ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2022 NOV -1 PM 4:55

MS

DEPUTY CLERK

UNITED STATES OF AMERICA	
v.	CRIMINAL NO.
MONICA MORENO	3-22CR0423-M

INDICTMENT

The Grand Jury charges:

At times relevant to this Indictment:

Introduction

1. The defendant, **Monica Moreno**, was the registered agent and sole owner of Monica Moreno Income Tax Service, LLC ("Monica Moreno Income Tax Service) which was registered by **Moreno** on or about April 11, 2021 with the Texas Secretary of State.

2. **Moreno** maintained bank accounts at Wells Fargo and Branch Banking and Trust ("BB&T"), now known as Truist Financial Corporation. **Moreno** was the sole signatory for the aforementioned bank accounts.

Economic Injury Disaster Loan ("EIDL") Fraud

3. On March 27, 2020, the President of the United States signed a $2 trillion stimulus bill into law, called the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, which was intended to provide emergency financial assistance to the millions of Americans suffering the economic effects caused by the COVID-19

pandemic. The CARES Act established several new temporary programs and provided for the expansion of others to address the COVID-19 outbreak.

4. The Economic Injury Disaster Loan ("EIDL") program was one of the programs expanded by the CARES Act that provided loan assistance for small businesses and other eligible entities. EIDL proceeds could be used by business owners to pay fixed debts, payroll, accounts payable and other bills that businesses could have paid had the disaster not occurred.

5. EIDL funds were issued directly from the United States Treasury and applicants applied through the U.S. Small Business Administration ("SBA") via an online portal and application. The EIDL application collected information concerning the business and the owner including the business owner's criminal history and background.

6. On or about April 1, 2020, **Moreno** submitted a request for an advanced EIDL loan to the SBA under her name doing business as her company JBP Financial.

7. On or about June 22, 2020, **Moreno**'s EIDL advance loan request was approved by the SBA, and **Moreno** received a direct deposit into her BB&T bank account for $2,000 from the United States Federal Treasury.

8. **Moreno** made false statements in her EIDL loan application, including that she had never been convicted of a criminal offense or placed on probation, contrary to a 2015 judgment in the Northern District of Texas reflecting that **Moreno** was convicted of Aggravated Identity Theft, Aiding and Abetting, and Conspiracy to Defraud the United States, for which **Moreno** was sentenced to 48 months' imprisonment, followed by 2 years of supervised release.

Paycheck Protection Program ("PPP") Fraud

9. The Paycheck Protection Program ("PPP") is another program under the CARES Act that provided small businesses with forgivable loans to pay their employees during the pandemic.

10. The SBA provided PPP loans to small businesses and sole proprietorships via one of their approved lending institutions.

11. Sunrise Bank is a federally insured financial institution that participated in the PPP loan program as an approved lender.

12. To apply, applicants completed and transmitted to the lender a PPP loan application, which required the applicant to certify, among other things; their payroll expenses, the need for the loan, and that they were in operation as of February 15, 2020.

13. On or about February 26, 2021 **Moreno** submitted a PPP loan application to Sunrise Bank on behalf of Monica Moreno Income Tax Service.

14. **Moreno** requested a small business loan of approximately $20,800 in PPP funds.

15. On or about March 9, 2021, after **Moreno's** PPP loan application was approved, she received approximately $20,800 of PPP funds which were deposited into her Wells Fargo bank account.

16. **Moreno** made false statements and submitted false documents in her PPP loan application, including that Monica Moreno Income Tax Service was established in 2009 and had an average monthly payroll of $8,333.

17. A search of the Internal Revenue Database revealed that there were no payroll records or tax documents associated with Monica Moreno Income Tax Service for the PPP loan application payroll period.

Pandemic Unemployment Assistance ("PUA") Fraud

18. Under the CARES Act, individuals who were self-employed, seeking part-time employment, or who otherwise would not have qualified for regular unemployment compensation or extended benefits under state or federal law could have been eligible for assistance under the Pandemic Unemployment Assistance ("PUA") program.

