FELICE JOHN VITI, Acting United States Attorney (#7007)
TODD C. BOUTON, Assistant United States Attorney (#17800)
Attorneys for the United States of America
Office of the United States Attorney
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2176
Telephone: (801) 524-5682

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
SEP 24 2025
GARY P. SERDAR
CLERK OF COURT
BY ______ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, vs. HALEE ANN MEHLBAUER, Defendant.	Case No. 2:24-cr-00061-DBB STATEMENT BY DEFENDANT IN ADVANCE OF PLEA OF GUILTY AND PLEA AGREEMENT PURSUANT TO FED. R. CRIM. P. 11(c)(1)(C) Judge David Barlow

I hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights, and that I have had the assistance of counsel in reviewing, explaining, and entering into this agreement:

1. As part of this agreement with the United States of America, I intend to plead guilty to Counts 2 and 8 of the Indictment. My attorney has explained the nature of the charges against me, and I have had an opportunity to discuss the nature of the charges with my attorney. I understand the charges and what the United States is required to prove in order to convict me.

The elements of Count 2, *Wire Fraud* in violation of 18 U.S.C. § 1343, are:

First: The defendant knowingly devised or intended to devise a scheme to defraud;

Second: The defendant acted with the specific intent to defraud;

Third: The defendant used or caused the use of interstate wire communications for the purpose of executing or attempting to execute the scheme to defraud; and

Fourth: The scheme employed false or fraudulent pretenses, representations, or promises that were material.

The elements of Count 8, *Money Laundering (Spending)* in violation of 18 U.S.C. § 1957, are:

First: The defendant knowingly engaged or attempted to engage in a monetary transaction;

Second: The monetary transaction involved criminally derived property of a value greater than $10,000;

Third: The defendant engaged or attempted to engage in the monetary transaction knowing that the property was derived from an unlawful activity (that is—wire fraud); and

Fourth: The defendant engaged or attempted to engage in the monetary transaction with property that was, in fact, derived from an unlawful activity, to wit: wire fraud in violation of 18 U.S.C. § 1343.

2. I know that the maximum possible penalty provided by law for Count 2 of the Indictment, a violation of 18 U.S.C. §1343, is a term of imprisonment of 20 years, a fine of $250,000, a term of supervised release of 3 years, and any applicable forfeiture. I also know that the maximum possible penalty for Count 8 of the Indictment, a violation of 18 U.S.C. § 1957, is a term of imprisonment of 10 years, a fine of $250,000, a term of supervised release of 3 years, and any applicable forfeiture. I understand that if I violate a term or condition of supervised release, I can be returned to prison for the length of time provided in 18 U.S.C. § 3583(e)(3).

a. Additionally, I know the Court is required to impose an assessment in the amount of $100 for each offense of conviction, pursuant to 18 U.S.C. § 3013. Furthermore, restitution to the victim of my offense shall be ordered pursuant to 18 U.S.C. § 3663.

b. I understand that, if I am not a United States citizen, I may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

3. I know that the sentencing procedures in this case and the ultimate sentence will be determined pursuant to 18 U.S.C. § 3553(a), and that the Court must consider, but is not bound by, the United States Sentencing Guidelines, in determining my sentence. I have discussed these procedures with my attorney. I also know that the final calculation of my sentence by the Court may differ from any calculation the United States, my attorney, or I may have made, and I will not be able to withdraw my plea if this occurs. However, because my plea of guilty is being entered pursuant to Rule 11(c)(1)(C), as explained below, I know that I will be able to withdraw my plea if the Court does not accept the terms of this agreement.

4. I know that I can be represented by an attorney at every stage of the proceeding, and I know that if I cannot afford an attorney, one will be appointed to represent me.

5. I know that I have a right to plead "Not Guilty" or maintain my earlier plea of "Not Guilty" and can have a trial on the charges against me.

6. I know that I have a right to a trial by jury, and I know that if I stand trial by a jury:

a. I have a right to the assistance of counsel at every stage of the proceeding.

b. I have a right to see and observe the witnesses who testify against me.

c. My attorney can cross-examine all witnesses who testify against me.

d. I have the right to testify and present evidence, to call witnesses to testify at trial, and I can obtain subpoenas to require the attendance and testimony of those witnesses. If I cannot afford to pay for the appearance of a witness and mileage fees, the United States will pay them.

e. I cannot be forced to incriminate myself, and I do not have to testify at any trial.

f. If I do not want to testify, the jury will be told that no inference adverse to me may be drawn from my election not to testify.

g. The United States must prove each and every element of the offense charged against me beyond a reasonable doubt.

h. It requires a unanimous verdict of a jury to convict me.

i. If I were to be convicted, I could appeal, and if I could not afford to appeal, the United States would pay the costs of the appeal, including the services of appointed counsel.

7. If I plead guilty, I will not have a trial of any kind.

8. I know that 18 U.S.C. § 3742(c)(1) sets forth the circumstances under which I may appeal my sentence. However, fully understanding my right to appeal my sentence, and in consideration of the concessions and/or commitments made by the United States in this plea agreement, I knowingly, voluntarily and expressly waive my right to appeal as set forth in paragraph 12 below.

9. I know that, under 18 U.S.C. § 3742(c)(2), the United States may only appeal my sentence if it is less than the sentence set forth in this agreement.

10. I know that under a plea of guilty the judge may ask me questions under oath about the offense. The questions, if asked on the record and in the presence of counsel, must be answered truthfully and, if I give false answers, I can be prosecuted for perjury.

11. I stipulate and agree that the following facts accurately describe my conduct. These facts provide a basis for the Court to accept my guilty plea:

Count 2 – Wire Fraud

From on or about July 15, 2020 through at least January 15, 2022, in the District of Utah and elsewhere, I, Halee Ann Mehlbauer, devised and engaged in a scheme and artifice to defraud, and to obtain money through the use of false and fraudulent pretenses, representations, and promises, and in so doing, I used interstate wires, including electronically submitted Paycheck Protection Program loan applications, emails, and monetary transfers.

On or about January 31, 2021, I submitted or caused to be submitted a Paycheck Protection Program ("PPP") Loan application for a second-draw loan through direct lender Itria Ventures LLC ("Itria Ventures") for approximately $58,481.50 on behalf of my purported sole proprietorship business, "Halee Mehlbauer," (the "Mehlbauer Business"). By submitting this PPP Loan application, I ultimately caused an interstate wire transmission of $58,481.50 to be made on or about February 2, 2021, from New York, into a Fidelity Investments account in Utah ending in x4090. The receiving investment account was under my control.

In execution and furtherance of the scheme and artifice to defraud, I made the following false, fraudulent, and material representations to Itria Ventures in my PPP Loan application:

a. I was the sole proprietor of the Mehlbauer Business which had been in operation as of February 15, 2020; when in fact, it had not been;

b. The Mehlbauer Business had 4 employees; when in fact, it did not;

c. The Mehlbauer Business had an average monthly payroll of $16,709; when in fact, it did not;

d. The 2019 IRS Form 940 that I submitted along with the PPP-Loan Application accurately reflected the amount of payroll taxes that the Mehlbauer Business had paid employees in 2019 (approximately $103,878.37); when in fact, it did not;

e. The 2020 IRS Form 941 that I submitted along with the PPP-Loan Application accurately reflected the amount of wages, tips, other compensation, and payroll taxes that the Mehlbauer Business had paid employees in the first quarter of 2020 (approximately $40,582.31); when in fact, it did not;

f. The 2019 IRS 1040 Tax Form Schedule C that I submitted along with the PPP-Loan Application accurately reflected that the Mehlbauer Business had approximately $159,976 in gross receipts or sales, and $129,161 in gross income in 2019; when in fact, it did not; and

g. The information provided in the PPP-Loan application and the information provided in all the supporting documents and forms was true and accurate in all material respects; when in fact, it was not.

