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ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

21-60293-CR-DIMITROULEAS/SNOW

Case No.

18 U.S.C. § 371
18 U.S.C. § 982

UNITED STATES OF AMERICA

vs.

EDWARD MOISE,

Defendant.

/

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

The Paycheck Protection Program

1. 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 of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP").

2. In order to obtain a PPP loan, a qualifying business submitted 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 in order to be eligible to obtain the PPP loan. In the PPP

loan application (Small Business Administration ("SBA") Form 2483), the small business (through its authorized representative) was required to provide, among other things, its: (a) average monthly payroll expenses; and (b) number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP.

3. 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 monies. While it was the participating lender that issued the PPP loan, the loan was 100% guaranteed by the SBA. Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

4. PPP loan proceeds were required to be used by the business on certain permissible expenses—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 defined portion of the PPP loan proceeds on payroll expenses.

<u>The Financial Institutions</u>

5. Bank 1 was a financial institution based in Salt Lake City, Utah, that was insured by the Federal Deposit Insurance Corporation ("FDIC"). Bank 1 was an approved SBA lender of PPP loans.

6. Bank 2 was a financial institution based in Fort Lee, New Jersey, that was insured by the FDIC. Bank 2 was an approved SBA lender of PPP loans.

7. Bank 3 was a financial institution based in San Francisco, California, that was insured by the FDIC.

8. Bank 4 was a financial institution based in Charlotte, North Carolina, that was insured by the FDIC.

9. Bank Processor 1 was a third-party company processor, based in Redwood City, California, that processed PPP loan applications through a server located in Northern Virginia for Bank 1 and Bank 2. Small businesses seeking PPP loans could apply electronically through Bank Processor 1 for PPP loans. Bank Processor 1 would review the loan application and, if approved, a partner bank disbursed the loan funds to the applicant.

<u>The Defendant, Related Entities, and Individuals</u>

10. Moise Logistics Group, LLC ("MLG") was a Florida limited liability company with its listed principal address in Lauderhill, Florida.

11. **EDWARD MOISE**, a resident of Broward County, Florida, was a manager of MLG.

12. Commercial Multi Services, Inc. ("CMS") was a Florida corporation with its listed principal address in Fort Lauderdale, Florida.

13. Wally Dorlus, a resident of Broward County, Florida, was a registered tax preparer, and, at all relevant times, was an officer or director of CMS.

14. Brothers Spirits Corp. ("BSC") was a Florida corporation with its listed principal address in Miami Beach, Florida.

15. Roberto Geronimo, a resident of Miami Gardens, Florida, was the president and 100% owner of BSC.

16. Marcgenson Marc was a resident of Broward County, Florida.

CONSPIRACY (BANK FRAUD)
(18 U.S.C. § 371)

From in or around May 2020, through in or around August 2020, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

EDWARD MOISE,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Wally Dorlus, Roberto Geronimo, Marcgenson Marc, and with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly, and with the intent to defraud, execute, and cause the execution of, a scheme and artifice to defraud one or more financial institutions, which scheme and artifice would employ a material falsehood, and to knowingly, and with intent to defraud, execute, and cause the execution of, a scheme and artifice to obtain moneys and funds owned by, and under the custody and control of, one or more financial institutions, by means of materially false and fraudulent pretenses, representations, and promises relating to a material fact, in violation of Title 18, United States Code, Sections 1344(1) and (2).

PURPOSE OF THE CONSPIRACY

17. It was the purpose of the conspiracy for the defendant and his co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications for loans and grants made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including PPP loans; (b) offering, paying, and receiving kickbacks in return for referring other individuals for the submission of false and fraudulent loan applications; and (c) diverting fraud proceeds for the defendants' and co-conspirators' personal use, the use and benefit of others, and to further the fraud.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

18. **EDWARD MOISE**, Wally Dorlus, Roberto Geronimo, Marcgenson Marc, and other co-conspirators submitted and caused the submission of fraudulent PPP loan applications to Bank 1 and Bank 2 for MLG, BSC, and other entities, via interstate wire communications, through Bank Processor 1's online portal.

19. The PPP loan applications submitted and caused to be submitted by **EDWARD MOISE**, Wally Dorlus, Roberto Geronimo, Marcgenson Marc, and other co-conspirators included falsified payroll-tax forms, and falsely and fraudulently represented the borrowing entities' number of employees and amount of monthly payroll, all intended to make it appear that the applicants qualified for the PPP loan program and were supposedly entitled to loans in excess of what they otherwise may have been entitled under the PPP program.

20. **EDWARD MOISE**, Roberto Geronimo, Marcgenson Marc, and other co-conspirators recruited co-conspirators to submit additional fraudulent PPP loan applications, often in exchange for kickbacks from the proceeds received through the fraudulently obtained PPP loans.

21. As a result of the false and fraudulent PPP loan applications submitted to Bank Processor 1 as part of this scheme, Bank 1 and Bank 2 disbursed millions of dollars in PPP loan proceeds to depository accounts held by MLG, BSC, and other accomplices and co-conspirators.

22. **EDWARD MOISE**, Roberto Geronimo, and other co-conspirators paid Wally Dorlus and Marcgenson Marc kickbacks in exchange for facilitating and obtaining fraudulent PPP loans.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its object and purpose, at least one of the co-conspirators committed and caused to be committee, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about June 3, 2020, Marcgenson Marc sent **EDWARD MOISE** a text message that said: "Ok perfect & I got something for you regarding PPP.. call me."

2. On or about June 3, 2020, Marcgenson Marc sent **EDWARD MOISE** a WhatsApp message that said:

> Here's what I need from you.
> DRIVER LICENSE FRONT AND BACK
> FEBRUARY BANK STATEMENT
> BUSINESS EIN#
> BUSINESS NAME
> INCORPORATED DATE
> SS#
> CONTACT#
> AND AN EMAIL
> and how much do you want me to try and get for you.

3. On or about June 9, 2020, **EDWARD MOISE** sent a WhatsApp message to Marcgenson Marc with the requested information about MLG to apply for a PPP loan:

> Moise logistics Group, LLC
> EIN# [REDACTED]
> Opened 11/05/12
> SS# [REDACTED]
> Ph: [REDACTED]
> Email: [REDACTED]
> 6 employees
> Looking for 750k for new trucks and payoff the old trucks.

4. On or about June 14, 2020, Roberto Geronimo sent **EDWARD MOISE** a WhatsApp message that attached a February 2020 bank statement for BSC.

5. On or about June 14, 2020, **EDWARD MOISE** sent Marcgenson Marc a WhatsApp message that attached the February 2020 bank statement for BSC.

6. On or about June 14, 2020, **EDWARD MOISE** sent Marcgenson Marc a WhatsApp message with the requested information about BSC to apply for a PPP loan:

> BUSINESS EIN#[REDACTED]
> BUSINESS NAME: Brothers spirits corp.

INCORPORATED DATE: 10/19/2017
SS#[REDACTED]
CONTACT#[REDACTED]
EMAIL: [REDACTED]
400k 12 employees

7. On or about June 18, 2020, Wally Dorlus electronically submitted or caused to be submitted false and fraudulent documents on behalf of MLG to Bank 1 through Bank Processor 1's online portal, including false and fraudulent payroll-tax forms, falsely stating that MLG had a quarterly payroll in the approximate amount of $365,100, for 31 employees, to request a PPP loan in the approximate amount of $175,022 for MLG.

8. On or about June 18, 2020, Wally Dorlus electronically submitted or caused to be submitted false and fraudulent documents on behalf of BSC to Bank 2 through Bank Processor 1's online portal, including false and fraudulent payroll-tax forms, falsely stating that BSC had a quarterly payroll in the approximate amount of $375,400, for 12 employees, to request a PPP loan in the approximate amount of $249,990 for BSC.

9. On or about June 19, 2020, an account at Bank 3 ending in -1515 in the name of MLG received fraudulent PPP loan proceeds in the approximate amount of $175,022 from Bank 1.

10. On or about June 19, 2020, an account at Bank 3 ending in -1104 in the name of BSC received fraudulent PPP loan proceeds in the approximate amount of $249,990 from Bank 2.

11. On or about June 19, 2020, Roberto Geronimo caused a cashier's check in the approximate amount of $63,497, drawn on an account at Bank 3 account ending in -1104 in the name of BSC, to be issued to **EDWARD MOISE**.

12. On or about June 19, 2020, **EDWARD MOISE** caused the cashier's check in the approximate amount of $63,497, drawn on an account at Bank 3 account ending in -1104 in the

name of BSC, to be deposited into an account at Bank 3 ending in -1515 in the name of MLG.

13. On or about June 19, 2020, **EDWARD MOISE** caused a cashier's check in the approximate amount of $42,501, drawn on an account at Bank 3 ending in -1515 in the name of MLG, to be issued to CMS.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS

1. The allegations contained in this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of certain property in which the defendant, **EDWARD MOISE**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 371, as alleged in this Information, the defendant shall forfeit to the United States any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation pursuant to Title 18, United States Code, Section 982(a)(2)(A).

3. If any of the property subject to forfeiture, 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 the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p),

4. All pursuant to Title 18, United States Code, Section 982(a)(7), 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).

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

STEPHANIE HAUSER
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

EDWARD MOISE,

Defendant. /

CASE NO.____________________

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)
☐ Miami ☐ Key West ☑ FTL
☐ WPB ☐ FTP

New defendant(s) ☐ Yes ☐ No
Number of new defendants ______
Total number of counts ______

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. Section 3161.
3. Interpreter: (Yes or No) No
   List language and/or dialect ______
4. This case will take 0 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 previously been filed in this District Court? (Yes or No) No
   If yes: Judge ______ Case No. ______
   (Attach copy of dispositive order)
   Has a complaint been filed in this matter? (Yes or No) No
   If yes: Magistrate Case No. ______
   Related miscellaneous numbers: ______
   Defendant(s) in federal custody as of ______
   Defendant(s) in state custody as of ______
   Rule 20 from the District of ______
   Is this a potential death penalty case? (Yes or No) No
7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) No
8. 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
9. 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

STEPHANIE HAUSER
Assistant United States Attorney
FLA Bar No. 92765

*Penalty Sheet(s) attached

REV 3/19/21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EDWARD MOISE

Case No: ______

Count #: 1

Conspiracy (Bank Fraud)

Title 18, United States Code, Section 371

* **Max. Penalty**: Five years' imprisonment

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

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF FLORIDA

United States of America
v.
EDWARD MOISE
Defendant

Case No.

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: 08/26/2021

Defendant's signature

FBN 981133
Signature of defendant's attorney

MICHAEL GOTTLIEB
Printed name of defendant's attorney

Judge's signature

Judge's printed name and title