UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-60293-CR-DIMITROULEAS

UNITED STATES OF AMERICA

v.

EDWARD MOISE,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon the United States of America's Unopposed Motion for Preliminary Order of Forfeiture ("Motion") (ECF No. 20) against Defendant EDWARD MOISE (the "Defendant"). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On October 26, 2021, the United States filed an Information charging the Defendant with conspiracy to commit bank fraud in violation of Title 18, United States Code, Section 371. Information, ECF No. 1. The Information also contained forfeiture allegations, which alleged that upon conviction of a violation of Title 18, United States Code, Section 371, 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). *See id.* at 8.

On December 3, 2021, the Court accepted the Defendant's guilty plea to the one-count Information charging the Defendant with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 371. *See* Minute Entry, ECF No. 10; Plea Agreement, ECF No. 11. As part of the guilty plea, among other provisions in the Plea Agreement, the Defendant agreed to the following:

> 13. 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 all property, real or personal, which constitutes or is derived from proceeds obtained directly or indirectly, as a result of the violation to which he is pleading guilty, 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 an amount to be determined later, which sum represents the value of the property subject to forfeiture; and (*sic*)"

Plea Agreement ¶13, ECF No. 11.

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. 12.

From in or around June 2020, through in or around November 2020, the Defendant participated in a scheme to submit and cause the submission of false and fraudulent applications for loans and grants made available through the Small Business Administration to provide relief for the economic effects caused by the COVID-19 pandemic, including Paycheck Protection Program ("PPP") loans and Economic Injury Disaster Loans ("EIDL"); paid and facilitated the payments of kickbacks in furtherance of the scheme; and received the proceeds from fraudulent PPP loans and EIDLs submitted on behalf of companies under his control. Factual Proffer 1.

The Defendant requested a PPP loan in the approximate amount of $175,022 purportedly to pay a monthly payroll of approximately $70,009 for 31 employees for a company in the name of MLG. *See id.* at 2. Four quarterly IRS Forms 941 for 2019 with identical figures were attached to the PPP loan application, which purported to report that MLG had 31 salaried employees and total quarterly wages of $365,100. *Id.* The Florida Department of Revenue records for MLG in 2019 and 2020, however, showed that MLG reported no employees and had paid $0 in wages in

2019 and 2020. *Id.* Although the Defendant did not review the MLG PPP loan application or supporting tax documents, the Defendant knew that the MLG PPP loan application contained false information about the payroll obligations of the Defendant's company MLG to obtain PPP loan funds in excess of what MLG would otherwise be entitled. *Id.* at 3.

On or about June 19, 2020, Bank #1, a financial institution insured by the Federal Deposit Insurance Corporation ("FDIC"), deposited approximately $175,022 in PPP funds into MLG's business account, for which the Defendant was an authorized signatory. *Id.* at 3. MLG's business bank account balance before receiving the PPP loan was approximately $188.89. *Id.*

Based on the record in this case, the total value of proceeds traceable to the offense of conviction is $175,022, which sum may be sought as a forfeiture money judgment pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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

1. Pursuant to 18 U.S.C. § 982(a)(2)(A), and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of $175,022 is hereby entered against the Defendant.

2. 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).

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

4. 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.

DONE AND ORDERED in Fort Lauderdale, Florida, this 15 day of March, 2022.

WILLIAM P. DIMITROULEAS
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record