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Kevin P. Weimer, Clerk
By: Jcc Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *v.* AUSTIN MARTIN SIAMPWIZI	Criminal Indictment No. 1:23-CR246 UNDER SEAL

THE GRAND JURY CHARGES THAT:

Count One

(Money Laundering Conspiracy – 18 U.S.C. § 1956(h))

1. Beginning on a date unknown, but from at least on or about March 4, 2020, and continuing through at least in or about May 2020, in the Northern District of Georgia and elsewhere, the Defendant, AUSTIN MARTIN SIAMPWIZI, did knowingly combine, conspire, confederate, agree, and have a tacit understanding with persons known and unknown to the Grand Jury, to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which involved the proceeds of specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that said transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and while conducting and attempting to conduct such financial transactions, knowing that the property involved in the financial transactions represented the proceeds of some form of

unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

Background

At all times relevant to this Indictment:

Defendant

2. AUSTIN MARTIN SIAMPWIZI was a Zambian-born naturalized citizen of the United States residing in the metro Atlanta area in the Northern District of Georgia.

Unemployment Insurance Program

3. The United States Department of Labor, Employment and Training Administration was a federal agency that provided oversight for the Federal-State Unemployment Insurance Program, which provided unemployment benefits to eligible workers who are unemployed through no fault of their own as determined under state law and who meet other state eligibility requirements. Unemployment Insurance payments, also known as benefits, are intended to provide temporary financial assistance to eligible workers.

4. The Employment Security Department of Washington State ("ESD") was the state agency that oversaw the Unemployment Insurance program in Washington State. Through this agency, unemployment benefits may be issued to Washington residents who are unemployed because of a nationwide pandemic, such as the COVID-19 pandemic.

5. In general, a person seeking unemployment benefits through the ESD

must complete an online application that includes, among other things, the claimant's name, date of birth, Social Security number, and the reason why the claimant is unemployed. To be eligible for benefits, the claimant must: (1) have been recently employed in the state of Washington in the past 12 to 18 months for a minimum of 680 hours; (2) be currently unemployed; (3) be able and available to work; and (4) be actively seeking suitable full-time employment.

6. In Washington, unemployment compensation funds are most often issued in the form of a direct deposit into the claimant's designated bank account or pre-paid debit card account.

The "CARES" Act

7. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and was designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects of the COVID-19 pandemic.

8. The CARES Act created a new temporary federal program called Pandemic Unemployment Assistance that provided up to 39 weeks of unemployment benefits and funding to states for the administration of the program. An individual receiving PUA benefits might also have received a $600 weekly benefit in federal funds under the Federal Pandemic Unemployment Compensation program if he or she was eligible for such compensation for the week claimed. The CARES Act also included a provision of temporary benefits for individuals who had exhausted their entitlement to regular unemployment

benefits, as well as coverage for individuals who were not eligible for regular benefits, were self-employed, or had limited recent work history.

Manner and Means

9. The Defendant, AUSTIN MARTIN SIAMPWIZI, and conspirators laundered the fraudulent proceeds from false claims for Unemployment Insurance filed with state agencies that used stolen personally identifiable information ("PII") for the false filings.

10. Conspirators filed fraudulent state unemployment claims via the Internet using stolen PII belonging to residents who had not applied for benefits and did not authorize the use of their PII. Based on those fraudulent applications, state employment agencies, such as the ESD, issued Unemployment Insurance payments to prepaid debit cards or financial accounts designated in the applications.

11. In order to conceal the fraudulent nature, source, and control of the proceeds, conspirators set up numerous business bank accounts for the purpose of receiving funds acquired from criminal activity. The business bank accounts set up by conspirators were for sham companies that did not have physical premises, earn legitimate income, or pay wages to employees. The conspirators registered the sham companies with the Secretary of State of Georgia, enabling them to open business bank accounts for those companies.

12. When funds obtained through fraud were received into these business bank accounts, the conspirators quickly depleted those illegally obtained funds through interstate and foreign wire transfers to other bank accounts, cash or

check withdrawals, debit card transactions, and the purchase of money orders. Many of these money orders were made payable to and subsequently cashed by Defendant SIAMPWIZI. Through these actions, Defendant SIAMPWIZI and conspirators attempted to conceal and did conceal the source of the funds obtained illegally through the Unemployment Insurance scheme.

All in violation of Title 18, United States Code, Section 1956(h).

Count Two through Four

(Money Laundering – 18 U.S.C. § 1956(a)(1)(B)(i))

13. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 2 through 12 of this Criminal Indictment as if fully set forth herein.

