UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

UNITED STATES OF AMERICA	)	**INFORMATION NO.**
	)	
v.	)	**18 U.S.C. § 371**
	)	**Conspiracy to Commit an Offense**
SHAKEENA HAMILTON	)	**Against the United States**

CR322-005

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE
Conspiracy to Commit an Offense Against the United States
18 U.S.C. § 371

1. Beginning no later than February 2021 and continuing through at least April 2021, in Telfair County, within the Southern District of Georgia, and elsewhere, the defendant, **SHAKEENA HAMILTON**, aided and abetted by others, did knowingly and willfully combine, conspire, confederate, and agree with at least one other person to commit wire fraud, that is to 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, and for the purpose of executing the scheme and artifice and to obtain money and property, caused to be transmitted wires and signals in interstate and foreign commerce, namely interstate communications to be made over the internet, in furtherance of the scheme and artifice to defraud, in violation of 18 U.S.C. § 1343. All of this was done in violation of 18 U.S.C. § 371.

Background

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

3. Among other relief efforts, the United States sought to provide financial support to eligible businesses that could be used to offset certain business expenses.

4. The Small Business Administration ("SBA") is an executive branch agency of the United States government that provides support to entrepreneurs and small businesses. The SBA is headquartered in Washington, DC and maintains its computer servers outside of the State of Georgia. The SBA's mission 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.

5. 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. In addition, the SBA provides loans that come directly from the U.S. Government.

6. 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.

7. To obtain a PPP loan, a qualifying business had to submit a PPP loan application signed by an authorized representative of the business. The PPP loan application required the business (through its authorized representative) to acknowledge the program rules and make certain affirmative certifications to be eligible to obtain the PPP loan. In the PPP loan application, the small business (through its authorized representative) had to state, among other things, its: (a) average monthly payroll expenses; and (b) number of employees. These figures were then used to calculate the amount of money the small business was eligible to receive under the PPP. In addition, a business applying for a PPP loan had to provide documentation showing its payroll expenses.

8. A PPP loan application must be processed by a participating lender, such as a financial institution. If a PPP loan is approved, the participating lender funds the PPP loan using its own monies, which are 100% guaranteed by the SBA. Data from the application, including the information about the borrower, the total amount of the loan, and the listed number of employees, is transmitted by the lender to the SBA in the course of processing the loan.

9. The PPP loan proceeds must be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP allows the interest and principal of the PPP loan to be entirely forgiven if the business spends the loan proceeds on these expense items within a designated period of time and uses a certain percentage of the PPP loan proceeds on payroll expenses.

The Scheme

10. The object of the conspiracy was for Defendant and her coconspirators to unjustly enrich themselves by making false PPP applications to the SBA and to financial institutions, to unlawfully induce the SBA and PPP lenders to dispense money and funds to coconspirators to which they were not entitled, and who, in turn, would pay a portion of the ill-gotten funds to Defendant as a kickback.

11. In furtherance of this scheme, and to effect the objects thereof, the following acts were committed in furtherance of the conspiracy:

a. It was part of the conspiracy that between February 2021 and April 2021, Defendant and her coconspirators utilized cellular devices, email, and the internet to create fraudulent PPP applications. Coconspirators would send their personal identifying information and banking information to Defendant. Defendant, in turn, would use the internet to access Company 1, which is a lender service provider that partners with banks to apply for and secure PPP loans.

b. For each PPP loan, Defendant would use a coconspirator's information with his/her knowledge and consent to create fraudulent PPP applications falsely reporting the existence of businesses that did not exist, falsely reporting the number of employees, and falsely reporting revenue. Next, a coconspirator would login to Company 1 and verify his/her identity by taking a self-photograph. Once an application was prepared, a coconspirator would electronically verify his/her identity with Company 1, then Defendant would complete and submit the fraudulent PPP application through interstate wires. After a PPP application was approved by a lender, a coconspirator would electronically receive, sign, and submit loan documents to the lender.

c. In reliance on false representations made in PPP applications created by Defendant in conjunction with her coconspirators, banks headquartered outside the State of Georgia, by means of wire communication, deposited millions of dollars into coconspirators' bank accounts resulting from this scheme.

d. In exchange for Defendant completing a fraudulent PPP application, Defendant's coconspirators agreed to pay Defendant in amounts as high as $5,000 per PPP application. Coconspirators transmitted the kickback to Defendant via CashApp, Zelle, or by cash transactions.

12. Between in or around February 2021 through in or around April 2021, Defendant, while in the Southern District of Georgia, caused to be submitted more than 120 fraudulent PPP applications on behalf of herself and conspirators, which resulted in more than approximately $2,300,000 being disbursed from banks to members of the conspiracy. Of that, Defendant obtained more than $300,000 in unlawful kickbacks disbursed from coconspirators to her as payment for submitting the fraudulent PPP applications. Defendant used proceeds of the conspiracy to purchase a Mercedes vehicle and other items unrelated to the purpose of the PPP's creation.

Overt Act in Execution of the Scheme

13. On or about March 22, 2021, in the Southern District of Georgia, and elsewhere, **SHAKEENA HAMILTON**, aided and abetted by others, for the purpose

of executing the scheme and artifice described above, and attempting to do so, caused to be transmitted in interstate commerce, by means of a wire communication, certain signs, signals, and sounds: that is, Defendant and Coconspirator 1 caused to be transmitted an electronic PPP application from the Southern District of Georgia to Bank 1 in Texas, which caused Bank 1 to deposit $20,547 into Coconspirator 1's account at Bank 2 on or about April 7, 2021, and in exchange, Coconspirator 1 paid Defendant $4,500, in violation of Title 18, United States Code, Section 1343.

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

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