FILED IN OPEN COURT
ON 7-9-2024
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC
JAA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:24-CR-215-BO-RN

UNITED STATES OF AMERICA	)	
	)	
v.	)	**INDICTMENT**
	)	
WILSON ALFREDO OLIVERA BORDA	)	

The Grand Jury charges:

INTRODUCTION

Relevant Persons and Entities

At all times relevant to this Indictment:

1. WILSON ALFREDO OLIVERA BORDA ("**OLIVERA**") was a resident of the Eastern District of North Carolina.

2. Ameriserv LLC ("**Ameriserv**") was a North Carolina limited liability company owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

3. The Insurance Centers.Com Inc. ("**TIC Inc.**") was a North Carolina corporation owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

4. The Insurance Centers LLC ("**TIC LLC**") was a Delaware limited liability company owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

5. Realty Vestors LLC ("**Realty Vestors**") was a North Carolina limited liability company owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

6. US-Kaizen LLC ("**US-Kaizen**") was a North Carolina limited liability company owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

7. Ecobuild LLC ("**Ecobuild**") was a North Carolina limited liability company owned and controlled by OLIVERA with its registered address in the Eastern District of North Carolina.

The CARES Act, the Small Business Administration, and the Paycheck Protection Program

8. On March 13, 2020, President Donald Trump issued an executive order declaring the COVID-19 pandemic a national emergency under Title 42, United States Code, Sections 5121 through 5207.

9. Later that month, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (the "**CARES Act**"), which was designed to provide emergency financial assistance to millions of Americans who were suffering from the economic effects caused by the COVID-19 pandemic.

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

11. Among other sources of relief, the CARES Act authorized up to $349 billion in forgivable loans to small businesses for job retention and other specified 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.

12. To obtain a PPP loan, businesses were required to submit a PPP loan application, signed by an authorized representative of the business, acknowledging the program rules. The business was required to state its average monthly payroll expenses and number of employees. These figures were used to calculate the amount of PPP funding the business was eligible to receive. In addition, businesses applying for a PPP loan were required to provide documentation showing their payroll expenses.

13. A PPP loan application was required to be processed by a participating financial institution (a "**Lender**"). Many Lenders were financial institutions within the meaning of Title 18, United States Code, Section 20. If a PPP loan application was approved, the Lender funded the PPP loan using its own moneys, which were fully guaranteed by the SBA. In the course of processing the loan, the Lender transmitted data from the application to the SBA. This included information about the borrower, the total amount of the loan, and the listed number of employees.

14. Businesses were required to use PPP loan proceeds on specified expenses, including payroll costs, mortgage interest, rent, and utility costs. PPP loans were 100-percent forgivable if the borrower submitted documentation to the Lender and the SBA demonstrating that (1) at least 60 percent of the PPP loan proceeds were used to meet existing payroll obligations and retain employees and (2) any remaining loan proceeds were used for other eligible purposes, including rent, utility costs, and interest payments on existing debt.

15. Businesses that complied with these criteria as to their initial PPP loan (the "**First Draw**") were eligible for an additional PPP loan (the "**Second Draw**") if their gross receipts for any quarter in 2020 were at least 25 percent lower than their gross receipts for the same quarter in 2019.

COUNTS ONE THROUGH NINE

16. All allegations contained in paragraphs 1 through 15 of this Indictment are realleged and incorporated by reference.

The Scheme

17. From during or around April 2020 to during or around July 2022, OLIVERA knowingly devised and intended to devise a scheme to defraud the SBA, both directly and indirectly through Lenders, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

18. Ameriserv is an insurance brokerage based in Garner, North Carolina. Ameriserv does business under several trade names, including "The Insurance Centers" and "The Insurance Centers.Com."

19. Ameriserv received First- and Second-Draw PPP loans totaling $168,820 through First Horizon Bank ("**First Horizon**"), a Lender headquartered in Memphis, Tennessee. The SBA forgave those loans in full. As a consequence, Ameriserv was never required to make any repayments on its PPP loans. Rather, the SBA remitted the outstanding loan amounts to First Horizon.

20. Ameriserv also received a total of $210,000 in additional disaster-relief benefits through the Economic Injury Disaster Loan ("**EIDL**") program, which is administered by the SBA.

Manner and Means

21. Although Ameriserv received over $370,000 in COVID-19 relief funds through the PPP and EIDL programs, OLIVERA signed and caused to be submitted additional PPP applications on behalf of TIC Inc. and TIC LLC, falsely and fraudulently representing that each company had separate employees and payroll obligations that would qualify it for PPP loans. Through these applications, OLIVERA obtained an additional $342,757 in PPP loans. These loans were eventually forgiven by the SBA.

22. At all times relevant to this Indictment, none of Realty Vestors, US-Kaizen, or Ecobuild had employees or payroll obligations.

23. OLIVERA signed and caused to be submitted PPP applications on behalf of Realty Vestors, US-Kaizen, and Ecobuild, falsely representing that each company had employees and payroll obligations that would qualify it for PPP loans.

Through these applications, OLIVERA obtained an additional $709,004 in PPP loans. These loans, too, were eventually forgiven by the SBA.

24. In support of some of these fraudulent applications, OLIVERA submitted fabricated tax returns that were never actually filed with the Internal Revenue Service (the "**IRS**"), fabricated quarterly reports that were never actually filed with the North Carolina Division of Employment Security (the "**NCDES**"), and false payroll records.

TIC Inc.'s First Draw Loan and Forgiveness Applications

25. On or about May 27, 2020, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP loan application to Intuit Financing Inc. ("**Intuit**"), a Lender headquartered in Mountain View, California. That application sought a First Draw of $92,122 for TIC Inc.

26. In the loan application, OLIVERA falsely stated that TIC Inc. had 11 employees and an average monthly payroll of $36,848.80. OLIVERA also falsely stated that no owner of TIC Inc. was "an owner of any other business" and that TIC Inc. did not "have common management with any other business."

27. On the basis of these false and fraudulent representations, TIC Inc. obtained a First Draw of $92,122 from Intuit.

28. On or about February 11, 2022, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP forgiveness application to Intuit. That application sought full forgiveness of TIC, Inc.'s First Draw.

29. In the forgiveness application, OLIVERA falsely represented that TIC Inc. had 11 employees at the time of its forgiveness application and that TIC Inc. spent the entirety of its First Draw on payroll costs.

30. On the basis of these false and fraudulent representations, the SBA forgave TIC Inc.'s First Draw in full and remitted the outstanding loan amount to Intuit. As a consequence, TIC Inc. was never required to make any repayments on its First Draw.

TIC LLC's First Draw Loan and Forgiveness Applications

31. On or about April 16, 2020, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP loan application to Bank of America, N.A. ("**Bank of America**"), a Lender headquartered in Charlotte, North Carolina. That application sought a First Draw of $201,990 for TIC LLC.

32. In the loan application, OLIVERA falsely stated that TIC LLC had 18 employees and an average monthly payroll of $80,796. OLIVERA also falsely stated that no owner of TIC LLC was "an owner of any other business" and that TIC LLC did not "have common management with any other business."

33. OLIVERA also submitted and caused to be submitted supporting documentation including a fabricated Annual Federal Unemployment Tax Act Return (a "**Form 940**") purporting to represent a tax filing made by TIC LLC for the tax year 2019. In truth, TIC LLC never filed a Form 940 for the tax year 2019.

34. On the basis of these false and fraudulent representations, TIC LLC obtained a First Draw of $125,318 from Bank of America.

35. On or about February 19, 2021, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP forgiveness application to Bank of America. That application sought full forgiveness of TIC LLC's First Draw.

36. In the forgiveness application, OLIVERA falsely represented that TIC LLC had 13 employees at the time of its forgiveness application and that TIC LLC spent $117,356.80 of its First Draw on payroll costs.

37. On the basis of these false and fraudulent representations, the SBA forgave TIC LLC's First Draw in full and remitted the outstanding loan amount to Bank of America. As a consequence, TIC LLC was never required to make any repayments on its First Draw.

TIC LLC's Second Draw Loan and Forgiveness Applications

38. On or about February 21, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP loan application to Bank of America. That application sought a Second Draw of $125,317 for TIC LLC.

39. In the loan application, OLIVERA falsely stated that TIC LLC had 11 employees and an average monthly payroll of $50,127. OLIVERA also falsely stated that no owner of TIC LLC was "an owner of any other business" and that TIC LLC did not "have common management with any other business." OLIVERA also falsely stated that TIC LLC had "realized a reduction in gross receipts in excess of 25%," as was required to qualify for a Second Draw.