19. PUA provided up to 39 weeks of unemployment benefits for persons impacted by COVID-19.

20. Individuals could apply for PUA benefits online through the Texas Workforce Commission ("TWC") unemployment benefit services link. When applying, individuals must certify that they lost their job due to the pandemic.

21. On or about July 5, 2020, **Moreno** submitted an application for unemployment benefits via the TWC-PUA program.

22. On or about June 29, 2020 **Moreno's** application for pandemic unemployment assistance was approved for up to $50,000.

23. **Moreno** made false statements in her PUA application, including that she was unemployed from March 15, 2020 due to the pandemic.

24. On or about March 11, 2019, **Moreno** was employed by ChelleComm and worked as a sales representative until on or about June 7, 2021.

25. As a result of **Moreno's** approved PUA application, from on or about July 5, 2020 through June 26, 2021, **Moreno** received checks through TWC for PUA benefits into her Wells Fargo account for a total of approximately $21,957.

<u>Count One</u>
Theft of Government Money
(Violation of 18 U.S.C. § 641)

26. The allegations in Paragraphs 1 through 25 of this Indictment are incorporated herein.

27. On or about April 1, 2020 through on or about June 22, 2020, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Monica Moreno**, willfully and knowingly embezzled, stole, purloined, converted to her own use or the use of another, money of the United States in excess of $1,000, to wit, **Moreno** received approximately $2,000 paid by the United States Federal Treasury as a result of her fraudulent SBA loan application under the Economic Injury Disaster Loan program.

In violation of 18 U.S.C. § 641.

Count Two
False Statement to a Bank
(Violation of 18 U.S.C. § 1014)

28. The allegations in Paragraphs 1 through 25 of this Indictment are incorporated herein.

29. On or about February 26, 2021, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Monica Moreno**, knowingly made a false statement for the purpose of influencing the lending action of Sunrise Bank, a financial institution whose accounts were insured by the Federal Deposit Insurance Corporation, that is, in the PPP loan application to the SBA and Sunrise Bank, **Moreno** falsely represented that Monica Moreno Income Tax Services was established in 2009 and had an average monthly payroll of $8,333, knowing such statements were false at the time she made them.

In violation of 18 U.S.C. § 1014.

Count Three
Theft of Government Money
(Violation of 18 U.S.C. § 641)

30. The allegations in Paragraphs 1 through 25 of this Indictment are incorporated herein.

31. From on or about July 5, 2020, through on or about June 26, 2021, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Monica Moreno**, willfully and knowingly embezzled, stole, purloined, converted to her own use or the use of another, money of the United States in excess of $1,000, to wit, **Moreno** was paid approximately $21,957 in unemployment checks administered by TWC as a result of her fraudulent application for pandemic unemployment assistance.

In violation of 18 U.S.C. § 641.

Forfeiture Notice
18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461, 18 U.S.C. § 982

Pursuant to 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461, upon conviction of Count One and Count Three, the defendant **Monica Moreno** shall forfeit to the United States any property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of the offense. Pursuant to 18 U.S.C. § 982(a)(2), upon conviction of Count Two, the defendant, **Monica Moreno**, shall forfeit to the United States any property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of the offense.

Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), if any of the property described above, as a result of any act or omission of the defendant:

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,

the United States intends to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:

FOREPERSON

CHAD E. MEACHAM
UNITED STATES ATTORNEY

NASHONME JOHNSON
Assistant United States Attorney
New York Bar No. 4952248
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8600
Facsimile: 214-659-8809
E-mail: nashonme.johnson@usdoj.gov

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

MONICA MORENO

INDICTMENT

18 U.S.C. § 641
Theft of Government Money
(Counts 1 and 3)

18 U.S.C. § 1014
False Statement to a Bank
(Count 2)

18 U.S.C. § 981 (a)(1)(C) & 28 U.S.C. § 2461, 18 U.S.C. § 982
Forfeiture Notice

3 Counts

A true bill rendered

DALLAS FOREPERSON

Filed in open court this 1 day of November, 2022.

Warrant to be Issued

UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending