AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Christina Rosen, being sworn, state as follows:

INTRODUCTION

1. I am employed as a Special Agent with the United States Department of Labor, Office of Inspector General, Office of Investigations ("DOL OIG") in Boston, Massachusetts. My responsibilities as a Special Agent with DOL OIG include investigating fraud, waste, and abuse of Department of Labor programs, employees, and departments. I have been employed by the United States government as a Special Agent since October 2007. I am a graduate of the Criminal Investigator Training Program of the Federal Law Enforcement Training Center in Glynco, Georgia, and have received extensive training in criminal investigation procedures and criminal law. In 2005, I graduated from Northeastern University with a bachelor's degree in criminal justice. In 2006, I graduated from Boston University with a master's degree in criminal justice.

2. During my tenure as a Special Agent, I have conducted investigations of several types of criminal activity, including work visa fraud, unemployment insurance fraud, CARES Act fraud, false claims fraud, employee benefits fraud, identity theft, and money laundering. During the investigation of these cases, I have participated in the execution of search and arrest warrants and have seized evidence as evidence, fruits, and/or instrumentalities of violations of federal law.

PURPOSE OF AFFIDAVIT

3. I submit this affidavit in support of a criminal complaint against Robert PLATT Jr. ("PLATT") for a violation of 18 U.S.C. § 1343 (wire fraud) (the "TARGET OFFENSE"). As

set forth below, there is probable cause to believe that PLATT committed the TARGET OFFENSE.

4. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and does not set forth all my knowledge about this matter.

SUMMARY OF PROBABLE CAUSE

I. Relevant Individuals and Entities

5. PLATT lives in Brockton, Massachusetts. Financial and Registry of Motor Vehicles records all list the same address for PLATT's residence in Brockton.

6. Harvest Small Business Finance, LLC ("HSBF") is a financial institution based in California. It was an approved lender of Paycheck Protection Program ("PPP") loans.

7. Citizens Bank, N.A. ("Citizens Bank") is a financial institution based in Rhode Island.

II. The CARES ACT and the Paycheck Protection Program

8. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act is a federal law enacted on March 29, 2020, designed to provide emergency financial assistance to the millions of Americans who are suffering the economic effects caused by the COVID-19 pandemic.

9. The CARES Act authorized forgivable loans to small businesses and non-profits for job retention and certain other expenses through the PPP.

10. To obtain a PPP loan, a qualifying business had to submit a PPP loan application signed by an authorized representative of the business. The PPP loan application required the business, through its authorized representative, to acknowledge the program rules and make certain

affirmative certifications. In the PPP loan application, the small business, through its authorized representative, had to state, among other things, its number of employees and its average monthly payroll expenses. These figures were used to calculate the amount of a PPP loan that the business was eligible to receive; typically, a business was eligible to receive a loan equal to two-and-a-half times its average monthly payroll expenses. In addition, businesses applying for a PPP loan had to provide documentation of their payroll expenses.

11. A PPP loan application had to be processed by a lender authorized by the U.S. Small Business Administration ("SBA"). If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies, which were 100 percent guaranteed by the SBA. Data from the loan application was transmitted regularly by the lender to the SBA in the course of processing the loan.

12. PPP loan proceeds had to be used by the recipient business on certain permissible expenses, including payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be forgiven entirely if the business spent the loan proceeds on these permissible expenses within a designated period and used a certain percentage of the PPP loan proceeds on payroll expenses.

III. PLATT's HSBF PPP Loan for $20,833

13. On or about April 18, 2021, PLATT applied for a PPP loan to HSBF. On April 22, 2021, loan number 6765278806 was approved, and on April 29, 2021, the loan amount of $20,833.00 was deposited into a Citizens Bank account ending in 1582 ("1582 Account").

14. According to the loan application, PLATT is the 100% owner of the company and listed the year of establishment as 2014. The application listed the location of the company as

PLATT's personal residence. The application also provided PLATT's social security number, email address and phone number.

