UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 23-20275-CR-RAR

UNITED STATES OF AMERICA

vs.

ANTHONY FAUSTIN,

Defendant.
_______________________________/

STIPULATED FACTUAL BASIS
IN SUPPORT OF GUILTY PLEA

ANTHONY FAUSTIN (hereinafter referred to as the "Defendant") hereby acknowledges that, had this case proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

The Defendant was a contract detention officer for Immigration and Customs Enforcement, Enforcement and Removal Operations, (ICE-ERO). In May of 2022, Immigration and Customs Enforcement, the Office of Professional Responsibility, (ICE-OPR) received information that the Defendant was involved in the submission of false and fraudulent PPP loan applications. Investigation by ICE-OPR Agents led to the discovery of six separate PPP loan applications that were submitted to Lender 1 on behalf of Individuals 1 through 6. At trial, the government would have presented evidence linking the Defendant to all six of these loans. There were a number of similarities between the six (6) application. First, they all applied to the same lender. Second, they all reported exactly $88,000 as their gross revenues. Third, all were sole proprietorship businesses that were started in 2018. Fourth, each loan was in the amount of $18,332.

Through the issuance of grand jury subpoenas agents obtained bank records for the Defendant and a review of them revealed that he received several large Zelle transfers from different individuals that received PPP loans. Individual 1 transferred a total of $8,000 directly to the Defendant. Individual 3 also transferred $8000 directly to the Defendant. Individual 2 transferred a total of $8000 to the Defendant's brother, who in turn immediately transferred $7950 to the Defendant.

The Defendant was also linked to the submission of these loan applications by evidence obtained from his cellular telephone. On December 31, 2022, the Defendant returned to the United States from a trip abroad and the United States and Customs and Border Protection (CBP), using its border search authority, seized and imaged the Defendant's cell phone. A review of the phone revealed that in the "Notes" section of the phone agents found six email addresses and six passwords. These six email addresses were the same six email addresses listed on the PPP loan applications of Individuals 1 through 6. Through the execution of email search warrants on these six email addresses, agents learned that the email accounts were not being used for any purpose other than the receipt of emails from the Lender 1 and Loan Processor 1.

An analysis of the IP addresses used to submit the loans revealed some similarities and links to the Defendant. Four of the six applications were all submitted from the same IP address. The applications of Individuals 2 and 3 were submitted using an IP address that the Defendant used to log on to his own Truist bank account on 12/10/22, 12/13/22 and 12/14/22. This IP address was connected to aa Comcast account in the name of the Defendant's mother and the physical location came back to an address where the Defendant was living at the time he filed the loan applications.

In support of the loan applications, the Defendant submitted false and fraudulent IRS 1040 (Schedule C) forms that misrepresented that each applicant had a sole proprietorship business and the amount of money earned by the purported sole proprietorships. Each time a loan application was submitted, an interstate wire communication was sent from the Southern District of Florida to outside of the State of Florida.

The search of the Defendant's phone also revealed possession of over fifteen (15) unauthorized access devices. Specifically, agents found a screen shot containing the names, addresses, dates of birth and Social Security Numbers for forty-five (45) individuals. In another section of his phone the Defendant had a picture of a post-it note that contained the name, address, date of birth and Social Security Number of L.A. L.A. would have testified that he did not give the Defendant permission of possess his Personal Identification Information.

These events took place in Miami-Dade County in the Southern District of Florida.

All of these events took place in Miami-Dade County, Florida.

Date: 9/8/23

ANTHONY FAUSTIN
Defendant

Date: 9/9/23

GEORGE PALLAS
Attorney for ANTHONY FAUSTIN

Date: 9/15/23

DANIEL BERNSTEIN
Assistant United States Attorney