UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	No. 1:23-CR-303
	:	
v.	:	(JUDGE Kane)
	:	
CREED WHITE,	:	
Defendant.	:	

I N F O R M A T I O N

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1
18 U.S.C. § 1349
(Conspiracy to Commit Wire Fraud)

I. BACKGROUND

At times material to this Information:

RELEVANT INDIVIDUALS

1. Defendant Creed White owned and operated an aluminum smelting and processing business in Yoe, York County, Pennsylvania called Aluminum Alloys Mfg, LLC ("Aluminum Alloys").

2. Employee #1 was an employee of Aluminum Alloys and was primarily responsible for service and sales.

3. Employee #2 was an employee of Aluminum Alloys and was primarily responsible for bookkeeping and accounting services.

4. Employee #3 lived on the premises at Aluminum Alloys and was employed by or provided various services to Aluminum Alloys at Creed White's direction.

5. In addition to Aluminum Alloys, Creed White owned or controlled 18 other corporate entities, none of which had employees or business operations. These dormant, non-operational entities included: Aluminum Alloy Transportation & Repair LLC; American Scrap LLC; Atlantic Coast Aluminum Inc.; Atlantic Coast Aluminum LLC; Busche Alum Tech LLC; Gettysburg Foundry Specialties Corp.; Hanover Resource Recovery Corp.; House of Windsor LLC; Linamar USA, LLC; Mahoney Foundries LLC; Moran Materials Recycling Inc.; Pinnacle Cores LLC; Scrap Transport LLC; Tap Enterprises LLC; Tape Enterprises American Aluminum Alloys LLC; Tristate Commodities LLC; Waynesboro Recycling LLC; and White Metal Recycling Company LLC (collectively, "the Non-Operational Businesses").

THE PAYCHECK PROTECTION PROGRAM

6. The Paycheck Protection Program (PPP) was a COVID-19 pandemic relief program administered by the Small Business Administration (SBA), which provided forgivable loans to small

businesses for job retention and certain other expenses. The PPP permitted participating third-party lenders to approve and disburse SBA-backed PPP loans to cover payroll, fixed debts, utilities, rent/mortgage obligations, accounts payable, and other bills incurred by qualifying businesses during, and resulting from, the COVID-19 pandemic. PPP loans were fully guaranteed by the SBA.

7. To obtain a PPP loan, a qualifying business had to submit a PPP loan application, which was 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 a PPP loan. These certifications included that the business was in operation and either had employees for whom it paid salaries and payroll taxes, or paid independent contractors. A business applying for a PPP loan was required to provide documentation to demonstrate its payroll expenses, such as filed federal income tax documents. The applicant for a PPP loan was required to certify that the information included as part of the application was true and correct and

acknowledged that false or fraudulent representations could subject the applicant to prosecution.

8. PPP loan applications were completed, signed, and submitted or caused to be submitted electronically by the borrower. The applications were received through SBA servers located in Virginia and Oregon. Once approved, the business received the PPP loan proceeds via an electronic funds transfer from the third-party lender to a financial account under the control of the borrower business.

9. As noted, the proceeds of a PPP loan could be used only for specific purposes, including payroll costs, costs related to continuation of group healthcare benefits, or mortgage interest payments. The proceeds of a PPP loan were not permitted to be used by borrowers to purchase real property or make capital improvements. The loan proceeds were also not permitted to be used to purchase consumer goods, automobiles, or to fund the borrower's ordinary day-to-day living expenses unrelated to the specific authorized expenses.

THE ECONOMIC INJURY DISASTER LOAN PROGRAM

10. The Economic Injury Disaster Loan (EIDL) Program was an existing disaster-related program that was expanded by the

Coronavirus Aid, Relief, and Economic Security ("CARES") Act of March 2020. The EIDL program was administered by the SBA and provided low-interest financing (including forgivable advances of up to $10,000) to small businesses and other eligible entities experiencing substantial financial disruption resulting from the COVID-19 pandemic.

11. To obtain an EIDL, a qualifying business was required to submit an application directly to the SBA and provide information about the business's operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the same 12-month period. In the case of EIDLs for COVID-19 relief, the 12-month period was January 31, 2019, to January 31, 2020. The applicant was also required to certify that all the information in the application was true and correct to the best of the applicant's knowledge.

12. EIDL applications were submitted directly to the SBA via an online portal and processed by the agency with support from a government contractor. If the application was approved, the amount of the loan was based, in part, on the information the applicant provided

about employment, revenue, and costs of goods sold. Any funds issued as part of an EIDL came directly from the United States Treasury.

13. EIDL applications were received and processed using computer servers located in the states of Iowa, Virginia, and Washington. EIDL disbursements were initiated by the SBA using computer servers located in the state of Colorado, which transmitted the payment information to the United States Treasury using computer servers located in the state of Virginia.

14. EIDL proceeds could be used only to pay fixed debts, payroll, accounts payable, and other bills that could have been paid had the disaster not occurred; however, such loan proceeds were not intended to replace lost sales or profits or for expansion of a business.