15. The application stated that the company's gross income from 2019 was $114,700.

16. According to the loan application, the purpose of the loan was for payroll costs.

17. As part of the loan application package, PLATT submitted a photograph of his Massachusetts Driver's License. The information on the license, including name and address, are consistent with the information provided on the loan application. In addition to a photo of his license, PLATT also submitted a "selfie" photograph to confirm his identity. The individual in the selfie appears to be the same individual pictured in the license photo.

18. According to records from 1582 Account, the Personal Signature Card includes the same social security number and residential address as on the PPP loan application. PLATT is listed as the sole owner and authorized user of the 1582 Account. In addition to the 1582 Account, PLATT also had a savings account ending in 2657 ("2657 Account"). Citizens Bank signature cards indicated both the checking and savings account were personal bank accounts, not business accounts.

19. The supporting documentation for the loan application included an IRS Form 1040 for tax year 2019. The form listed PLATT's first and last name, social security number, and home address. On page 2 of the Form 1040, PLATT stated that he was "Self Employed" under the filer's occupation. The Form 1040 included phone number and email address; however, the return was not signed.

20. Attached to the Form 1040 was a Schedule C. PLATT reported gross receipts from this business in the amount of $114,700 and total expenses of $81,040 for a net income of $33,600. The Schedule C indicated PLATT was the sole proprietor of a construction business.

21. IRS records do not show any record of tax returns filed under PLATT's social security number for the tax years 2019 and 2020. Therefore, the Schedule C PLATT provided in support of his PPP loan application, which bears his name and social security number, was not filed with the IRS and prepared for the sole purpose of fraudulently obtaining the loan under fraudulent means.

22. According to Citizens Bank, the 1582 Account, and the 2657 Account were opened on or about November 4, 2020. Both the 1582 Account and the 2657 Account were initially funded by two $1,250 cash deposits on November 4, 2020. From its opening date, through December 31, 2021, the 1582 Account was primarily funded by thirty-two cash deposits, totaling $38,407, and thirty-three weekly Massachusetts Department of Unemployment Assistance ("DUA") direct deposits, totaling $16,611.[1] Over this same period, the accounts' debits appeared personal in nature, showing no indication of a bank account of a construction business in operation. These debits included but are not limited to, fast food restaurants, liquor stores and dining (e.g. Rizzo's Pizza and Ruth's Chris), cable, internet, and cell phone payments, (e.g. Comcast and Sprint), retail merchandisers (e.g. Macy's, Footlocker, Finish Line, Target and Louis Vuitton), credit card payments, deposits for incarcerated individuals, internet pornography, car insurance (e.g. Perry Insurance), and vehicle payments (e.g. BMW of Norwood and Uber). Only four debits during this period appeared from home improvement stores such as Lowe's and Home Depot, for a total of $173.05 combined.

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[1] PLATT provided the same residential address, social security number, email address, and phone number for his 2020 Massachusetts DUA claim, for which he received $36,555 in total. PLATT also used the same residential address, social security number, and phone number for his 2015-2016 Massachusetts Unemployment Insurance ("UI") application, and the same residential address, social security number, email address, and phone number for his 2016-2017 UI application.

23. Immediately following the direct deposit of the loan proceeds into the 1582 Account, PLATT transferred $20,000 from 1582 Account into the 2657 Account. The $20,000 was then depleted through a series of non-Citizens Bank ATM withdrawals at the Encore Boston Casino in Everett, Massachusetts, totaling $9,559.94, including ATM fees, and $13,644 in transfers back to the 1582 Account between April 29, 2021, and August 10, 2021.

CONCLUSION

24. Therefore, based on the information summarized herein, there is probable cause to believe that on or about April 18, 2021, ROBERT PLATT, JR. knowingly and with the intent to defraud, executed a scheme to obtain money, funds, and property from the SBA by means of materially false and fraudulent representations, pretenses, and promises made in connection with the submission of his PPP loan applications in violation of 18 U.S.C. § 1343.

DLC

Christina Rosen

Christina Rosen
Special Agent
Department of Labor, Office of Inspector General

ATTESTED and SWORN to before me telephonically in accordance with the requirements of Fed. R. Crim. P. 4.1 on February 9, 2024.

Hon. Donald L. Cabell
Chief United States Magistrate Judge
District of Massachusetts

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS