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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

3:21-cr- 244 IM

v.

INDICTMENT

**BENJAMIN TIFEKCHIAN and BENCHO
JEWELRY INC.,**

18 U.S.C. §§ 1343, 1344(2)

Defendants.

Forfeiture Allegation

UNDER SEAL

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS

At all times relevant to this indictment:

1. **BENJAMIN TIFEKCHIAN** (“**TIFEKCHIAN**”), defendant herein, was a resident of Clackamas, Oregon, with a Social Security Number (“SSN”) ending in 6630.
2. **TIFEKCHIAN** was born in Yerevan, Armenia. On or about September 30, 1991, he was charged in that jurisdiction with murder for the killing of another person on or about March 18, 1991. Approximately seven years later, **TIFEKCHIAN** entered the United States as a refugee. On or about June 16, 2005, an Armenian court issued a warrant for **TIFEKCHIAN**’s arrest on the 1991 murder charge; that warrant remains outstanding.

Indictment

3. **TIFEKCHIAN** was the sole owner and sole corporate officer of defendant **BENCHO JEWELRY INC.** (“**BENCHO**”). He incorporated **BENCHO** in the State of Oregon as a domestic business corporation on or about May 10, 2019. In the Articles of Incorporation filed with the Oregon Secretary of State on that date, **TIFEKCHIAN** was named as **BENCHO**’s incorporator, initial president, and initial secretary. **BENCHO**’s mailing address and principal place of business were declared to be 3442 SE 112th Avenue in Portland, Oregon. The Internal Revenue Service issued an Employer Identification Number (“EIN”) ending in 4813 to **BENCHO** in June 2019.

4. On or about June 20, 2019, **TIFEKCHIAN** opened corporate checking account number ****-****-2769 for **BENCHO** at Bank of America, National Association (“BofA”), with a mailing address of 3442 SE 112th Avenue, Portland, Oregon, 97266-1708. As of January 1, 2020, the balance of that account was \$35.71. From January through May 2020, the balance of the account never exceeded \$62.71.

The CARES Act

5. The Economic Injury Disaster Loan (“EIDL”) program is a Small Business Administration (SBA) program that provides low-interest financing to small businesses, renters, and homeowners affected by declared disasters.

6. On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. That statute, along with the Coronavirus Preparedness and Response Supplemental Appropriations Act, authorized the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic. In addition, the CARES Act authorized the SBA to

advance up to \$10,000 to a small business within three days of its applying for an EIDL. The amount of the advance was determined by the number of employees the applicant certified having. Those advances did not have to be repaid.

7. The CARES Act also created the Paycheck Protection Program (PPP), which authorized the SBA to guarantee loans of up to \$10,000,000 to qualifying employers without collateral or personal guarantees from the borrowers. The Act required lenders making loans under the PPP to defer all repayment obligations for not less than six months on such loans and required borrowers to certify, among other things, that the borrowed “funds [would] be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments.” Loans used for such authorized purposes were eligible for forgiveness, that is, to be repaid by the United States rather than the borrower.

8. In order to obtain a PPP loan or an EIDL, an applicant’s authorized representative had to provide information about the applicant’s operations, such as the beginning date of operation, number of employees, and average payroll expenses. These figures were used to calculate the size of the PPP loan or EIDL the applicant was eligible to receive.

9. Applicants for PPP loans and EIDLs were also generally required to submit documents corroborating their qualifying payroll expenses. To satisfy this requirement, applicants typically supplied documents showing the amount of payroll expenses and tax withholdings reported to the IRS.

10. The authorized representative of each PPP loan or EIDL applicant was also required to make various certifications. They included, among others, certifications that neither the applicant (if an individual) nor any individual owning 20% or more of the applicant was, at

the time of the application, “subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction,” and, second, that all the information in the application and submitted with the application was true and accurate in all material respects.

11. Unlike PPP loan applications, which are submitted directly to participating lenders, EIDL applications are submitted electronically to the SBA through servers in Colorado.

12. BofA was a participating lender in the PPP. Its deposits were insured by the Federal Deposit Insurance Corporation (“FDIC”).

COUNT 1
(Wire Fraud)
(18 U.S.C. § 1343)

13. The allegations in paragraphs 1 through 12 of this Indictment are incorporated as though realleged herein.

THE SCHEME

14. From not later than April 3, 2020, and continuing through at least September 29, 2020, defendants **TIFEKCHIAN** and **BENCHO** devised and intended to devise a material scheme to defraud the SBA and BofA and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

15. Specifically, defendants applied for EIDLs and a PPP loan using false information about **BENCHO** with the intent to steal and to convert the proceeds of said loans to **TIFEKCHIAN**’s personal use and without any intent to repay said loan or to use the proceeds thereof for any authorized purpose.

MANNER AND MEANS

It was part of this scheme that:

16. On or about April 3, 2020, **TIFEKCHIAN** applied for an EIDL and a \$10,000 advance by submitting application number 3600613429 to the SBA using **BENCHO**'s legal name and address but his own SSN ending in 6630. In that application, **TIFEKCHIAN** falsely denied being subject to formal criminal charges in any jurisdiction and falsely claimed that **BENCHO** had generated \$40,000 in revenue in the twelve-month period ending January 31, 2020.

17. On or about April 30, 2020, **TIFEKCHIAN** filed an Amended Annual Report for **BENCHO** with the Oregon Secretary of State. In that report, **TIFEKCHIAN** affirmed that he was the owner, president, and secretary of **BENCHO**, and that the company's principal place of business and mailing address remained 3442 SE 112th Avenue, Portland, Oregon, 97266.

18. On or about June 9, 2020, **BENCHO**, acting through **TIFEKCHIAN**, submitted application number 4108796932 to BofA for a PPP loan in the amount of \$884,246. In that application, **TIFEKCHIAN** falsely claimed that **BENCHO** employed 78 employees and that the company's "Average Monthly Payroll" was \$353,698.

19. To corroborate these false claims, **BENCHO** and **TIFEKCHIAN** submitted to BofA an Employer's Quarterly Federal Tax Return (IRS Form 941) for the first quarter of 2020, purportedly filed under the EIN ending in 4813 and dated April 8, 2020, showing that 78 **BENCHO** employees had received "wages, tips, and other compensation" totaling \$1,061,094 that quarter. **BENCHO** and **TIFEKCHIAN** also submitted an Employer's Annual Federal Unemployment (FUTA) Tax Return (IRS Form 940) for 2019, purportedly filed under the EIN

ending in 4813 and dated January 12, 2020, showing that **BENCHO** had paid more than \$4.2 million to all employees in 2019. In fact, however, **BENCHO** never filed those returns—or any other returns—with the IRS for 2019 and 2020.

20. Based on the false information provided in **BENCHO**'s application, BofA approved the requested PPP loan and deposited \$884,245 into **BENCHO**'s BofA account number ****-****-2769 on or about June 16, 2020. Following that deposit, **TIFEKCHIAN** spent more than \$60,000 in PPP loan proceeds on personal expenses, including cash withdrawals totaling approximately \$27,000 from various locations in California and Nevada and expenditures of more than \$9,000 at the Caesar's Palace Casino in Las Vegas, Nevada, and the San Manuel Casino in Highland, California. BofA prevented further misuse of loan proceeds by deducting the remaining balance of \$815,762.50 from account number ****-****-2769 on or about September 29, 2020.

21. On or about August 4, 2020, **BENCHO**, acting through **TIFEKCHIAN**, submitted EIDL application number 3312679900 to the SBA, using **BENCHO**'s name and EIN ending in 4813 but **TIFEKCHIAN**'s home address in Clackamas, Oregon. In that application, **TIFEKCHIAN** falsely claimed that **BENCHO** had begun operations in February 2000, employed 12 employees, and realized gross revenues of \$758,544 for the twelve-month period ending on January 31, 2020.

WIRE FRAUD

22. On or about April 3, 2020, in the District of Oregon and elsewhere, **BENJAMIN TIFEKCHIAN** and **BENCHO JEWELRY INC.**, defendants herein, for the purpose of executing the scheme to defraud described above, caused to be transmitted by means of wire

communication in interstate commerce EIDL application number 3600613429 from the State of Oregon to the State of Colorado.

In violation of Title 18, United States Code, Section 1343.

COUNT 2
(Bank Fraud)
(18 U.S.C. § 1344(2))

23. Paragraphs 1 through 12 and 17 through 20 of this Indictment are incorporated as though realleged herein.

THE SCHEME

24. From a date on or about April 30, 2020, and continuing through at least September 29, 2020, defendants **TIFEKCHIAN** and **BENCHO** devised and intended to devise a material scheme to obtain funds under the custody or control of BofA by means of materially false and fraudulent pretenses, representations, and promises.

25. Specifically, **TIFEKCHIAN** and **BENCHO** applied for and obtained a PPP loan by making materially false representations about **BENCHO**'s operations and **TIFEKCHIAN** himself, as well as the uses to which they would put the proceeds of said loan.

BANK FRAUD

26. Beginning on or about April 30, 2020, and continuing at least through September 29, 2020, in the District of Oregon and elsewhere, **BENJAMIN TIFEKCHIAN** and **BENCHO JEWELRY INC.**, defendants herein, did execute a scheme or artifice to obtain funds under the custody or control of Bank of America, N.A., a federally insured financial institution, by means of materially fraudulent pretenses and representations, in that defendants applied for and obtained a PPP loan of \$884,245 while knowingly and willfully misrepresenting

TIFEKCHIAN's criminal history, **BENCHO's** operations and payroll, and the purposes to which defendants would put the proceeds of said loan.

In violation of Title 18, United States Code, Section 1344(2).

FORFEITURE ALLEGATION

27. Upon conviction of one or both of the fraud offenses alleged in this Indictment, defendant shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1), any and all property, real or personal, involved in or derived from said offense and all property traceable to such property, including but not limited to a money judgment for a sum of money equal to the amount of property involved in or derived from that offense.

28. If the above-described forfeitable property, as a result of any act or omission of 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;

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the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b).

Dated: July 13, 2021

A TRUE BILL.



OFFICIATING FOREPERSON

Presented by:

SCOTT ERIK ASPHAUG
Acting United States Attorney

A handwritten signature in black ink, appearing to read "Ryan W. Bounds".

RYAN W. BOUNDS, OSB #00012
Assistant United States Attorney