UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 3:22-cr-134-HLA-MCR

DESMOND DONDRE WILLIAMS

18 U.S.C. § 1349
18 U.S.C. §§ 1343 and 2

INDICTMENT

The Grand Jury charges:

COUNT ONE
(CONSPIRACY TO COMMIT WIRE FRAUD)

A. Introduction

At all times relevant to this Indictment:

1. Womply is a nationwide technology company that assisted businesses in accessing the Small Business Administration Paycheck Protection Program.

2. Womply utilized computer servers / data centers in Virginia and Oregon, as part of conducting nationwide business operations.

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.

4. The SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government-backed guarantees. In addition to traditional SBA funding programs, The CARES Act, established several new temporary programs and provided for the expansion of others to address the COVID-19 outbreak.

The Paycheck Protection Program

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

6. The PPP application process required interested applicants to electronically submit a Borrower Application Form, a SBA Form 2483. The application contained information as to the purpose of the loan, average monthly payroll, number of employees, and background of the business and its owner. Applicants were also required to make certain good faith certifications, including that economic uncertainties had necessitated their loan requests for continued

business operations, and that they intended to use loan proceeds only for the authorized purposes.

7. Further, when submitting the SBA Form 2483, the authorized representative certified his understanding that, should the PPP funds be knowingly used for unauthorized purposes, the United States could hold him legally liable, including for charges of fraud. The applicant was also required to certify the truth and accuracy of any information provided on the SBA Form 2483 and in all supporting documents, to include any documents intended to verify the applicant's payroll expenses. The applicant was required to certify an understanding that knowingly making a false statement to obtain a guaranteed loan from the SBA is punishable under the law and subject to criminal penalties.

B. <u>The Conspiracy</u>

8. Beginning on an unknown date, but not later than in or about April 2021, and continuing through and including in or about June 2021, in the Middle District of Florida, and elsewhere, the defendant,

DESMOND DONDRE WILLIAMS,

did knowingly and willfully combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to execute and attempt to execute a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, by transmitting and causing to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, visual pictures, and sounds, for the purpose of executing the scheme and artifice to defraud, in violation of 18 U.S.C. § 1343.

C. Manner and Means of the Conspiracy

9. The manner and means by which the conspirators carried out the conspiracy and scheme and artifice to defraud included, among other things, the following:

a. It was part of the conspiracy that Williams and his conspirator communicated about how Williams could apply for PPP loans to which he was not entitled;

b. It was further a part of the conspiracy that Williams provided his conspirator with his name, date of birth, and Social Security number for purposes of applying for PPP loans to which he was not entitled;

c. It was further a part of the conspiracy that a fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" was created for purposes of applying for two PPP loans to which Williams was not entitled;

d. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as "Personal Chef";

e. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as materially participating in the operation of his business during 2020;

f. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as having Gross income for his business of $78,655;

g. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as having $1,022 in advertising expenses;

h. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as having $15,560 in supply expenses;

i. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as having $4,578 in travel expenses;

j. It was further a part of the conspiracy that when creating the fraudulent IRS Form 1040, Schedule C, "Profit or Loss From Business" it listed Williams as having $1,620 in utilities expenses;

k. It was further a part of the conspiracy that, in order to induce the SBA and SBA Participating Lenders to fund PPP loans for the non-existent business "Tastebudz", false and fraudulent loan applications that included multiple materially false and fraudulent representations and pretenses, were submitted on-line for purposes of applying for two PPP loans to which Williams was not entitled;

l. It was further a part of the conspiracy that Williams and his conspirator would and did cause two SBA Participating Lenders to send fraudulently-obtained PPP loan proceeds via wire transfers to a bank account controlled by Williams;

m. It was further a part of the conspiracy that Williams would and did retain fraud proceeds for his personal enrichment; and

n. It was further a part of the conspiracy that Williams and his conspirator would and did perform acts, and make statements to promote and achieve the object of the scheme and artifice and to misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, the purpose of the scheme and artifice and the acts committed in furtherance thereof.

All in violation of 18 U.S.C. § 1349.

COUNTS TWO AND THREE

A. Introduction

10. Part A of Count One of this Indictment is realleged and incorporated by reference, as if fully set forth herein.

B. Scheme and Artifice

11. Beginning on an unknown date, but not later than in or about April 2021, and continuing through and including in or about June 2021, in the Middle District of Florida, and elsewhere, the defendant,

DESMOND DONDRE WILLIAMS,

knowingly, willfully, and with intent to defraud, did devise and intend to devise and participate in, a scheme and artifice, to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. Manner and Means

12. Part C of Count One of this Indictment is realleged and incorporated by reference, as if fully set forth herein.

D. Wire Communications

13. On or about the dates set forth below in each count, in the Middle District of Florida, and elsewhere, for the purpose of executing the aforesaid scheme and artifice, and attempting to do so, the defendant,

DESMOND DONDRE WILLIAMS,

did knowingly transmit and cause to be transmitted by means of wire in interstate commerce the following:

Count	Date Submitted	On-line Electronic Submission of PPP Loan Application
TWO	April 14, 2021	PPP Borrower Application Form for Tastebudz dated April 14, 2021, in the amount of $16,386, submitted to Womply
THREE	April 17, 2021	PPP Borrower Application Form for Tastebudz dated April 17, 2021, in the amount of $22,941, submitted to Womply

All in violation of 18 U.S.C. §§ 1343 and 2.

FORFEITURE

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

2. Upon conviction of a violation of 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349, and/or upon conviction of a violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

3. The property to be forfeited includes, but is not limited to, the sum of $39,327, which represents the proceeds of the offenses.

4. If any of the property described above, as a result of any act or omission of the defendant:

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

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

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

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

[redacted]

Foreperson

ROGER B. HANDBERG
United States Attorney

By: Kevin C. Frein

KEVIN C. FREIN
Assistant United States Attorney

By:

FRANK M. TALBOT
Assistant United States Attorney
Chief, Jacksonville Division

FORM OBD-34
10/11/22 Revised

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

DESMOND DONDRE WILLIAMS

INDICTMENT

Violations: CT 1: 18 U.S.C. § 1349
CTs 2-3: 18 U.S.C. §§ 1343 and 2

A true bill, [redacted]

Foreperson

Filed in open court this 13th day

of October, 2022.

Clerk

Bail $____________________