40. On the basis of these false and fraudulent representations, TIC LLC obtained a First Draw of $125,317 from Bank of America.

41. On or about September 28, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP forgiveness application to Bank of America. That application sought full forgiveness of TIC LLC's Second Draw.

42. In the forgiveness application, OLIVERA falsely represented that TIC LLC had 12 employees at the time of its forgiveness application and that TIC LLC spent the entirety of its Second Draw on payroll costs.

43. On the basis of these false and fraudulent representations, the SBA forgave TIC LLC's Second Draw in full and remitted the outstanding loan amount to Bank of America. As a consequence, TIC LLC was never required to make any repayments on its Second Draw.

Realty Vestors' First Draw Loan and Forgiveness Applications

44. On or about May 1, 2020, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP loan application to First Horizon. That application sought a First Draw of $173,967 for Realty Vestors.

45. In the loan application, OLIVERA falsely stated that Realty Vestors had 15 employees and an average monthly payroll of $69,587. OLIVERA also falsely stated that Ameriserv was the only business with which Realty Vestors shared common ownership or management.

46. OLIVERA also submitted and caused to be submitted supporting documentation including a fabricated U.S. Corporation Income Tax Return (a "**Form 1120**") purporting to represent a tax filing made by Realty Vestors for the

tax year 2019. In truth, Realty Vestors never filed a Form 1120 for the tax year 2019.

47. On the basis of these false and fraudulent representations, Realty Vestors obtained a First Draw of $173,967 from First Horizon.

48. On or about July 20, 2022, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP forgiveness application to First Horizon. That application sought full forgiveness of Realty Vestors' First Draw.

49. In the forgiveness application, OLIVERA falsely represented that Realty Vestors had 15 employees at the time of its forgiveness application and that Realty Vestors spent the entirety of its First Draw on payroll costs.

50. OLIVERA also submitted and caused to be submitted fabricated Employer's Quarterly Federal Tax Returns ("**Form 941s**") purporting to represent tax filings made by Realty Vestors for the first, second, and third quarters of the tax year 2020. In truth, Realty Vestors never filed Form 941s for those quarters.

51. OLIVERA also submitted and caused to be submitted fabricated Quarterly Tax and Wage Reports purporting to represent filings Realty Vestors made with NCDES for the second and third quarters of 2020. Realty Vestors' true filings with NCDES for those quarters reported no employees and no wages for either quarter.

52. On the basis of these false and fraudulent representations, the SBA forgave Realty Vestors' First Draw in full and remitted the outstanding loan

amount to First Horizon. As a consequence, Realty Vestors was never required to make any repayments on its First Draw.

Realty Vestors' Second Draw Loan and Forgiveness Applications

53. On or about April 2, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP loan application to First Horizon. That application sought a Second Draw of $138,540 for Realty Vestors.

54. In the loan application, OLIVERA falsely stated that Realty Vestors had 11 employees and an average monthly payroll of $55,416. OLIVERA also falsely stated that Ameriserv was the only business with which Realty Vestors shared common ownership or management. OLIVERA also falsely stated that Realty Vestors had "realized a reduction in gross receipts in excess of 25%," as was required to qualify for a Second Draw.

55. On the basis of these false and fraudulent representations, Realty Vestors obtained a Second Draw of $138,540 from First Horizon.

56. On or about September 27, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP forgiveness application to First Horizon. That application sought full forgiveness of Realty Vestors' Second Draw.

57. In the forgiveness application, OLIVERA falsely represented that Realty Vestors had 11 employees at the time of its forgiveness application and that Realty Vestors spent the entirety of its Second Draw on payroll costs.

58. On the basis of these false and fraudulent representations, the SBA forgave Realty Vestors' Second Draw in full and remitted the outstanding loan amount to First Horizon. As a consequence, Realty Vestors was never required to make any repayments on its Second Draw.

US-Kaizen's First Draw Loan and Forgiveness Applications

59. On or about July 9, 2020, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP loan application to First Horizon. That application sought a First Draw of $37,265 for US-Kaizen.

60. In the loan application, OLIVERA falsely stated that US-Kaizen had 2 employees and an average monthly payroll of $14,906. OLIVERA also falsely stated that no owner of US-Kaizen was "an owner of any other business" and that US-Kaizen did not "have common management with any other business."

61. OLIVERA also submitted and caused to be submitted supporting documentation including a fabricated Form 940 purporting to represent a tax filing made by US-Kaizen for the tax year 2019. In truth, US-Kaizen never filed a Form 940 for the tax year 2019.

62. On the basis of these false and fraudulent representations, US-Kaizen obtained a First Draw of $37,265 from First Horizon.

63. On or about May 18, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP forgiveness application to First Horizon. That application sought full forgiveness of US-Kaizen's First Draw.

64. In the forgiveness application, OLIVERA falsely represented that US-Kaizen had two employees at the time of its forgiveness application and that TIC LLC spent $34,265 of its First Draw on payroll costs.

65. On the basis of these false and fraudulent representations, the SBA forgave TIC LLC's First Draw in full and remitted the outstanding loan amount to Bank of America. As a consequence, TIC LLC was never required to make any repayments on its First Draw.

US-Kaizen's Second Draw Loan and Forgiveness Applications

66. On or about April 1, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP loan application to First Horizon. That application sought a Second Draw of $37,265 for US-Kaizen.

67. In the loan application, OLIVERA falsely stated that US-Kaizen had 2 employees and an average monthly payroll of $14,906. OLIVERA also falsely stated that no owner of US-Kaizen was "an owner of any other business" and that US-Kaizen did not "have common management with any other business." OLIVERA also falsely stated that US-Kaizen had "realized a reduction in gross receipts in excess of 25%," as was required to qualify for a Second Draw.

68. On the basis of these false and fraudulent representations, US-Kaizen obtained a Second Draw of $37,265 from First Horizon.

69. On or about September 27, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP forgiveness

application to First Horizon. That application sought full forgiveness of US-Kaizen's Second Draw.

70. In the forgiveness application, OLIVERA falsely represented that US-Kaizen had 2 employees at the time of its forgiveness application and that US-Kaizen spent the entirety of its Second Draw on payroll costs.

71. On the basis of these false and fraudulent representations, the SBA forgave US-Kaizen's Second Draw in full and remitted the outstanding loan amount to First Horizon. As a consequence, US-Kaizen was never required to make any repayments on its Second Draw.

Ecobuild's First Draw Loan and Forgiveness Applications

72. On or about April 22, 2020, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP loan application to Wells Fargo Bank, N.A. ("**Wells Fargo**"), a Lender headquartered in Sioux Falls, South Dakota. That application sought a First Draw of $173,967 for Ecobuild.

73. In the loan application, OLIVERA falsely stated that Ecobuild had 15 employees and an average monthly payroll of $85,544. OLIVERA also falsely stated that no owner of Ecobuild was "an owner of any other business" and that Ecobuild did not "have common management with any other business."

74. OLIVERA also submitted and caused to be submitted supporting documentation including a fabricated Form 940 purporting to represent a tax filing made by Ecobuild for the tax year 2019. In truth, Ecobuild never filed a Form 940 for the tax year 2019.

75. On the basis of these false and fraudulent representations, Ecobuild obtained a First Draw of $173,967 from Wells Fargo.

76. On or about April 13, 2021, OLIVERA electronically signed and submitted and caused to be submitted a fraudulent PPP forgiveness application to Wells Fargo. That application sought full forgiveness of Ecobuild's First Draw.

77. In the forgiveness application, OLIVERA falsely represented that Ecobuild had 15 employees at the time of its forgiveness application and that Ecobuild spent the entirety of its First Draw on payroll costs.

78. OLIVERA also submitted and caused to be submitted fabricated Form 941s purporting to represent tax filings made by Ecobuild for the first, second, third, and fourth quarters of the tax year 2020. In truth, Ecobuild never filed Form 941s for those quarters.

79. On the basis of these false and fraudulent representations, the SBA forgave Ecobuild's First Draw in full and remitted the outstanding loan amount to Wells Fargo. As a consequence, Ecobuild was never required to make any repayments on its First Draw.

Ecobuild's Second Draw Loan and Forgiveness Applications

80. On or about April 14, 2021, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP loan application to Wells Fargo. That application sought a Second Draw of $148,000 for Ecobuild.

