UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-80144-Smith/Maynard(s)(s)

UNITED STATES OF AMERICA

v.

BRIANNA MONIQUE GAYLE,

Defendant.

FACTUAL PROFFER

The United States Attorney's Office for the Southern District of Florida ("this Office") and the defendant, Brianna Monique Gayle, agree that the following statement of facts is accurate and provides a factual basis for the defendant's plea of guilty. All facts were true at all times relevant to the offense conduct unless a more specific date or time is specified.

1. Paragraphs 1-9 of the General Allegations of the Superseding Indictment accurately describe the Payroll Protection Program ("PPP") and the Economic Injury Disaster Loan ("EIDL") program. They are incorporated into this statement of facts as if fully set forth herein.

2. Beginning no later than in or around May or June 2020 and continuing through no earlier than in or around June 2021, Codefendant Joff Stenn Wroy Philossaint assisted numerous conspirators to submit fraudulent applications for PPP loans and EIDLs on behalf of businesses owned and controlled by the conspirators. At first, Philossaint carried out this scheme while working for another conspirator at a business in Ft. Lauderdale, in the Southern District of Florida. Later, Philossaint began working for himself and carried out the same scheme from a locations in Hallandale Beach and Pembroke Pines, both also in the Southern District of Florida.

Philossaint prepared loan applications for the conspirator business owners and caused the applications to be sent to his conspirators to digitally sign and electronically submit to various private lenders and the Small Business Administration ("SBA"). The servers at which the private lenders and SBA received these applications were located outside of the Florida. The applications contained material misrepresentations about the businesses, such as substantial overstatements of the businesses' gross revenues, number of employees, and average monthly payroll. Based on these fraudulent applications, the lenders and SBA loaned money, generally hundreds of thousands of dollars, to the conspirators' businesses.

3. On February 14, 2021, Gayle applied for a PPP loan from a PPP lender. The lender electronically received an application for the loan, signed by Gayle, at its server in New York City.

4. In the application, Gayle identified herself as an independent contractor. She identified her business address as her home address in West Palm Beach, Florida. The form included a space for Gayle to report her average monthly payroll. The instructions on the form allowed Gayle to report her payroll for either 2019 or 2020. Gayle reported average monthly payroll of $8,037. The form also included a space for the "loan request amount." The instructions indicated that this amount would be 2.5 times the average monthly payroll. Consistent with this formula, Gayle requested a loan of $20,092.50.

5. Lender #2 approved Gayle's application. On February 19, 2021, Gayle signed an Authorization For PPP Loan Disbursement And ACH Debits, in which she requested that the loan principal be electronically transferred to her personal checking account, which was identified

on the form. On February 26, 2021, Lender #2 electronically transferred $20,092.50 into Gayle's personal checking account.

6. Gayle's personal checking and savings accounts had minimal balances at the beginning of 2019. The gross receipts, or deposits, into the accounts were $11,664.48 in 2019 and $2107.91, or a monthly average of $972.04 in 2019 and $2107.91 in 2020. Therefore, Gayle could not have paid herself an average monthly payroll of $8,037 in either 2019 or 2020.

7. On March 26, 2021, check 171 cleared Gayle's checking account in the amount of $3,994.00, payable to Dad Money Investment Group. Codefendant Joff Stenn Wroy Philossaint was the President and registered agent of Dad Money. The check was deposited into an account of which Dad Money was the account holder. Dad Money's bank accounts contain no indication that the company purchased any investments or conducted other transactions involving investments on behalf of Gayle or other clients or customers.

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

Date: 12/19/2022 By: Marc Osborne
MARC OSBORNE
ASSISTANT UNITED STATES ATTORNEY

Date: 12-19-22
JUAN J. MICHELEN
ATTORNEY FOR DEFENDANT

Date: 12-19-22
BRIANNA MONIQUE GAYLE
DEFENDANT