Business Administration

1. 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 by assisting in the economy recovery of communities after disasters.

The Economic Injury Disaster Loan Program

2. The Economic Injury Disaster Loan ("EIDL") program was an SBA program that existed before the COVID-19 pandemic to provide low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

3. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans who are suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization for the SBA to provide EIDLs of up to $2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic.

4. In order to obtain an EIDL, a qualifying business was required to submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDLs for COVID-19 relief, the 12-month period preceding January 31, 2020. The applicant was further required to "review and check all of the following" statements, which included a statement that the "Applicant is not engaged in any illegal activity (as defined by Federal guidelines)." If the applicant was "unable to check all of the" certifications, the "Applicant [was] not an Eligible Entity." The applicant was further required to certify that all of the information in the application was true and correct to the best of the applicant's knowledge.

5. EIDL applications were submitted directly to the SBA and processed by the SBA with support from a government contractor. The amount of the loan was determined based, in part, on the information provided in the application concerning the number of employees, gross revenues, and cost of goods sold. Any EIDL funds were issued directly by the SBA.

The Paycheck Protection Program

6. Another source of relief provided through the CARES Act was the authorization of forgivable loans to businesses for job retention and certain other expenses, through a program called the Paycheck Protection Program ("PPP").

7. The PPP allowed qualifying small businesses and other organizations to receive PPP loans. Businesses were required to use PPP loan proceeds on 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 on payroll expenses.

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

9. 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 to be eligible to obtain the PPP loan. In the PPP loan application, the small business (through its authorized representative) was required to state, among other things, its average monthly payroll expenses and 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 were required to provide documentation confirming their payroll expenses.

10. A PPP loan application was processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own funds. While a participating lender issued the PPP loan, the loan was 100% guaranteed by the SBA.

Relevant Entities

11. MB Tax Services LLC was purportedly a corporation controlled by the Defendant with a principal address in Plant City, Florida.

12. MB Tax Consultants LLC was purportedly a corporation controlled by the Defendant with a principal address in Delray Beach, Florida.

13. Emmanuel B was purportedly a sole proprietorship controlled by the Defendant with a principal address in Boynton Beach, Florida.

14. MB Tax Services Consultants was purportedly a corporation controlled by the Defendant with a principal address in Delray Beach, Florida.

15. Bank of America was a financial institution that was headquartered in Charlotte, North Carolina. Bank of America was an approved SBA lender of PPP loans.

COUNTS 1-6
Wire Fraud
(18 U.S.C. § 1343)

1. The General Allegations section of this Indictment is re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around April 2020, and continuing through in or around October 2021, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

EMMANUEL BULLY, JR.,

did knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Sections 1343 and 2.

Purpose of the Scheme and Artifice

It was the purpose of the scheme and artifice for the Defendant to unlawfully enrich himself by, among other things, submitting and causing the submission of false and fraudulent applications for EIDL and PPP loans and diverting the proceeds of those loans for the personal use and benefit of the Defendant and to further the scheme and artifice.

The Scheme and Artifice

The manner and means by which **EMMANUEL BULLY, JR.** sought to accomplish the purpose of the scheme and artifice included, among others, the following:

1. On or about April 29, 2020, the Defendant submitted, and caused the submission of, a false and fraudulent PPP loan application on behalf of MB Tax Services Consultants. In the PPP application, the Defendant falsely represented the corporation's average monthly payroll.

2. As a result of the false and fraudulent PPP application, Bank of America approved and funded the PPP loan for MB Tax Services Consultants. On or about May 13, 2020, Bank of America transferred approximately $20,835.00 to a bank account controlled by the Defendant.

3. On or about May 6, 2020, the Defendant submitted, and caused the submission of, a false and fraudulent PPP loan application on behalf of MB Tax Consultants LLC. In the PPP application, the Defendant falsely represented the corporation's average monthly payroll.

4. As a result of the false and fraudulent PPP application, Bank of America approved and funded the PPP loan for MB Tax Consultants LLC. On or about May 14, 2020, Bank of America transferred approximately $62,500.00 to a bank account controlled by the Defendant.

5. On or about May 22, 2020, the Defendant submitted and caused to be submitted to the SBA, via interstate wire communications, a false and fraudulent EIDL application for MB Tax Services, LLC. In the EIDL application, the Defendant falsely represented the corporation's gross revenues.

6. As a result of the false and fraudulent application, the SBA approved the EIDL.

7. In reliance on the false representations made in the EIDL application for MB Tax Services LLC, on or about May 26, 2020, the SBA deposited an EIDL loan for $36,900 into the bank account controlled by the Defendant.

8. On or about June 19, 2020, the Defendant submitted and caused to be submitted to the SBA, via interstate wire communications, a false and fraudulent EIDL application for MB Tax Consultants LLC. In the EIDL application, the Defendant falsely represented the corporation's gross revenues.

9. As a result of the false and fraudulent application for MB Tax Consultants LLC, the SBA approved the EIDL.

10. In reliance on the false representations made in the EIDL application for MB Tax Consultants LLC, on or about June 23, 2020, the SBA deposited an EIDL loan for $134,400 into the bank account controlled by the Defendant.

11. On or about July 17, 2020, the Defendant submitted and caused to be submitted to the SBA, via interstate wire communications, a false and fraudulent EIDL application for

Emmanuel B. In the EIDL application, the Defendant falsely represented the corporation's gross revenues.

12. As a result of the false and fraudulent application for Emmanuel B, the SBA approved the EIDL.

13. In reliance on the false representations made in the EIDL application for Emmanuel B, on or about July 21, 2020, the SBA deposited an EIDL loan for $47,800 into the bank account controlled by the Defendant.

14. On or about September 27, 2021, the Defendant submitted and caused to be submitted to the SBA, via interstate wire communications, a false and fraudulent EIDL application for MB Tax Services LLC. In the EIDL application, the Defendant falsely represented the corporation's gross revenues.

15. As a result of the false and fraudulent application, the SBA approved the EIDL.

16. In reliance on the false representations made in the EIDL application for MB Tax Services LLC, on or about October 4, 2021, the SBA deposited an EIDL loan for $189,800 into the bank account controlled by the Defendant.

17. The Defendant spent much of the EIDL and PPP loan proceeds for his personal use and benefit, not for payroll costs, interest on mortgages, rent, or utilities.

USE OF WIRES

16. On or about the dates specified below, in the Southern District of Florida, and elsewhere, **EMMANUEL BULLY, JR.**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and

cause to be transmitted in interstate commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as described below:

Count	Approx. Date	Description of Wire
1	April 29, 2020	Electronic transmission of a PPP Loan Application for MB Tax Services Consultants, causing a wire transmission from the Southern District of Florida to outside of the State of Florida
2	May 6, 2020	Electronic transmission of a PPP Loan Application for MB Tax Consultants LLC, causing a wire transmission from the Southern District of Florida to outside of the State of Florida
3	May 22, 2020	Electronic transmission of an EIDL application containing false information about MB Tax Services LLC, causing a wire transmission from the Southern District of Florida to outside of the State of Florida
4	June 19, 2020	Electronic transmission of an EIDL application containing false information about MB Tax Consultants LLC, causing a wire transmission from the Southern District of Florida to outside of the State of Florida
5	July 17, 2020	Electronic transmission of an EIDL application containing false information about Emmanuel B, causing a wire transmission from the Southern District of Florida to outside of the State of Florida
6	September 27, 2021	Electronic transmission of an EIDL application containing false information about MB Tax Services LLC, causing a wire transmission from the Southern District of Florida to outside of the State of Florida

In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which any of the defendant, **EMMANUEL BULLY, JR.**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1343, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon conviction of a violation of Title 18, United States Code, Section 1343 affecting a financial institution, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from, proceeds obtained directly or indirectly, as a result of such offense, pursuant to Title 18, United States Code, Section 982(a)(2).

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

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

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

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

d. has been substantially diminished in value; or

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

the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(c) and 982(a)(2), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

Anthony W. Lacosta for

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

SHANNON SHAW
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA **CASE NO.:** ______________________

v.

EMMANUEL BULLY, JR.

______________________/
Defendant.

CERTIFICATE OF TRIAL ATTORNEY

Court Division (select one)
☐ Miami ☐ Key West ☐ FTP
☐ FTL ☒ WPB

Superseding Case Information:
New Defendant(s) (Yes or No) ______
Number of New Defendants ______
Total number of counts ______

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) No
   List language and/or dialect: ______
4. This case will take 6 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)		(Check only one)
I	☐ 0 to 5 days	☐ Petty
II	☒ 6 to 10 days	☐ Minor
III	☐ 11 to 20 days	☐ Misdemeanor
IV	☐ 21 to 60 days	☒ Felony
V	☐ 61 days and over	

6. Has this case been previously filed in this District Court? (Yes or No) No
   If yes, Judge ______ Case No. ______
7. Has a complaint been filed in this matter? (Yes or No) Yes
   If yes, Magistrate Case No. 23-mj-8415-WM
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
   If yes, Judge ______ Case No. ______
9. Defendant(s) in federal custody as of 08/16/2023
10. Defendant(s) in state custody as of ______
11. Rule 20 from the ______ District of ______
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No
15. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

By: ______________________
SHANNON SHAW
Assistant United States Attorney
FL Bar No. 92806

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EMMANUEL BULLY, JR.

Case No: ______________________

Counts # 1-6:

Wire Fraud

18 U.S.C. § 1343

* **Max. Term of Imprisonment:** 20 years
* **Mandatory Min. Term of Imprisonment (if applicable):** N/A
* **Max. Supervised Release:** 3 years
* **Max. Fine:** $250,000 fine or twice the value of the gross gain or loss, whichever is greater

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**