81. In the loan application, OLIVERA falsely stated that Ecobuild had 11 employees and an average monthly payroll of $62,007. OLIVERA also falsely stated

that no owner of Ecobuild was "an owner of any other business" and that Ecobuild did not "have common management with any other business." OLIVERA also falsely stated that Ecobuild had "realized a reduction in gross receipts in excess of 25%," as was required to qualify for a Second Draw.

82. On the basis of these false and fraudulent representations, Ecobuild obtained a Second Draw of $148,000 from Wells Fargo.

83. On or about February 4, 2022, OLIVERA electronically signed and submitted and caused to be submitted another fraudulent PPP forgiveness application to Wells Fargo. That application sought full forgiveness of Ecobuild's Second Draw.

84. In the forgiveness application, OLIVERA falsely represented that Ecobuild had 11 employees at the time of its forgiveness application and that Ecobuild spent the entirety of its Second Draw on payroll costs.

85. On the basis of these false and fraudulent representations, the SBA forgave Ecobuild's Second Draw in full and remitted the outstanding loan amount to Wells Fargo. As a consequence, US-Kaizen was never required to make any repayments on its Second Draw.

Use of the Wires

86. On or about the dates set forth below, in the Eastern District of North Carolina and elsewhere, the defendant, WILSON ALFREDO OLIVERA BORDA, knowingly and with the intent to defraud, having devised and intending 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 in relation to or involving a benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a presidentially declared major disaster or emergency, transmitted and caused to be transmitted the following writings, signs, signals, pictures, and sounds by means of wire communication in interstate and commerce for the purpose of executing the scheme and artifice to defraud:

Count	Dates	Description
One	May 27, 2020 – February 11, 2022	Interstate wire signals originating from the Eastern District of North Carolina to Intuit constituting false and fraudulent **First Draw** PPP loan and forgiveness applications in the name of **TIC Inc.**
Two	April 16, 2020 – February 19, 2021	Interstate wire signals originating from the Eastern District of North Carolina to Bank of America constituting false and fraudulent **First Draw** PPP loan and forgiveness applications in the name of **TIC LLC.**
Three	February 21, 2021 – September 28, 2021	Interstate wire signals originating from the Eastern District of North Carolina to Bank of America constituting false and fraudulent **Second Draw** PPP loan and forgiveness applications in the name of **TIC LLC.**
Four	May 1, 2020 – July 20, 2022	Interstate wire signals originating from the Eastern District of North Carolina to First Horizon constituting false and fraudulent **First Draw** PPP loan and forgiveness applications in the name of **Realty Vestors.**
Five	April 2, 2021 – September 27, 2021	Interstate wire signals originating from the Eastern District of North Carolina to First Horizon constituting false and fraudulent **Second Draw** PPP loan and forgiveness applications in the name of **Realty Vestors.**

Count	Dates	Description
Six	July 9, 2020 – May 18, 2021	Interstate wire signals originating from the Eastern District of North Carolina to First Horizon constituting false and fraudulent **First Draw** PPP loan and forgiveness applications in the name of **US-Kaizen**.
Seven	April 1, 2021 – September 27, 2021	Interstate wire signals originating from the Eastern District of North Carolina to First Horizon constituting false and fraudulent **Second Draw** PPP loan and forgiveness applications in the name of **US-Kaizen**.
Eight	April 22, 2020 – April 13, 2021	Interstate wire signals originating from the Eastern District of North Carolina to Wells Fargo constituting false and fraudulent **First Draw** PPP loan and forgiveness applications in the name of **Ecobuild**.
Nine	April 14, 2021 – February 4, 2022	Interstate wire signals originating from the Eastern District of North Carolina to Wells Fargo constituting false and fraudulent **Second Draw** PPP loan and forgiveness applications in the name of **Ecobuild**.

All in violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE NOTICE

Notice is hereby given that all right, title, and interest in the property described herein is subject to forfeiture.

Upon conviction of any offense constituting "specified unlawful activity" (as defined in 18 U.S.C. §§ 1956(c)(7)), the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), as made applicable by 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to said offense.

The forfeitable property includes, but is not limited to, the following:

Forfeiture Money Judgment:

(1) A sum of money representing the gross proceeds of the offenses charged herein against WILSON ALFREDO OLIVERA BORDA.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

Date: 7/9/2024

MICHAEL F. EASLEY, JR.
United States Attorney

by: ______________________
CHRISTOPHER S. COGBURN
Assistant United States Attorney