EXHIBIT A

AFFIDAVIT OF UNITED STATES SECRET SERVICE SPECIAL AGENT DEREK MacDONALD

I, Derek MacDonald, being duly sworn state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent ("SA") with the United States Secret Service and have been employed as such since June 3, 2019. I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia and the United States Secret Service ("USSS") Special Agent Training Course at the James J. Rowley Training Center in Beltsville, Maryland. I am currently assigned to the Boston Field Office where I conduct financial crime investigations, including investigations of violations of 18 U.S.C. § 1343 (Wire Fraud). In connection with these investigations, I have conducted or participated in numerous field interviews of suspects and witnesses, electronic and physical surveillance, researched bank account documents and documents relating to the wiring of monies between banks. Through my training and experience, I have become familiar with various financial frauds and schemes such as bank frauds, frauds involving Government programs, and other wire and mail frauds. Further, as a federal agent, I am authorized to execute warrants issued under the authority of the United States.

PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of the Government's Verified Complaint for Forfeiture *in Rem* of:

a. One Bank of America bank check (check #189003133) dated July 8, 2021 for the amount of $16,893.86 and made payable to the names J.D. or L.K.[1]

[1] To protect the identity of individuals, the initials of first and last names have been used. The identify of these individuals, however, is personally known to me.

(hereinafter referred to as the "**TARGET CHECK**" and "**CHECK PAYEES 1 and 2**)

3. This affidavit does not include each and every fact known to me and other law enforcement concerning this investigation. This affidavit only sets forth sufficient facts to demonstrate probable cause for the forfeiture of the **TARGET CHECK**.

4. The following facts are based on my personal participation in this investigation, which includes interviews of witnesses, the review of documents, and conversations with other law enforcement officers.

5. As set forth below, I submit that probable cause exists to believe that the **TARGET CHECK** is subject to forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C), because the **TARGET CHECK** is property, real or personal, which constitutes or are derived from proceeds traceable to a violation of a specified unlawful activity, specifically violations of 18 U.S.C. § 1343 (Wire Fraud). Pursuant to 18 U.S.C. § 1961(1), as incorporated by 18 U.S.C. § 1956(c)(7)(A), violations of 18 U.S.C. § 1343 are a specified unlawful activity.

6. Further, the United States has probable cause to believe that the **TARGET CHECK** is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(E), as any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, from a violation of section 1343, committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of fraudulent statements, pretenses, representations or promises, and the gross receipts of such an offense shall include all property, real or personal, tangible or intangible, which thereby is obtained, directly or indirectly.

PROBABLE CAUSE TO SUPPORT FORFEITURE

7. As set forth below, there is probable cause to believe that the **TARGET CHECK** contains proceeds obtained through violations of 18 U.S.C. § 1343 (Wire Fraud) through the U.S. Small Business Administration ("SBA") Paycheck Protection Plan ("PPP") program related to the declared disaster due to the Coronavirus Pandemic ("COVID-19").

8. On March 27, 2020, the President signed a $2 trillion stimulus bill called the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, which was intended to ameliorate the economic impact of the COVID-19 Pandemic. *See* Pub. L. 116-136. This economic relief package provided assistance for small businesses administered by the SBA. The PPP is a loan designed to provide a direct incentive for small businesses to keep their workers on payroll. PPP loans can be used to help fund payroll costs, including benefits, and may also be used to pay for mortgage interest, rent, utilities, worker protection costs related to COVID-19, uninsured property damage costs caused by looting or vandalism during 2020, and certain supplier costs and expenses for operations.

9. On July 12, 2021, **CHECK PAYEES 1 AND 2** went to the Barnstable Police Department to report a scam. **CHECK PAYEE 2** explained that she is the mother of **CHECK PAYEE 1** who is mentally disabled and that a PPP loan was deposited into their account for **CHECK PAYEE 1**. **CHECK PAYEE 2** further explained that she notified Bank of America that her daughter is mentally disabled and did not apply for a PPP loan and that Bank of America subsequently flagged the account as fraudulent and froze the remaining funds. Bank of America additionally closed the account and mailed to **CHECK PAYEES 1 AND 2**, a bank check, dated July 8, 2021, of which contains the remaining proceeds of the PPP loan fraud.

10. On July 13, 2021, **CHECK PAYEES 1 AND 2** returned to the Barnstable Police Department and voluntarily relinquished the **TARGET CHECK** to law enforcement as they did not want any of the remaining funds on the **TARGET CHECK** as they acknowledged that the funds were as a result of a scam. Barnstable Police subsequently logged the **TARGET CHECK** into evidence for safekeeping.

11. On July 15, 2021, Barnstable Police Department Detective and USSS New England Cyber Fraud Task Force Officer ("NECFTF TFO") Steven Barrette and I, conducted an interview with **CHECK PAYEES 1 AND 2** at **CHECK PAYEE 1**'s residence. During the interview **CHECK PAYEE 1** explained that she was communicating with an individual she met online who she believed was the actor, Vin Diesel. They communicated mainly through Google Hangouts as well as through her Yahoo email account. The scammer who portrayed himself as Vin Diesel instructed **CHECK PAYEE 1** to provide her banking information as well as a picture of her driver's license under the pretense that she was helping his "Fast and Furious" charity.

12. **CHECK PAYEE 1** shared that when she noticed approximately $17,000 deposited into her bank account that something felt wrong and immediately asked her mother for help since **CHECK PAYEE 1** said she did not give permission or consent for her information to be used to apply for a PPP loan. **CHECK PAYEE 2** contacted Bank of America and learned that the deposit was a PPP loan from Capital Plus Funding of which she explained to Bank of America that **CHECK PAYEE 1** never applied for the PPP loan. When **CHECK PAYEE 1** was asked if she ever spoke to this individual, she explained that she did not, but that she did talk to his "manager." **CHECK PAYEE 1** then shared a voicemail from the "manager," which NECFTF TFO Barrette and I listened to.

13. The voicemail recording was a plea for the money. During this interview, **CHECK PAYEES 1 AND 2** provided consent to view the Google Hangout chat communications and Yahoo email correspondence with the scammer which indicated a romance scam based on the nature of the conversation. The interview concluded, and NECFTF TFO Barrette and I provided **CHECK PAYEES 1 AND 2** our contact information, and directed them to cease contact with the scammer.

14. On July 15, 2021, I contacted the SBA, Office of Inspector General's Office ("SBA-OIG") to inquire about a fraudulent PPP loan application that was filed using CHECK PAYEE 1's Personal Identifiable Information ("PII") and made payable to Bank of America account ending in 8595 with the authorized account owners being **CHECK PAYEES 1 AND 2**.

15. On July 16, 2021, the SBA-OIG conducted a database search and located a PPP loan that was filed using **CHECK PAYEE 1's** PII, (referencing loan number ending in 90-08) and provided supporting documentation of the loan summary.

16. A review of the loan summary revealed that a PPP loan application was in the name of **CHECK PAYEE 1** for the amount of $17,129 through Capital Plus Financial for a food service contractor business claiming to be open since January 1, 2015 with a 2020 gross income of $82,220. I have reviewed the supporting documentation and further noted that the reported "business type" was described on the application as "self-employed individuals" with one employee. Additionally, **CHECK PAYEE 1's** residence address was used for the loan mailing address and her name was listed as the business owner. The PPP loan was approved and funded on May 17, 2021 and the "use of proceeds" of the loan was intended for payroll costs and was processed through Capital Plus Financial, LLC, based out of Bedford, Texas.

CONCLUSION

17. Based on my knowledge, training, and experience, and the facts set forth in this affidavit, I believe probable cause exists to conclude that **CHECK PAYEES 1 AND 2** were impacted by a scam and that the **TARGET CHECK**, containing $16,893.86, constitutes proceeds of a violation of 18 U.S.C. § 1343 (Wire Fraud) and are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(E).

Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed this 5th day of November, 2021.

SA Derek G. MacDonald

Special Agent Derek MacDonald
United States Secret Service