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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. FRANK MOSLEY, Defendant.	NO. CR 23-0134-AMO DECLARATION OF AUSA ABRAHAM FINE IN SUPPORT OF UNITED STATES' SENTENCING MEMORANDUM

I, Abraham Fine, declare and state as follows:

1. I am currently employed as an Assistant United States Attorney in the Northern District of California.

2. I am counsel for the government in the above-captioned case and I have reviewed the information discussed below, which was obtained as part of the government's investigation.

3. On July 22, 2020, Frank Mosley ("Frank") and Reginald Mosley ("Reginald") texted back and forth regarding a fraudulent $103,000 EIDL for FTI.

4. On August 6, 2020, Frank and Reginald exchanged text messages about the amount of $1,070,795, the same amount as the FTI PPP loan. Specifically, Reginald texted Frank: "Just signed docs." Frank responded: "How much?" to which Reginald responded "1070795" (the exact amount of

FTI's PPP loan). Frank then responded "Cool. That's the number we working with? Banker gets 12% of that number?"

5. On August 6, 2020, Frank and Reginald texted about creating Forms 940 and 941 for Aaron Boren.

6. On August 10, 2020, after receiving the fraudulent PPP proceeds, Reginald texted Frank "shoot me a pic, I just have to see it." Frank responded by texting a picture of the PPP loan amount from the FTI bank account.

7. On August 16, 2020, Reginald provided Frank with the name, social security number, and account and routing number for a specific person with the instruction "Add [that person] to 1 of my slots. I will forward address."

8. On August 10, 2020, the same day FTI's $1,070,795 PPP loan was deposited into Wells Fargo account x6953, Frank conducted two withdrawals from the x6953 account in the amounts of $58,495.40 and $70,020.00. Frank's signature appears on both withdrawal slips, indicating that he is the person who conducted the transactions.

9. The Wells Fargo x6953 account in the name of FTI was set up at the Oakland City Center Wells Fargo branch, the statement mailing address was Frank's home address, and Frank was listed as the first "key executive" in control of the entity before Reginald.

10. The Wells Fargo Business Platinum Credit Card account for FTI listed Frank, not Reginald, as the sole cardholder for the account.

11. For the Gusto payroll account set up in the name of FTI (which account Frank set up), 12 of the 54 people listed had a home address of a P.O. Box in Oakland (a post office box in the name of Frank, not Reginald). Furthermore, for the Gusto payroll account set up in the name of MDK, 43 of the 53 people had a home address listed as Frank's P.O. Box.

12. For the Fidelity Investment account x3836, the physical address of the business was Frank's home address and the mailing address of the business was Frank's post office box. This account received over $400,000 in fraud proceeds and Frank, as joint owner of the account with Reginald, would have profited from this account had it not been frozen via seizure warrant and later forfeited.

13. On the Corporate Resolution for Fidelity Investment account x3836, while Reginald

appears as an "authorized individual," the only signature that appears on the document is Frank's.

14. In the months after FTI's PPP loan was deposited into the Wells Fargo x6953 account, a separate Citibank account x1657 held solely in the name of Frank received thousands of dollars in ACH transfers from the Wells Fargo x6953 account.

15. During execution of a search warrant at Frank's house on August 3, 2022, agents found individual physical file folders for the various subject companies, a pay/owe sheet related to PPP loans for the subject businesses, and multiple copies of tax returns created and filed for the subject companies. No such records were found at Reginald's house.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 29th day of April, 2024, in Oakland, California.

/s/ Abraham Fine
ABRAHAM FINE