In response to the PPP Loan application, on or about February 2, 2021, the "Mehlbauer Business" (meaning I) received approximately $58,481.50 in PPP Loan proceeds. These loan funds were deposited into my Fidelity Investments account in Utah ending in x4090, which was under my control.

I knew that if I had not made the above false, fraudulent, and material representations in the PPP Loan application, neither Itria Ventures, nor the U.S. Small Business Administration would have approved the loan application for my professed Mehlbauer Business.

As part of my wire fraud scheme, I also submitted other PPP-Loan applications for myself and for my codefendant Timothy George Lopez. Through all of these PPP-Loan applications, I applied for and obtained a total of approximately $177,030.50 in PPP-Loan funds based on similar false, fraudulent, and material representations.

I did not use any of the PPP-Loan funds I obtained for approved payroll or business expenses under the PPP-Loan program.

I admit that my conduct violated 18 U.S.C. § 1343 and constituted the crime of wire fraud.

Count 8 -- Money Laundering

On or about February 8, 2021, in the District of Utah, I, Halee Ann Mehlbauer, did use my Fidelity Investments account ending in x4090 to issue a cashier's check for approximately $42,481.50 to myself in order to withdraw approximately $42,481.50 in PPP-Loan funds from my account.

When I withdrew the money, I knew that it derived from $58,481.50 in fraudulently obtained PPP-Loan funds that I arranged to be deposited into this same account just six days earlier, on February 2, 2021.

I knowingly withdrew the $42,481.50 in fraudulently obtained PPP-Loan funds, and I knowingly engaged in that transaction. I made the transaction through Fidelity Investments, which is a financial institution. I admit that the transaction affected interstate commerce. And I admit that, at the time of the transaction, I knew that the funds I was withdrawing were derived from wire fraud in violation of 18 U.S.C. 1343.

I admit that my conduct violated 18 U.S.C. § 1957 and constituted the crime of money laundering.

12. The only terms and conditions pertaining to this plea agreement between me and the United States are as follows:

a. **Guilty Plea.** I will plead guilty to Counts 2 and 8 of the Indictment.

b. **Stipulated Sentence.** Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the sentence imposed by the Court will be **a range from 1-year-and-1-day to up to 21 months of imprisonment**, which I agree is a reasonable sentence.

(1) I understand that this agreement, including my plea, the agreed upon sentence, and all other terms referenced herein, are subject to the approval of, and acceptance by the Court. I further understand that the Court will likely order the preparation of a Presentence Report to assist in the determination of whether this plea and the agreement are appropriate, and I agree to fully cooperate in the preparation of the Presentence Report.

(2) If, after receiving all relevant information, the Court rejects the plea agreement and determines that a sentence different from the agreed upon sentence of a range from 1-year-and-1-day to up to 21 month's imprisonment will be imposed, I will have the right to withdraw the plea of guilty and the terms of this agreement will become null and void. Likewise, if the Court rejects the plea agreement and determines that the sentence should be less than 1 year and 1 day of imprisonment, I understand that the United States will have the right to move to vacate this agreement, and all terms of this agreement will become null and void.

c. **Dismissal of Counts.** The United States agrees to move for leave to dismiss Counts 1, 3, and 5-7, and Count 4 as to the defendant only, at the time of sentencing. The United States also agrees not to seek indictment against me for any other offense of which the United States Attorney's Office for the District of Utah is aware at this time.

d. **Relevant Conduct.** I understand and agree that the Presentence Report may include descriptions of conduct I engaged in which either was not charged against me, will not be pleaded to by me, or both. I understand and agree that the Court will take these facts into consideration in determining the reasonableness of the stipulated sentence.

e. **Other United States Concessions.** At sentencing, the United States agrees that it will not seek a sentencing enhancement under USSG § 3B1.1.

