UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20028-CR-GRAHAM/MCALILEY
18 U.S.C. § 371
18 U.S.C. § 981

UNITED STATES OF AMERICA

vs.

ELISA RIVERA,

Defendant.
_______________________________/

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

1. The United States Small Business Administration ("SBA") was an agency of the executive branch of the Government of the United States. The mission of the SBA was 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.

2. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. The CARES Act authorized and provided funding to the SBA to provide Economic

Injury Disaster Loans ("EIDLs") to eligible small businesses, including sole proprietorships and independent contractors, experiencing substantial financial disruptions due to the COVID-19 pandemic to allow them to meet financial obligations and operating expenses that could have been met had the disaster not occurred. These COVID-19 EIDLs included the possibility of an advance of up to $10,000 for qualifying applicants. The applicant was not obligated to repay this advance.

3. In order to obtain a COVID-19 EIDL, a qualifying for-profit business was required to submit an EIDL application to the SBA and provide information about its operations, such as the number of employees, gross revenues, and the cost of goods sold for the 12-month period preceding January 31, 2020. The applicant also was required to certify under penalty of perjury that all the information in the application was true and correct.

4. EIDL applications were submitted directly to and processed by the SBA. The amount of the advance and the amount of the loan approved were determined based, in part, on the information provided in the application concerning the number of employees, gross revenues, and cost of goods sold. Any EIDL funds were issued directly by the United States government to the applicant's bank account.

5. Defendant **ELISA RIVERA** was a resident of Miami-Dade County, Florida, who was employed full-time by the Miami-Dade Police Department in a civilian position as an Administrative Officer.

6. Financial Institution 1 was a bank that did business throughout the United States, including in Florida and Georgia.

7. Individual 1 was a resident of Cherokee County, Georgia.

COUNT 1
Conspiracy to Commit Wire Fraud
(18 U.S.C. § 371)

1. Paragraphs 1 through 7 of the General Allegations section of this Information are re-alleged and incorporated by reference as through fully set forth herein.

2. From on or about July 1, 2020, and continuing through on or about August 31, 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

ELISA RIVERA,

did willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Individual 1 and with others known and unknown to the United States Attorney, to knowingly, and with the intent to defraud, devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

PURPOSE OF THE CONSPIRACY

3. The purpose the conspiracy was for the defendant and her co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent applications to the SBA to obtain EIDL advances and loans to which they were not entitled and (b) offering, paying, and receiving kickbacks in return for the submission of

these false and fraudulent EIDL applications.

THE MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which **ELISA RIVERA** and her co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. **ELISA RIVERA**, Individual 1, and other co-conspirators submitted and caused the submission to the SBA of fraudulent EIDL applications, via interstate wire communications.

5. Individual 1 submitted to the SBA, on behalf of **ELISA RIVERA**, via interstate wire communications, an EIDL application stating that she was an independent contractor and 100% owner of a for-profit business operating under the name "Elisa Rivera." That application, which Individual 1 submitted to SBA with the agreement of **RIVERA** and for **RIVERA's** benefit, falsely and fraudulently certified that the business named "Elisa Rivera" was established on or about March 1, 2017. It also falsely certified that for the twelve (12) month period prior to January 31, 2020, that business had gross revenues of $325,446 and twelve (12) employees.

6. In actuality, and as **ELISA RIVERA** and Individual 1 knew, **RIVERA** did not own any business, was not an independent contractor, and had no business gross revenues or employees. Instead, throughout 2019 and 2020, **ELISA RIVERA** was a full-time civilian employee of the Miami-Dade Police Department working as an Administrative Officer and receiving a full-time salary from Miami-Dade County. As a result of this false and fraudulent EIDL application, the SBA disbursed a $10,000 advance and $61,200 in loan proceeds via Electronic Funds Transfers to **ELISA RIVERA's** account at Financial Institution 1. These Electronic Funds Transfers involved the use of interstate wire communications.

7. After having Individual 1 submit the fraudulent EIDL application on her behalf, **ELISA RIVERA** offered to, and did, submit fraudulent EIDL applications to the SBA on behalf of a limited group of other individuals ("the Applicants") who also did not own small businesses and did not qualify for EIDL relief. It was the intent of **ELISA RIVERA** and the Applicants to obtain for the Applicants the $10,000 EIDL advances from the SBA, but not to obtain any additional loan amount.

8. In exchange for submitting these fraudulent EIDL applications to the SBA, **ELISA RIVERA** charged Applicants a fee of up to $1,000 each.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its object and purpose, at least one of the co-conspirators committed and caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about July 3, 2020, Individual 1 electronically submitted an EIDL application to the SBA on behalf of "Elisa Rivera" that contained false representations as to the existence of the business, its gross revenues, and the number of employees it had.

2. On or about July 3, 2020, **ELISA RIVERA** electronically submitted an EIDL application to the SBA on behalf of one of the Applicants that contained false representations as to the existence of a small business, its gross revenues, and the number of employees it had.

3. On or about July 7, 2020, **ELISA RIVERA** requested and received $500 from one of the Applicants as a fee for submitting the EIDL application on their behalf.

4. On or about July 7, 2020, **ELISA RIVERA** electronically submitted an EIDL application to the SBA on behalf of one of the Applicants that contained false representations as to the existence of a small business, its gross revenues, and the number of employees it had.

5. On or about July 8, 2020, **ELISA RIVERA** electronically submitted an EIDL application to the SBA on behalf of one of the Applicants that contained false representations as to the existence of a small business, its gross revenues, and the number of employees it had.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **ELISA RIVERA**, has an interest.

2. Upon conviction of a conspiracy to commit a violation of Title 18, United States Code, Section 1343, as alleged in this Information, the defendant, **ELISA RIVERA**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

Robert K. [illegible] / For

EDWARD N. STAMM
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA
v.

Elisa Rivera

Defendant. /

CASE NO.______________________

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)
☑ Miami ☐ Key West ☐ FTL
☐ WPB ☐ FTP

New defendant(s) ☐ Yes ☐ No
Number of new defendants ________
Total number of counts ________

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) **No**
   List language and/or dialect ________
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)			(Check only one)	
I	0 to 5 days	☑	Petty	☐
II	6 to 10 days	☐	Minor	☐
III	11 to 20 days	☐	Misdemeanor	☐
IV	21 to 60 days	☐	Felony	☑
V	61 days and over	☐		

6. Has this case previously been filed in this District Court? (Yes or No) **No**
   If yes: Judge ________ Case No. ________
   (Attach copy of dispositive order)
   Has a complaint been filed in this matter? (Yes or No) **No**
   If yes: Magistrate Case No. ________
   Related miscellaneous numbers: ________
   Defendant(s) in federal custody as of ________
   Defendant(s) in state custody as of ________
   Rule 20 from the District of ________
   Is this a potential death penalty case? (Yes or No) **No**
7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No**
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) **No**
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No**

Robert K. Senior for

Edward N. Stamm
Assistant United States Attorney
FLA Bar No. 373826

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Elisa Rivera

Case No: ______________________

Count 1

Conspiracy to Commit Wire Fraud

18 U.S.C. § 371

Max. Penalty: Five years imprisonment; three years supervised release; $250,000 fine

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America	)	
v.	)	Case No.
Elisa Rivera	)	
	)	
Defendant	)	

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: ____________________

____
Defendant's signature

____
Signature of defendant's attorney

Michael Mirer, Esq.
Printed name of defendant's attorney

____
Judge's signature

____
Judge's printed name and title