14. Beginning on or about the dates listed in Column A of the table below, in the Northern District of Georgia, the Defendant, AUSTIN MARTIN SIAMPWIZI, aided and abetted by others known and unknown to the Grand Jury, did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, that is, the transactions identified in Column B in the amounts identified in Column C, which involved the proceeds of specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that said transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and while conducting and attempting to conduct such financial transactions, knowing that the property

involved in the financial transactions represented the proceeds of some form of unlawful activity:

	A	B	C
Count	**Date**	**Transaction Type**	**Amount**
2	05/14/2020	Cashing of Money Order ending x3217	$500.00
3	05/15/2020	Cashing of Money Order ending x6166	$500.00
4	05/15/2020	Cashing of Money Order ending x2134	$500.00

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

Count Five

(Wire Fraud – 18 U.S.C. § 1343)

15. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 2 through 12 of this Criminal Indictment as if fully set forth herein.

16. From on or about July 16, 2020, through on or about August 11, 2020, in the Northern District of Georgia and elsewhere, the Defendant, AUSTIN MARTIN SIAMPWIZI, aided and abetted by others known and unknown to the Grand Jury, knowingly devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and by omission of material facts, and for the purpose of executing and attempting to execute such scheme and artifice, did with intent to defraud cause the transmission by means of wire

communication in interstate and foreign commerce of certain writings, signs, signals, pictures, and sounds.

Background

At all times relevant to this Indictment:

United States Small Business Administration

17. The United States Small Business Administration ("SBA") was an executive branch agency of the United States government that provides support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

The CARES Act and EIDL Program

18. The provisions of the CARES Act, in conjunction with an officially declared disaster by the United States Government, allowed for the SBA to offer Economic Injury Disaster Loan ("EIDL") funding to business owners negatively affected by the COVID-19 pandemic. Using an SBA online portal, EIDL applicants submitted personal and business information in support of each EIDL application, and they did not have to submit supporting documentation of any sort.

19. The application included a paragraph where the applicant affirmed that the information submitted was true and correct under the penalty of perjury and applicable criminal statutes. The application process involved filling out assorted data fields relating to the size of the affected business entity, the ownership of the

business, and other information such as the number of employees and gross business revenues realized in the 12 months prior to COVID-19's impact on the national economy. This information, submitted by the applicant, was then used by SBA to calculate the principal amount of money the small business was eligible to receive in the form of an EIDL. The maximum loan amount for the EIDL was $150,000 per entity with a maximum of $2 million including affiliates.

20. The SBA had authority over all loans created and disbursed under the EIDL program. EIDL principal proceeds were solely funded by the SBA and disbursed from government-controlled accounts maintained with the United States Treasury at Federal Reserve Banks throughout the United States.

21. Pursuant to the provisions governing the EIDL program, loan proceeds were required to be used by the recipient business on certain permissible expenses. The EIDL loans were to be used by the afflicted business, which must have existed in an operational condition on February 1, 2020, to pay fixed debts, payroll, accounts payable, and other bills that could have been paid had the COVID-19 disaster not occurred.

The Scheme and Artifice to Defraud

22. The Defendant, AUSTIN MARTIN SIAMPWIZI, submitted an EIDL application to the SBA on behalf of his purported business entity, Global Car Rental LLC.

23. It was part of the scheme that Defendant SIAMPWIZI made multiple fraudulent representations on the EIDL application about Global Car Rental LLC. The fraudulent misrepresentations included that: (1) the entity had six employees

as of January 31, 2020; and (2) the entity had gross revenues of $226,500 for the 12 months prior to January 31, 2020. As Defendant SIAMPWIZI then knew, these representations were materially false and fraudulent.

Execution of the Scheme and Artifice to Defraud

24. On or about July 16, 2020, in the Northern District of Georgia, the Defendant, AUSTIN MARTIN SIAMPWIZI, for the purpose of executing and attempting to execute the wire fraud scheme, transmitted and caused to be transmitted online an EIDL application for Global Car Rental LLC to the SBA, causing interstate wire transmissions.

All in violation of Title 18, United States Code, Section 1343 and Section 2.

Forfeiture Provision

25. Upon conviction of one or more of the offenses alleged in Counts One through Five of this Indictment, the Defendant, AUSTIN MARTIN SIAMPWIZI, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and any property traceable to such property, including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency representing the amount of property obtained as a result of each offense alleged in Counts One through Five of this Indictment.

26. If, as a result of any act or omission of the Defendant, any property subject to forfeiture:

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,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the Defendant up to the value of the forfeitable property.

A True BILL

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