f. **Appeal Waiver.**

(1) Fully understanding my limited right to appeal my sentence, as explained above in paragraph 8, and in consideration of the concessions and/or commitments made by the United States in this plea agreement, I knowingly, voluntarily, and expressly waive my right to appeal any sentence imposed upon me, except that I do not waive the right to appeal as set forth in 18 U.S.C. § 3742(c)(1), which states that I may not file a notice of appeal unless the sentence imposed is greater than the sentence set forth in this agreement. I also knowingly, voluntarily, and expressly waive any argument (1) that the statute(s) to which I am pleading guilty is/are unconstitutional or (2) that my admitted conduct does not fall within the scope of the statute(s).

(2) I also knowingly, voluntarily, and expressly waive my right to challenge my sentence, unless the sentence imposed is greater than the sentence set forth in this agreement, and my conviction, in any collateral review motion, writ or other procedure, including but not limited to a motion brought under 28 U.S.C. § 2255, except to raise an ineffective assistance of counsel claim. This waiver includes any motion for modification of my sentence under 18 U.S.C. § 3582(c)(2).

(3) I understand that this waiver of my appeal and collateral review rights concerning my sentence shall not affect the United States' right to appeal my sentence pursuant to 18 U.S.C. § 3742(c)(2) and § 3742(b)(1) and (2).

(4) I further understand and agree that the word "sentence" appearing throughout this waiver provision is being used broadly and applies to all aspects of the Court's sentencing authority, including, but not limited to: (1) sentencing determinations; (2) the imposition of imprisonment, fines, supervised release, probation, and any specific terms and conditions thereof; and (3) any orders of restitution.

g. **Presentence Report and Financial Information.** I agree to provide truthful and complete information, including financial information, as requested by the probation office for the preparation of my presentence report and for determination of the conditions of my supervised release. I also consent to allowing the United States Attorney's Office to run a credit check on me. I consent to being placed on the Treasury Offset Program and State Finder.

h. **Restitution.**

(1) I agree that I am subject to mandatory restitution because my case falls within the provisions of 18 U.S.C. § 3663A(a)(1) and (c)(1) based on the charge to which I am pleading guilty. My attorney has explained what mandatory restitution means.

Under 18 U.S.C. § 3663A(a)(3), I agree to pay restitution, in the amount of $177,030.50, which the Clerk of Court shall pay to the victim:

United States Small Business Administration
SBA Loan Number
Court Ordered Restitution
SBA/DFC, 721 19th St, 3rd Floor, Room 301
Denver, CO 80202.

This restitution amount is based on the Paycheck Protection Program loan funds that I fraudulently obtained for myself and others from the SBA. These loan funds were obtained based on misrepresentations that I made in the various loan applications.

I agree to pay this specific restitution, joint and several with any codefendants, and agree that this amount should not be reduced or increased through apportionment of liability under 18 U.S.C. § 3664(h).

(2) I understand that the amount of restitution and the schedule of payments will be determined as a part of the sentencing proceedings in accordance with the provisions of 18 U.S.C. § 3664. I agree to pay all restitution as ordered by the Court. I agree that the payment and enforcement of my restitution order is governed by 18 U.S.C. § 3664, and my lawyer has explained the consequences of an order of restitution.

(3) I understand and agree that payment of any restitution owed, pursuant to the schedule set by the Court at sentencing, should be a condition of any term of probation or supervised release imposed upon me. I know that if I fail to pay restitution as ordered, the failure can be considered a violation of probation or supervised release and, pursuant to 18 U.S.C. § 3614, the Court can resentence me to any sentence which might originally have been imposed in my case.

i. **Waiver of Interest.** The United States agrees to recommend that the Court waive interest for fines and restitution assessed against me.

j. **Forfeiture.**

(1) I agree to the entry of a forfeiture money judgment of $177,030.50. This amount is the value of property that was involved in, or that I obtained from, my offense that is not available for forfeiture because of my acts or omissions. I agree that such property 1) cannot be located upon the exercise of due diligence; 2) has been transferred or sold to, or deposited with, a third party; 3) has been placed beyond the court's jurisdiction; 4) has been substantially diminished in value; or 5) has been commingled with other property which cannot be divided without difficulty as provided under 21 U.S.C. § 853(p). Payments toward the forfeiture money judgment shall be made to: United States Marshals Service, ATTN: Asset Forfeiture Coordinator, 333 Lomas Blvd NW Suite 180, Albuquerque, New Mexico 87102.

(2) The defendant understands that, by law, forfeiture is mandatory in this case. The defendant understands that the United States will not pursue satisfaction of the forfeiture money judgment provided that the defendant makes payments, as required by the Court, on the restitution order. The defendant further understands that, if the defendant pays off all the restitution ordered by the Court, then the United States agrees to forgo enforcement or satisfaction of the forfeiture money judgment. The defendant further understands that, if the defendant fails to pay restitution as required by the Court, then the United States is free to pursue satisfaction of the forfeiture money judgment.

(3) I consent to entry of any orders, judgments, or declarations of forfeiture and waive the requirements (including notice of the forfeiture) of 19 U.S.C. §§ 1607-1609; 18 U.S.C. §§ 981, 983, and 985; the Code of Federal Regulations; and Rules 11 and 32.2 of the Federal Rules of Criminal Procedure. I consent to any criminal forfeiture order becoming final as to me upon its entry.

(4) I waive any claims I may have against the government, its officers, employees, and agents regarding the seizure, forfeiture, storage, and disposal of the property.

(5) I waive any constitutional or statutory challenges to the forfeiture, including that it is an excessive fine or punishment.

13. I understand and agree that this plea agreement is solely between me and the United States Attorney for the District of Utah and does not bind any other federal, state, or local prosecuting, administrative, or regulatory authorities.

14. I understand that I have a right to ask the Court any questions I wish to ask concerning my rights about these proceedings and the plea.

* * * *

I make the following representations to the Court:

1. I am 40 years of age. My education consists of Some college. I can read and understand English.

2. This Statement in Advance contains all terms of the agreement between me and the United States; if there are exceptions, the Court will be specifically advised, on the record, at the time of my guilty plea of the additional terms. I understand the United States and I cannot have terms of this plea agreement that are not disclosed to the Court.

3. No one has made threats, promises, or representations to me that have caused me to plead guilty, other than the provisions set forth in this agreement.

4. Neither my attorney nor the United States has promised me that I would receive probation or any other form of leniency because of my plea.

5. I have discussed this case and this plea with my lawyer as much as I wish, and I have no additional questions.

6. I am satisfied with my lawyer.

7. My decision to enter this plea was made after full and careful thought; with the advice of counsel; and with a full understanding of my rights, the facts and circumstances of the case and the consequences of the plea. I was not under the influence of any drugs, medication, or intoxicants when I made the decision to enter the plea, and I am not now under the influence of any drugs, medication, or intoxicants.

8. I have no mental reservations concerning the plea.

9. I understand and agree to all the above. I know that I am free to change or delete anything contained in this statement. I do not wish to make changes to this agreement because I agree with the terms and all the statements are correct.

DATED this 24th day of September, 2025.

Halee Ann Mehlbauer
Defendant

I certify that I have discussed this plea agreement with the defendant, that I have fully explained her rights to her, and that I have assisted her in completing this written agreement. I believe that she is knowingly and voluntarily entering the plea with full knowledge of her legal rights and that there is a factual basis for the plea.

DATED this 24th day of September, 2025.

Kristen R. Angelos
Attorney for Defendant

I represent that all terms of the plea agreement between the defendant and the United States have been, or will be at the plea hearing, disclosed to the Court, and there are no undisclosed agreements between the defendant and the United States.

DATED this 24th day of September, 2025.

FELICE JOHN VITI
Acting United States Attorney

Todd C. Bouton
Assistant United States Attorney