

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-CR-60003-WILLIAMS

UNITED STATES OF AMERICA

v.

ERNEST BERNARD GONDER JR.,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon motion of the United States of America (the “United States”) for entry of a Preliminary Order of Forfeiture (“Motion”) against Defendant Ernest Bernard Gonder Jr. (the “Defendant”). The Court has considered the Motion, is otherwise advised in the premises, and finds:

On January 5, 2024, the United States filed an Information charging the Defendant in Counts 1 and 2 with wire fraud in violation of 18 U.S.C. § 1343. Information, ECF No. 1. The Information also contained forfeiture allegations. *See id.* at 7.

On March 7, 2024, the Court accepted the Defendant’s guilty plea to Counts 1 and 2 of the Information. *See* Minute Entry, ECF No. 10; Plea Agreement ¶ 10, ECF No. 12. As part of the guilty plea, the Defendant agreed to a forfeiture money judgment in the amount of \$168,248.41 and the forfeiture of the real property located at 1621 NW 2nd Ave., Pompano Beach, Florida 33060-5217 in satisfaction thereof. Specifically, among other provisions in the Plea Agreement, the Defendant agreed:

10. The defendant agrees, in an individual and any other capacity, to forfeit to the United States, voluntarily and immediately, any right, title, and interest to any property constituting, or derived from, proceeds obtained, directly or

indirectly, as a result of such violation, pursuant to Title 18, United States Code, Section 982(a)(2)(A). In addition, the defendant agrees to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p). The property subject to forfeiture includes, but is not limited to:

- a. forfeiture money judgment in the sum of \$168,248.41 in United States currency, which sum represents the value of the property subject to forfeiture; and
- c. substitute property, including, but not limited to, the real property located at 1621 NW 2nd Ave., Pompano Beach, Florida 33060-5217.

Plea Agreement ¶ 10.

In support of the guilty plea, the Defendant executed a Factual Proffer, and the Court found that there was a factual basis to support the Defendant's conviction. *See* Factual Proffer, ECF No. 11. The Factual Proffer also provided a basis for the forfeiture of property. *See id.* at 4.

From April 2021 to July 2021, the defendant submitted false and fraudulent applications for Paycheck Protection Program loans through the Small Business Administration and applications for forgiveness of these loans. *Id.* at 1-2. The applications contained false and fraudulent information as to the borrower's average monthly payroll and number of employees. *Id.* Both loans were ultimately paid and forgiven, resulting in the government suffering an actual loss of \$168,248.41. *Id.* at 4.

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the Motion is **GRANTED**, and it is hereby **ORDERED**:

1. Pursuant to 18 U.S.C. § 982(a)(2)(A), 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of \$168,248.41 is hereby entered against the Defendant.

2. Pursuant to 21 U.S.C. § 853(p), the following substitute property is hereby forfeited and vested in the United States of America:

- i. Real property located at 1621 NW 2nd Ave., Pompano Beach, Florida 33060-5217, including all buildings, fixtures, appurtenances, improvements, attachments and easements found therein or thereon,

Also known as: KENDALL GREEN SEC A 43-49 B LOT 13 BLK 2

Parcel Identification No. 484226060300.

3. Any duly authorized law enforcement agency may seize and take possession of the forfeited property according to law.

4. The United States shall send and publish notice of the forfeiture in accordance with Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n).

5. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

6. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

7. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

It is further **ORDERED** that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture as to the property in which all interests will be addressed. Upon notice from the United States that no claims have been filed within 60 days of the first day of publication or within 30 days of receipt of notice, whichever is earlier, then, pursuant to Rule

32.2(c)(2) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(7), this Order shall become a Final Order of Forfeiture and any duly authorized law enforcement agency shall dispose of the property in accordance with applicable law.

DONE AND ORDERED in Miami, Florida, this 19th day of March 2024.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE