UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA v. PIERRE ROGERS, Defendant	Criminal Case No. 1:22-cr-74-PB-01 Count 1: Conspiracy to Commit Bank Fraud and Wire Fraud (18 U.S.C. §§ 1349, 1344, 1343)

SUPERSEDING INFORMATION

The United States Attorney charges:

Background

At all times material to this Superseding Information:

1. TD Bank was a financial institution as defined by Title 18, United States Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC").

2. The defendant, PIERRE ROGERS, was a resident of New Hampshire, until on or around July 23, 2021, when he became a resident of California.

3. His co-conspirator, JOSHUA LEAVITT, was a resident of New Hampshire.

4. Monticello Transnational, Puro Trader (d/b/a Yahyn), Puro Lounge, Puro Group, and Sunju (collectively, the "Companies") were corporate entities with business addresses or operations in New Hampshire.

5. At all relevant times, PIERRE ROGERS owned or controlled Sunju and Monticello Transnational.

6. At all relevant times, PIERRE ROGERS and JOSHUA LEAVITT owned or controlled Puro Trader, Puro Lounge, and Puro Group.

CARES Act Payroll Protection Program

7. The United States Small Business Administration ("SBA") is an executive-branch agency of the United States government that provides support to entrepreneurs and small businesses.

8. In or around March 2020, the Coronavirus Aid, Relief, and Economic Security ("CARES") Act was enacted to provide emergency financial assistance to the millions of Americans suffering adverse economic effects caused by the COVID-19 pandemic. The CARES Act established several new temporary programs and expanded existing programs, including programs created or administered by the SBA.

9. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP").

10. To obtain a PPP loan, the authorized representative of a business was required to state the business's average monthly payroll expenses and number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP.

11. A participating lender would then process the PPP loan application. If the PPP loan application was approved, the participating lender funded the PPP loan using its own monies, which were fully guaranteed by the SBA.

12. TD Bank participated in the PPP as a lender to small businesses.

CARES Act Economic Injury Disaster Loan Program and Economic Injury Disaster Grants

13. The Economic Injury Disaster Loan ("EIDL") program was another source of financial assistance provided by the CARES Act. It provided low-interest financing to small

businesses, renters, and homeowners in regions affected by declared disasters. The EIDL program was administered by the SBA.

14. The CARES Act authorized the SBA to provide EIDLs to eligible small businesses experiencing substantial financial disruptions due to the COVID-19 pandemic. In addition, the CARES Act authorized the SBA to issue advances of up to $10,000 to small businesses, known as Economic Injury Disaster Grants (EIDGs). The amount of the advance was determined by the number of employees the applicant certified having. The advances did not need to be repaid.

15. To obtain an EIDL and/or EIDG, a qualifying business was required to apply to the SBA and provide information about its operations, such as the number of employees and the entity's gross business revenues and cost of goods sold in the 12 months prior to January 31, 2020. The amount of the loan, if approved, was determined based, in part, on the information provided concerning the number of employees, gross revenue, and cost of goods.

16. Any funds issued under an EIDL or EIDG were issued directly by the SBA. EIDL funds could be used for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

17. EIDL and EIDG applications were received by a cloud-based platform through a server located in Des Moines, Iowa.

COUNT ONE

Conspiracy to Commit Bank Fraud and Wire Fraud
[18 U.S.C. §§ 1349, 1344, and 1343]

18. Paragraphs 1 through 17 are realleged.

19. Between on or about March 30, 2020, and continuing through on or about November 23, 2021, in the District of New Hampshire and elsewhere, the defendant and Joshua

Leavitt conspired, confederated, and agreed with each other to commit bank fraud in violation of Title 18, United States Code, Section 1344 and wire fraud in violation of Title 18, United States Code, Section 1343 to fraudulently obtain funds made available under the CARES Act.

20. As part of and in furtherance of their agreement, from about April 2020 through January 2021, the defendant or Leavitt provided or caused false supporting documents to be provided to TD Bank in connection with the Companies' PPP loan applications. The false supporting documents, including false tax filings, overstated the Companies' payroll and earnings. Because the amount of a PPP loan was based, in part, on a loan applicant's monthly payroll, the Companies obtained larger PPP loans than they were eligible to receive. TD Bank relied, in part, on the fraudulent documents in making determinations about whether to approve the loans.

21. Additionally, as part of and in furtherance of the conspiracy from about March 2020 through November 2021, the defendant or Leavitt provided or caused false financial information to be provided to the SBA in connection with the Companies' EIDL applications. The EIDL applications sometimes also included false supporting documents, including false tax filings, that overstated the Companies' payroll and earnings. The SBA relied, in part, on the fraudulent representations in making determinations about whether to approve the loans.

22. The total value of the loan applications to TD Bank and the SBA which included false financial information about the Companies was at least $3.5 million.

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

Dated: October 12, 2022

JANE E. YOUNG
UNITED STATES ATTORNEY

By: /s/ Alexander S. Chen
Alexander S. Chen
Special Assistant U.S. Attorney