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F. #2022R00718

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- X

UNITED STATES OF AMERICA

- against -

JOHN BOLDEN,
ANTHONY CARREIRA and
CHRISTIAN MCKENZIE,

Defendants.

- X

I N D I C T M E N T

Cr. No. 24-CR-361
(T. 18, U.S.C., §§ 982(a)(2), 982(b)(1), 1040(a)(2), 1040(b)(1), 1343, 1349, 2 and 3551 et seq.; T. 21, U.S.C., § 853(p))

Judge Ann M. Donnelly
Magistrate Judge Marcia M. Henry

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

The COVID-19 Pandemic in the United States

1. In or about December 2019, a novel coronavirus, SARS-CoV-2 (the "coronavirus"), caused outbreaks of the coronavirus disease COVID-19 that spread globally. On or about January 31, 2020, the Secretary of Health and Human Services declared a national public health emergency under 42 U.S.C. § 247d as a result of the spread of COVID-19 to and within the United States. On or about March 11, 2020, the Director-General of the World Health Organization characterized COVID-19 as a pandemic. On or about March 13, 2020, the President of the United States issued Proclamation 9994 declaring a national emergency beginning on March 1, 2020, as a result of the rapid spread of COVID-19 within the United States.

The Paycheck Protection Program

2. On or about March 27, 2020, the President signed into law the Coronavirus Aid, Relief and Economic Security ("CARES") Act. The CARES Act was a federal law designed to provide emergency financial assistance to the millions of Americans who were suffering adverse economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of up to $349 billion in forgivable loans to small businesses for job retention and certain other expenses through a program referred to as the Paycheck Protection Program ("PPP"). In or around April 2020, Congress authorized over $300 billion in additional PPP funding.

3. To obtain a PPP loan, qualifying businesses were required to submit a PPP loan application, which was to be signed by an authorized representative of the business. The PPP loan application required recipient businesses, through an authorized representative, to acknowledge the program rules and make certain affirmative certifications to establish eligibility for the PPP loan. For example, in the PPP loan application, recipient businesses, through an authorized representative, were required to state, among other things, their average monthly payroll expenses and number of employees. These figures were used to calculate the amount of money the businesses were eligible to receive under the PPP. The recipient businesses were also required to provide documentation supporting the information contained in the PPP loan application.

4. PPP loan proceeds were required to be used by the recipient businesses only for certain permissible expenses, to wit: payroll costs, interest on mortgages, rent and utilities. The PPP allowed the interest and principal on a PPP loan to be entirely forgiven if the recipient businesses spent the loan proceeds on these expense items within a designated period of

time after receiving the proceeds and used a certain percentage of the proceeds for payroll costs.

5. The PPP was overseen by the Small Business Administration ("SBA"), which had authority over all PPP loans. Individual PPP loans, however, were issued and approved by private lenders, who received and processed PPP loan applications and supporting documentation and, following SBA approval, made loans using the lenders' own funds.

Relevant Individuals

6. The defendant JOHN BOLDEN was a resident of Nassau County, New York, and was a New York City Police Department ("NYPD") detective. BOLDEN also served as a tax preparer who operated, and owned partnership interests in, approximately three franchise locations for a tax preparation business (the "Tax Preparation Business").

7. The defendant ANTHONY CARREIRA was a resident of Staten Island, New York, and was an NYPD detective. Together with BOLDEN, CARREIRA operated, and owned partnership interests in, one or more Tax Preparation Business franchise locations.

8. The defendant CHRISTIAN MCKENZIE was a resident of Suffolk County, New York, and was BOLDEN's cousin.

9. Co-Conspirator #1, an individual whose identity is known to the Grand Jury, founded and operated the Tax Preparation Business, which had multiple franchisees and locations throughout New York and elsewhere, including the ones operated by the defendants JOHN BOLDEN and ANTHONY CARREIRA.

The Fraudulent Conduct

10. Between approximately May 2020 and October 2022, the defendant JOHN BOLDEN defrauded the SBA and several financial institutions administering the PPP of

federal COVID-19 emergency-relief funds meant for distressed small businesses by working with his clients and co-conspirators, including the defendants ANTHONY CARREIRA and CHRISTIAN MCKENZIE, and Co-Conspirator #1, to obtain PPP funds to which they were not entitled. BOLDEN helped to obtain PPP funds for himself, CARREIRA, MCKENZIE and others by submitting, or causing to be submitted, online loan applications that contained materially false and fraudulent information. As part of his efforts to defraud, BOLDEN prepared or provided tax documents containing one or more materially false and fraudulent representations via email to his clients and others to be used to acquire PPP loans. These tax documents, which accompanied the fraudulent PPP loan applications, used figures that did not require BOLDEN, his co-conspirators and his clients to submit additional supporting documentation when applying for loan forgiveness. MCKENZIE acted as an intermediary who referred clients to BOLDEN. In furtherance of the fraud, the materially false and fraudulent representations contained in these loan applications and tax documents were specifically designed to mislead the SBA and financial institutions administering the PPP into disbursing various loans to recipients not entitled to them, which they did.

11. As a result of this fraudulent conduct, the SBA and financial institutions administering the PPP disbursed loans via wire transfer to bank accounts controlled by the defendants JOHN BOLDEN, ANTHONY CARREIRA and CHRISTIAN MCKENZIE.

COUNT ONE
(Disaster Relief Fraud)

12. The allegations contained in paragraphs one through 11 are realleged and incorporated as if fully set forth in this paragraph.

13. In or about and between May 2020 and October 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN BOLDEN, together with others, did knowingly and intentionally make one or more materially false, fictitious and fraudulent statements and representations, and make and use one or more false writings and documents knowing the same to contain materially false, fictitious and fraudulent statements and representations, in connection with a procurement of property and services related to an emergency declaration under Section 501 of the Stafford Act, to wit: Proclamation 9994 of March 13, 2020 by the President of the United States of America Declaring a National Emergency Concerning a Novel Coronavirus Disease (COVID-19) Outbreak, which benefits were authorized, transported, transmitted, transferred, disbursed and paid in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 1040(a)(2), 1040(b)(1), 2 and 3551 et seq.)

COUNT TWO
(Wire Fraud Conspiracy)

14. The allegations contained in paragraphs one through 11 are realleged and incorporated as if fully set forth in this paragraph.

15. In or about and between May 2020 and October 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN BOLDEN, together with others including Co-Conspirator #1, did knowingly and

intentionally conspire to devise a scheme and artifice to defraud the SBA and one or more financial institutions administering the PPP, and to obtain money and property from the SBA and said financial institutions by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted, by means of wire communication in interstate commerce, writings, signs, signals, pictures and sounds, which offense occurred in relation to, and involved one or more benefits authorized, transported, transmitted, transferred, disbursed and paid in connection with, a presidentially declared emergency under Section 501 of the Stafford Act, to wit: fraudulent online applications for one or more PPP loans and emails containing supporting tax documentation for one or more PPP loans, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT THREE
(Wire Fraud Conspiracy)

16. The allegations contained in paragraphs one through 11 are realleged and incorporated as if fully set forth in this paragraph.

17. In or about and between May 2020 and October 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN BOLDEN and CHRISTIAN MCKENZIE, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the SBA and one or more financial institutions administering the PPP, and to obtain money and property from the SBA and said financial institutions by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted, by means of wire communication in interstate commerce, writings, signs, signals,

pictures and sounds, which offense occurred in relation to, and involved one or more benefits authorized, transported, transmitted, transferred, disbursed and paid in connection with, a presidentially declared emergency under Section 501 of the Stafford Act, to wit: fraudulent online applications for one or more PPP loans and emails containing supporting tax documentation for one or more PPP loans, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNTS FOUR THROUGH SIX
(Wire Fraud)

18. The allegations contained in paragraphs one through 11 are realleged and incorporated as if fully set forth in this paragraph.

19. In or about and between May 2020 and October 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN BOLDEN, ANTHONY CARREIRA and CHRISTIAN MCKENZIE, together with others, did knowingly and intentionally devise a scheme and artifice to defraud the SBA and one or more financial institutions administering the PPP, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

20. For the purpose of executing such scheme and artifice, the defendants JOHN BOLDEN, ANTHONY CARREIRA and CHRISTIAN MCKENZIE, together with others, did transmit and cause to be transmitted, by means of wire communication in interstate commerce, writings, signs, signals, pictures and sounds, as set forth in the chart below, which offenses occurred in relation to, and involved one or more benefits authorized, transported, transmitted, transferred, disbursed and paid in connection with, a presidentially declared emergency under Section 501 of the Stafford Act, to wit: fraudulent online applications for one

or more PPP loans and emails containing supporting tax documentation for one or more PPP loans.

Count	Defendant(s)	Approximate Date	Description
FOUR	BOLDEN and CARREIRA	May 17, 2020	Email from BOLDEN to CARREIRA attaching fictitious tax document
FIVE	BOLDEN	July 17, 2021	Submission of PPP loan forgiveness application on BOLDEN's behalf
SIX	BOLDEN and MCKENZIE	July 28, 2021	Submission of PPP loan forgiveness application on MCKENZIE's behalf

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWO THROUGH SIX

21. The United States hereby gives notice to the defendants charged in Counts Two through Six that, upon their conviction of any of such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

22. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

/s/

FOREPERSON

By David Pitluck, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK