UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. Case No. 8:21-cr-370-CEH-JSS

BRIDGITTE KEIM

UNITED STATES' MOTION
FOR ORDER OF FORFEITURE

Pursuant to 18 U.S.C. § 982(a)(2)(A) and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States of America hereby files this motion for an order of forfeiture against the defendant in the amount of $7,500, representing the amount of proceeds she obtained as a result of her bank fraud scheme, charged in Count One of the Information.

The United States further asks that, in accordance with her Plea Agreement (Doc. 5 at 9), the order of forfeiture become final as to the defendant at the time it is entered. In support of its motion, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

A. Allegations Against the Defendant

1. The defendant was charged in an Information with one count of a bank fraud scheme, in violation of 18 U.S.C. §§ 1344 and 2. Doc. 1.

2. The Information also contained forfeiture allegations putting the defendant on notice that, pursuant to 18 U.S.C. § 982(a)(2)(A), among others, the United States would seek an order of forfeiture in the amount of approximately $7,500, representing the proceeds obtained from the offenses. *Id.* at 7.

B. Finding of Guilt and Admissions of Fact

3. On January 5, 2022, the defendant pled guilty to Count One of the Information before United States Magistrate Judge Julie S. Sneed, who recommended that the defendant's guilty plea be accepted. Docs. 12, 14. On January 25, 2022, United States District Judge Charlene Edwards Honeywell accepted the defendant's plea and adjudicated her guilty. Doc. 17. The defendant's sentencing is currently set for April 8, 2022.

4. On pages 17 through 21 of her Plea Agreement (Doc. 5), the defendant admitted, among other things, that from at least in or around April 2021 and continuing through July 2021, the defendant engaged in a scheme to defraud the United States Small Business Administration (SBA) by obtaining money under the control of Bank 1, by fraudulent pretenses. Specifically, the defendant recruited family members and friends to participate in the SBA Paycheck Protection Program (PPP) which was a loan program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act that provided the authorization of forgivable loans to small businesses for job retention and certain other expenses.

As part of the bank fraud scheme, the defendant (1) told her family members and friends that she would prepare all necessary PPP loan paperwork knowing full well that the vast majority of the applicants did not have existing businesses, (2) created fictitious businesses for the individuals she recruited in order for the applicants to purportedly qualify for SBA guaranteed PPP loans at Bank 1 (3) created email addresses for the applicants she recruited for the purpose of submitting PPP documents to Bank 1 and communicating with Bank 1 loan officers to give the false appearance to the loan officers that they were communicating with the actual prospective borrower, not her, (4) prepared and submitted to Bank 1 fraudulent PPP loan applications and supporting financial information on behalf of relatives or friends containing material false, fraudulent, and misleading statements in order to qualify the individuals she recruited, (5) made material false, fraudulent, and misleading statements to Bank 1 and the SBA related to the use of the PPP funds in multiple PPP loan applications she submitted on behalf of her relatives, (6) sent text messages containing the names of the fictitious businesses, false financial information, and the email addresses she created to the relatives she recruited so that these individuals could answer any questions from bank employees about the loan applications, and (7) used the PPP funds for unauthorized purposes and for her own personal enrichment.

For example, the defendant recruited her relative, G.H., to participate in her bank fraud scheme, wherein she told G.H. that she would handle all of the paperwork to file for "COVID money," and in return she would get half of whatever money G.H. qualified for. Based on the defendant's materially false statements in the PPP loan application, Bank 1 approved and funded a PPP loan in the name of G.H. Subsequently, on March 25, 2021, the defendant diverted $7,500 in G.H.'s PPP loan proceeds to her personal account at Bank 1.

C. Admissions Relating to Forfeiture

5. In paragraph 12 of her Plea Agreement, pursuant to 18 U.S.C. § 982(a)(2)(A), the defendant agreed to forfeit at least $7,500, which she agreed represents the proceeds she obtained from the offense. Doc. 5 at 8. The defendant further admitted that as a result of the acts and omissions of the defendant, the proceeds have been transferred to third parties and cannot be located by the United States upon the exercise of due diligence. *Id*.

II. Applicable Law

The United States is entitled to an order of forfeiture against the defendant, pursuant to 18 U.S.C. § 982(a)(2)(A), which provides for the forfeiture of any property which constitutes, or is derived from, proceeds obtained directly or indirectly, as a result of a violation of 18 U.S.C. § 1344 (bank fraud).

For cases in which a defendant no longer has the actual dollars or property traceable to proceeds in her possession, or the government cannot locate those assets, the obligation to forfeit simply takes the form of an order of forfeiture in favor of the United States. *See United States v. Padron*, 527 F.3d 1156, 1161-62 (11th Cir. 2008).

Rule 32.2(b)(1) provides that, where the government seeks an order of forfeiture, the Court must determine the amount of money that the defendant will be ordered to pay.

The defendant admitted that she has dissipated the criminal proceeds that she obtained from her offense. Doc. 5 at 8. Because the United States could not locate the specific property constituting or derived from the proceeds the defendant obtained from her bank fraud scheme, the United States seeks an order of forfeiture against the defendant in the amount of $7,500, pursuant to Rule 32.2(b)(2). As the defendant has agreed, she obtained $7,500 in proceeds as a result of her bank fraud scheme. If the Court finds that at least $7,500 was obtained by the defendant, and that she has dissipated those proceeds, then it is appropriate for the Court to enter an order of forfeiture against the defendant in that amount pursuant to Rule 32.2(b)(2).

III. <u>Conclusion</u>

For the reasons stated above, the United States requests that, pursuant to 18 U.S.C. § 982(a)(2)(A) and Rule 32.2(b)(2), the Court enter an order of forfeiture against the defendant in the amount of $7,500, for which she will be held liable.

The United States further requests that, because the $7,500 in proceeds was dissipated by the defendant, the United States may seek, as a substitute asset, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), forfeiture of any of the defendant's property up to the value of $7,500.

The United States further requests that, in accordance with her Plea Agreement (Doc. 5 at 9), the order of forfeiture become final as to the defendant at the time it is entered.

As required by Federal Rule of Criminal Procedure 32.2(b)(4)(B), the United States requests that the Court include the forfeiture when orally pronouncing the sentence and in the judgment. *See* Fed. R. Crim. P. 32.2(b)(4)(B) and *United States v. Kennedy*, 201 F.3d 1324, 1326 (11th Cir. 2000).

The United States further requests that the Court retain jurisdiction to address any third party claim that may be asserted in these proceedings, to enter any further order necessary for the forfeiture and disposition of such property, and to order any substitute assets forfeited to the United States up to the amount of the order of forfeiture.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney