FILED
CLERK, U.S. DISTRICT COURT
8/1/2024
CENTRAL DISTRICT OF CALIFORNIA
BY: CDO DEPUTY

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

VARDGES ABELYAN,

Defendant.

CR No. 23-285(A)-ODW

FIRST SUPERSEDING INDICTMENT

[18 U.S.C. § 1343: Wire Fraud; 18 U.S.C. § 1014: False Statements to a Financial Institution; 18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft; 18 U.S.C. § 982: Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1343]

A. INTRODUCTORY ALLEGATIONS

1. At times relevant to this First Superseding Indictment:

The Defendant and Relevant Entities

a. Defendant VARDGES ABELYAN was the sole owner of Cargo Fleet Rentals Inc., a California corporation.

b. Defendant ABELYAN maintained at JPMorgan Chase Bank, N.A., a checking account in the name of Cargo Fleet Rentals Inc. (the "Cargo Fleet Rentals Account"), a checking account in his own name ending 6991 (the "6991 Account"), and a checking account in his own name ending 5832 (the "5832 Account").

c. United Wholesale Mortgage, LLC, was a "financial institution" within the meaning of 18 U.S.C. § 20.

The Economic Injury Disaster Loan Program

d. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or about March 2020 that was designed to provide emergency financial assistance to Americans suffering economic harm as a result of the COVID-19 pandemic.

e. The Economic Injury Disaster Loan Program ("EIDL") was a United States Small Business Administration ("SBA") program that provided low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

f. The CARES Act authorized the SBA to provide EIDL loans of up to $2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic.

g. To obtain an EIDL loan, a qualifying business was required to submit an application to the SBA and provide information about the business's operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDL loans for COVID-19 relief, the 12-month period was the 12-month period from January 31, 2019, to January 31, 2020. The applicant was also required to certify that all of the information in the application was true and correct to the best of the applicant's knowledge.

h. EIDL loan applications were submitted directly to the SBA and processed by the agency with support from a government contractor. The amount of the loan, if the application was approved, was determined in part based on the information provided by the applicant about employment, revenue, and cost of goods sold. Any funds issued under an EIDL loan were issued directly by the SBA.

i. Borrowers, as part of the EIDL loan application, certified that they would use loan proceeds "solely as working capital to alleviate economic injury caused by disaster occurring in the month of January 31, 2020 and continuing thereafter."

B. THE SCHEME TO DEFRAUD

2. Beginning no later than on or about June 18, 2020, and continuing through at least July 24, 2024, in Los Angeles County, within the Central District of California, and elsewhere, defendant ABELYAN, together with others known and unknown to the Grand Jury, knowingly and with the intent to defraud, devised, participated in, and executed a scheme to defraud the SBA as to material matters, and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises.

3. The scheme to defraud operated, in substance, as follows:

a. To create the false appearance that Cargo Fleet Rentals conducted real business, defendant ABELYAN opened the Cargo Fleet Rentals Account.

b. Defendant ABELYAN made and caused to be made false statements to the SBA in connection with obtaining EIDL loan funds on behalf of Cargo Fleet Rentals, including false representations regarding Cargo Fleet Rentals' number of employees and gross revenues, and false certifications that the loan funds would be used for permissible business purposes.

c. Defendant ABELYAN caused the SBA to deposit funds in the Cargo Fleet Rentals Account by means of interstate wire transfer.

d. To avoid punishment for his crime and his obligation to make restitution to the SBA, defendant ABELYAN failed to surrender for service of his sentence as ordered by the Court, removed his court-imposed location monitor, fled to Mexico, and traveled to Germany in an effort to flee to Armenia.

C. USE OF INTERSTATE WIRES

4. On or about June 23, 2020, within the Central District of California, and elsewhere, for the purpose of executing the scheme to defraud described above, defendant ABELYAN transmitted and caused the transmission of approximately $10,000 from the SBA to the Cargo Fleet Rentals Account by means of wire communication in interstate commerce.

COUNTS TWO AND THREE

[18 U.S.C. §§ 1014, 2(b)]

5. The Grand Jury incorporates paragraphs 1, 3, and 4 of this First Superseding Indictment here.

6. On or about the dates set forth below, in Los Angeles County, within the Central District of California, and elsewhere, defendant ABELYAN knowingly made, and willfully caused to be made, false statements for the purpose of influencing the actions of a financial institution, namely, United Wholesale Mortgage, in connection with an application to obtain a $336,000 loan, as specifically described below:

COUNT	DATE	DOCUMENT	FALSE STATEMENTS
TWO	08/09/2021	Letter	Defendant ABELYAN falsely stated that (1) the 5832 Account was used for his consulting business; (2) the falsified bank statements he included with the letter were statements for the 5832 Account; and (3) the circled deposits on the falsified bank statements were "business related deposits"
THREE	08/16/2021	Uniform Residential Loan Application	Defendant ABELYAN falsely stated that he (1) was employed by "Vardges Abelyan Consulting," (2) received a gross monthly income of $5,527.34; and (3) had worked for "Vardges Abelyan Consulting" for six years and six months

COUNT FOUR

[18 U.S.C. § 1028A(a)(1)]

7. The Grand Jury incorporates paragraphs 1, 3, 4, and 6 of this First Superseding Indictment here.

8. On or about August 9, 2021, in Los Angeles County, within the Central District of California, and elsewhere, defendant ABELYAN knowingly possessed, transferred, and used, without lawful authority, means of identification that defendant ABELYAN knew belonged to another person, that is, the name of victim M.A., during and in relation to the offense of False Statements to a Financial Institution, a felony violation of Title 18, United States Code, Section 1014, as charged in Count Two of this First Superseding Indictment.

COUNT FIVE

[18 U.S.C. § 1028A(a)(1)]

9. The Grand Jury incorporates paragraphs 1, 3, 4, and 6 of this First Superseding Indictment here.

10. On or about August 16, 2021, in Los Angeles County, within the Central District of California, and elsewhere, defendant ABELYAN knowingly possessed, transferred, and used, without lawful authority, means of identification that defendant ABELYAN knew belonged to another person, that is, the name of victim M.A., during and in relation to the offense of False Statements to a Financial Institution, a felony violation of Title 18, United States Code, Section 1014, as charged in Count Three of this First Superseding Indictment.

FORFEITURE ALLEGATION

[18 U.S.C. § 982]

11. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 982(a)(2), in the event of defendant VARDGES ABELYAN's conviction of the offenses set forth in any of Counts One through Five of this First Superseding Indictment.

12. Defendant ABELYAN, if so convicted, shall forfeit to the United States of America the following:

a. All right, title and interest in any and all property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense; and

b. To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), the defendant, if so convicted, shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has

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been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

A TRUE BILL

/s/
Foreperson

E. MARTIN ESTRADA
United States Attorney

MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division

BRETT A. SAGEL
Assistant United States Attorney
Chief, Corporate and
Securities Fraud Strike Force

ALEXANDER B. SCHWAB
Assistant United States Attorney
Deputy Chief, Corporate and
Securities Fraud Strike Force