II. STATUTORY ALLEGATION

15. Paragraphs 1 through 14 are incorporated here.

16. Beginning in or about March 2020, and continuing through in or about September 2022, in the Middle District of Pennsylvania, and elsewhere, the defendant,

CREED WHITE,

knowingly and unlawfully combined, conspired, confederated and agreed with Employee #1, Employee #2, Employee #3, and other persons known and unknown to the United States Attorney, to knowingly devise, and intend to devise, a scheme and artifice to defraud the United States, 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 to defraud, and attempting to do so, transmitted and caused to be transmitted by means of wire communication in interstate commerce writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

III. MANNER AND MEANS

The conspiracy was accomplished, in part, by the following manner and means:

17. It was part of the conspiracy that Creed White filed and caused others to file, by means of the internet and interstate wires, more than 120 applications for PPP loans and EIDLs with third-party intermediary lenders and the SBA on behalf of the Non-Operational

Businesses. Of these applications, 42 PPP loan and EIDL applications were approved, for more than $11,500,000 in funds that were transferred by interstate wire into accounts that Creed White owned or controlled.

18. It was further part of the conspiracy that Creed White made and caused others to make, by means of the internet and interstate wires, material misrepresentations in the PPP loan applications filed with third-party intermediary lenders and FDIC-insured financial institutions, and in the EIDL applications filed with the SBA.

19. For example, the PPP and EIDL applications Creed White and his co-conspirators submitted and caused to be submitted included material misrepresentations that the individuals listed as applicants on the loan applications owned, controlled, or operated the Non-Operational Businesses, when in fact they did not. The applications also included material misrepresentations that the Non-Operational Businesses under Creed White's control had actual business operations, when in fact they did not.

20. As further example, Creed White and his co-conspirators caused the PPP loan and EIDL applications to include material misrepresentations and false supporting documents, including false

information attesting to the number of employees purported to be employed by the Non-Operational Businesses, fabricated bank and other financial statements that Creed White and his co-conspirators created to give the appearance that they were legitimate business records, and false payroll information.

21. The applications further included material misrepresentations and certifications that the PPP and EIDL funds would be used for payroll costs, business-related purposes, and other authorized expenditures, when Creed White and his co-conspirators knew that they would not use the funds for those purposes.

22. It was further part of the conspiracy that Creed White and his co-conspirators created, caused to be created, sent, and caused others to send, by means of the internet and interstate wires, forged documents to third-party intermediary lenders and FDIC-insured financial institutions, in support of PPP loan applications, and to the SBA in support of EIDL applications.

23. For example, Creed White and his co-conspirators created, caused to be created, sent, and caused others to send, forged and falsified Internal Revenue Service documents, including Forms 941

federal employment tax documents. Those forged and falsified IRS documents contained material misrepresentations, including false employee headcount information, fabricated information concerning employee wages paid, taxes withheld, taxes remitted to the IRS, income, gross receipts, costs of goods sold, and business expenses. Moreover, the forged and falsified IRS documents were represented as having been filed with the IRS, when in fact they were not.

24. It was further part of the conspiracy that Creed White and his co-conspirators caused the proceeds of fraudulently obtained PPP loans and EIDLs to be deposited, by means of interstate wires, into bank accounts in Creed White's name or under his control.

25. It was further part of the conspiracy that Creed White transferred and caused others to transfer the proceeds of fraudulently obtained PPP loans and EIDLs, by means of the internet and interstate wires.

26. It was further part of the conspiracy that Creed White used and caused others to use the proceeds of fraudulently obtained PPP and EIDL funds for impermissible purposes, including to make capital improvements to Aluminum Alloys, to purchase business vehicles and

other heavy equipment, to pay off business debts (including a mortgage on a building), to purchase aluminum scrap, and to make other unauthorized expenditures for his benefit and the benefit of his businesses.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2
18 U.S.C. § 1957(a)
(Money Laundering)

27. On or about August 7, 2020, in the Middle District of Pennsylvania and elsewhere, the defendant,

CREED WHITE,

did knowingly engage in a monetary transaction in criminally derived property of a value greater than $10,000, and which in fact was derived from specified unlawful activity, namely the defendant transferred $225,000 from Citizens Bank account ending in x-6177 to Citizens Bank account ending in x-2125, using funds that were obtained by wire fraud.

All in violation of Title 18, United States Code, Section 1957(a).

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 and 2 of this Information are hereby realleged and incorporated by reference for the

purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981 and 982, and Title 28 United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Sections, 1349 and 1957, the defendant,

CREED WHITE,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981 and 982, and Title 28 United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, and any property, real or personal, involved in such offenses, or any property traceable to such property, including but not limited to:

a. a Kubota RTV with plow, Model RTVX1100, bearing serial number 28713;
b. a Kenworth Hook Lift, Model T270 (year: 2013), bearing VIN 2NKHHM6XXDM348547;
c. approximately $550,107.51 in funds seized from the account in the name of Aluminum Alloys, LLC, at First National Bank, ending in -9411, on or about August 31, 2022; and
d. approximately $1,795.00 in funds seized from the account in the name of Aluminum Alloys, LLC, at First National Bank,

ending in -9411, on or about August 31, 2022.

3. 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 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982.

GERARD M. KARAM
United States Attorney

Christian T. Haugsby
CHRISTIAN T. HAUGSBY
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11/28/2023
Date