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CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 21- 30013
	)	
v.	)	18 U.S.C. § 1343
	)	Wire Fraud
AMBER L. BOLEN,	)	(Counts 1-3)
	)	
	)	18 U.S.C. § 1040
Defendant.	)	Fraud in Connection With
	)	Major Disaster or Emergency
	)	Benefits
	)	(Counts 4-5)

INDICTMENT
COUNTS ONE - THREE
(Wire Fraud)

THE GRAND JURY CHARGES:

1. Beginning on or about July 15, 2020, and continuing until at least July 28, 2020 and after, in Springfield, Illinois in the Central District of Illinois and elsewhere,

AMBER L. BOLEN,

the defendant herein, knowingly participated in a scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises.

Background

2. At all times material to this indictment, the defendant was a resident of Springfield, Illinois and claimed to be the owner of a business called "amber bolen" located at 1912 Gregory Court, Springfield, Illinois.

3. The United States Small Business Administration (SBA) is an executive branch agency of the United States government that provides support to entrepreneurs and small businesses. The mission of the SBA is to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

4. As part of this effort, the SBA enables and provides for loans through banks, credit unions and other lenders. These loans have government-backed guarantees. The CARES Act, which was signed into law in March 2020, established several new temporary programs and provided for the expansion of others to address the COVID-19 outbreak.

5. One of the programs modified in response to the COVID-19 outbreak was an expansion of an existing disaster-related program - the Economic Injury Disaster Loan (EIDL) - to provide for loan assistance for small businesses and other eligible entities for loans up to $2 million. The EIDL proceeds can be used to pay fixed debts, payroll, accounts payable and other bills that could have been

paid had the disaster not occurred; however, such loan proceeds are not intended to replace lost sales or profits or for expansion of a business. The CARES Act specifically expanded eligibility for the EIDL program to assist business entities that suffered "substantial economic injury" from COVID-19 and changed the definition of disaster to include "an emergency involving Federal primary responsibility determined to exist by the President under section 5191(b)" of the Stafford Act. Previously, on March 13, 2020, the President had declared that the ongoing COVID-19 pandemic was an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121-5207. After March 13, 2020, the President approved major disaster declaration requests under the Stafford Act for all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (authorized under Stafford Act Section 401).

6. Unlike certain other types of SBA-guaranteed loans, EIDL funds are issued directly from the United States Treasury and applicants apply through the SBA via an online portal and application. The EIDL application process, which also uses certain outside contractors for system support, collects information concerning the business and the business owner, including information as to the gross revenues for the business prior to January 31, 2020; the cost of goods

sold; and information as to any criminal history of the business owner. Applicants electronically certify that the information provided is accurate and are warned that any false statement or misrepresentation to the SBA or any misapplication of loan proceeds may result in sanctions, including criminal penalties. The EIDL Loan Authorization and Agreement (LA&A) also contains various terms and certifications to include, "All representations in the Borrower's Loan application (including all supplementary submissions) are true, correct and complete and are offered to induce SBA to make this Loan."

Scheme to Defraud

7. It was a part of the scheme and artifice to defraud that defendant, **AMBER L. BOLEN** sought to fraudulently obtain disaster-related benefits in the form of an SBA-sponsored Economic Injury Disaster (EIDL) loan by materially misrepresenting information on a loan application that was subsequently ratified on a Loan Authorization and Agreement. The misrepresentations included false assertions that defendant owned the business "amber bolen" since February 15, 2013; that the business engaged in the transportation industry; that the business "amber bolen" employed 11 people as of January 31, 2020 and had gross revenues of $91,258 for the twelve months prior to January 31, 2020 while expending $8,213 on the cost of goods sold for the same period.

8. It was further a part of the scheme and artifice to defraud that the

defendant, **AMBER L. BOLEN**, caused the transmission of information and funds by wire between the Central District of Illinois and locations outside of the State of Illinois.

Execution of the Scheme

9. **AMBER L. BOLEN**, defendant herein, for the purpose of executing the above-described scheme and artifice to defraud the United States Small Business Administration, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, did knowingly cause to be transmitted by means of wire communications in interstate commerce, certain writings, signs, signals, sounds, and images, when the defendant knew full well that he was not entitled to the monies and funds:

Count	Date	Description
One	7/15/2020	Defendant caused to be electronically submitted an EIDL loan application to the SBA on behalf of "amber bolen" that contained material misrepresentations and requested that the funds be sent to a specific account at the Woodforest National Bank (1162381584).
Two	7/15/2020	Defendant caused to be electronically submitted to the SBA an e-signed Loan Authorization and Agreement on behalf of "amber bolen" (loan #3942498103) certifying in part that: "All representations in the Borrower's Loan application

		(including all supplementary submissions) are true, correct and complete and offered to induce SBA to make this Loan."
Three	7/17/2020	On or about July 17, 2020, Defendant caused the SBA to start the process of electronically transferring $41,500 from the United States Treasury with the money being received into her account at the Woodforest National Bank (account #1162381584) on July 21, 2020[1].

All in violation of Title 18, United States Code, Section 1343.

COUNT FOUR
(Fraud in Connection With Major Disaster or Emergency Benefits)

1. The factual allegations contained in paragraphs 1-9 of Counts One through Three are incorporated herein by reference as if set out in full.

2. On or about July 15, 2020, in the Central District of Illinois,

AMBER L. BOLEN,

the defendant herein, knowingly made a materially false and fraudulent statement and representation, in an EIDL application, in connection with a benefit provided by the United States, which was authorized and paid in connection with a major disaster declaration and/or an emergency declaration, and was a voucher, payment, money, and thing of value of the United States, and of any department and agency thereof.

[1] The EIDL loan was for $41,500 with defendant agreeing to pay a $100 UCC handling/filing charge for a combined total amount from the SBA of $41,600.

All in violation of Title 18, United States Code, Section 1040(a)(2).

COUNT FIVE
(Fraud in Connection With Major Disaster or Emergency Benefits)

1. The factual allegations contained in paragraphs 1-9 of Counts One through Three are incorporated herein by reference as if set out in full.

2. On or about July 15, 2020, in the Central District of Illinois,

AMBER L. BOLEN,

the defendant herein, knowingly made a materially false and fraudulent statement and representation, in an EIDL Loan Authorization and Agreement, in connection with a benefit provided by the United States, which was authorized and paid in connection with a major disaster declaration and/or an emergency declaration, and was a voucher, payment, money, and thing of value of the United States, and of any department and agency thereof.

All in violation of Title 18, United States Code, Section 1040(a)(2).

A TRUE BILL,

s/ Foreperson

FOREPERSON

s/ Gregory M. Gilmore

for

JOHN C. MILHISER
UNITED STATES ATTORNEY