UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 8:25-cr-481-TPB-LSG

CLARENCE GARDENER 18 U.S.C. § 1343

INDICTMENT

The Grand Jury charges:

COUNT ONE
(Wire Fraud)

A. Introduction

At times relevant to this Indictment:

1. CLARENCE GARDENER, a resident of the Middle District of Florida, submitted false and fraudulent information in order to obtain a federal Paycheck Protection Program ("PPP") loan to which he was not entitled.

2. Gardener Enterprises of Florida LLC was a business owned by CLARENCE GARDENER located in the Middle District of Florida.

The Small Business Administration

3. The United States Small Business Administration ("SBA") was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses.

4. In or around March 2020, the President declared the ongoing Coronavirus Disease 2019 ("COVID-19") pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. The President also signed into law the Coronavirus Aid, Relief, and Economic Security ("CARES") Act and the Families First Coronavirus Response Act.

5. The SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans had government-backed guarantees. In addition to traditional SBA funding programs, The CARES Act, established several new temporary programs and provided for the expansion of others to address the COVID-19 outbreak, which was declared a nationwide disaster by the President on March 13, 2020.

6. One of the new loan programs was the SBA PPP, which was a loan designed, in part, to provide a direct incentive for small businesses to keep their workers on the payroll. Under this program, the SBA could forgive all or part of the borrowing businesses' loans provided that employees were kept on the payroll for eight weeks and borrowers submitted documentation confirming that the loan proceeds were used for certain qualifying business expenses (i.e., payroll, rent, mortgage interest, or utilities).

7. Interested applicants applied through an existing SBA lender or any other participating federally-insured financial institution. The PPP application

process required applicants to submit a Borrower Application Form through an SBA-approved financial entity. The application contained information as to the purpose of the loan, average monthly payroll, number of employees, and background of the business and its owner. Applicants were also required to make certain good faith certifications, including that economic uncertainties had necessitated their loan requests for continued business operations, and that they intended to use loan proceeds only for the authorized purposes.

8. Financial Institution #1 was a financial institution as defined in 18 U.S.C. § 20.

9. Lender #1 participated in the SBA's PPP as a lender, and as such, was authorized to lend funds to eligible borrowers under the terms of the PPP.

B. The Scheme and Artifice

10. Beginning on an unknown date, but no later than in or around April 2020, and continuing through at least in or around October 2020, in the Middle District of Florida and elsewhere, the defendant,

CLARENCE GARDENER,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises about a material fact.

C. Manner and Means of the Scheme and Artifice

11. The manner and means by which the defendant sought to accomplish the scheme and artifice included, among others, the following:

a. It was part of the scheme and artifice that the defendant would and did prepare and submit, and cause to be prepared and submitted, a materially false and fraudulent application to the PPP, which program was tailored to provide benefits and relief to businesses and workers negatively impacted by the COVID-19 pandemic;

b. It was further a part of the scheme and artifice that, in order to induce Lender #1 to fund the PPP loan, the defendant would and did prepare and submit, and cause to be prepared and submitted, to Lender #1 an application that contained multiple materially false and fraudulent representations and pretenses, including:

i. overstating the number of employees for the business

ii. overstating the average monthly payroll for the business

iii. representing and certifying that loan proceeds would be used for business-related purposes; and

iv. fraudulently affirming the truth of statements in the application;

c. It was further a part of the scheme and artifice that the defendant would and did submit fraudulent supporting documentation, including a 2019 Form 1120-S United States Tax Return for an S Corporation;

d. It was further a part of the scheme and artifice that the defendant would and did cause Lender #1 to approve the PPP loan application and cause to be transmitted PPP loan proceeds via interstate wire transfer to Financial Institution #1;

e. It was further a part of the scheme and artifice that the defendant would and did use the PPP funds, and cause the PPP funds to be used, for unauthorized purposes and for his own personal enrichment and the enrichment of others; and

f. It was a further part of the scheme and artifice that the defendant would and did perform acts and make statements to promote and achieve the scheme and artifice and to misrepresent, hide, and conceal the scheme and artifice and the acts committed in furtherance thereof.

D. Execution of the Scheme and Artifice

12. On or about the date set forth below, in the Middle District of Florida and elsewhere, the defendant,

CLARENCE GARDENER,

for the purpose of executing the aforesaid scheme and artifice, knowingly and intentionally transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce the writings, signs, signals, pictures, and sounds described below:

COUNT	DATE OF WIRE	DESCRIPTION OF WIRE
One	July 7, 2020	Defendant caused a wire transfer in the amount of $261,253.00 in PPP funds, sent from outside Florida to a Financial Institution #1 account in the defendant's name within the Middle District of Florida

All in violation of 18 U.S.C. § 1343.

FORFEITURE

1. The allegations contained in Count One are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

3. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of approximately $261,253.00, which represents the proceeds the defendant obtained from the offense.

4. 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 shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

[redacted]

Foreperson

GREGORY W. KEHOE
United States Attorney

By: ______________________________
Merrilyn E. Hoenemeyer
Assistant United States Attorney

By: ______________________________
Carlton C. Gammons
Assistant United States Attorney
Chief, Economic Crimes Section

FORM OBD-34
October 25

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

CLARENCE GARDENER

INDICTMENT

Violations: 18 U.S.C. § 1343

A true bill,

[redacted]

Foreperson

Filed in open court this 7th day

of October 2025

Clerk JEREMIAH SMITH

Bail $____________________