

FILED by **DG** D.C.

Apr 22, 2021

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**21-20241-CR-KING/BECERRA**

Case No. \_\_\_\_\_

- 18 U.S.C. § 1343
- 18 U.S.C. § 1957
- 18 U.S.C. § 1028A
- 18 U.S.C. § 2
- 18 U.S.C. § 981(a)(1)(C)
- 18 U.S.C. § 982(a)(1)
- 28 U.S.C. § 2461(e)

UNITED STATES OF AMERICA

vs.

**JAMES MEDARD,**  
a/k/a "James Menard,"  
a/k/a "James Joseph,"

**Defendant.**

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times material to this Indictment:

**The Economic Injury Disaster Loan Program**

1. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the Economic Injury Disaster

Loan (“EIDL”) program, a program by the U.S. Small Business Administration (“SBA”) that provided low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

2. The CARES Act authorized the SBA to provide EIDLs to eligible small businesses experiencing substantial financial disruption 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 within three days of applying for an EIDL. The amount of the advance was determined by the number of employees the applicant certified having. The advances did not have to be repaid.

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

4. EIDL applications were submitted directly to the SBA. The amount of the loan, if the application was approved, was determined based, in part, on the information provided by the application about employment, revenue, and cost of goods, as described above. Any funds issued under an EIDL or advance 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.

5. EIDL loans were funded directly by the SBA’s Office of Disaster Assistance, located in Washington, D.C. and Denver, Colorado.

**The Paycheck Protection Program**

6. Another 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”).

7. In order to obtain a PPP loan, a qualifying business was required to submit a PPP loan application 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 in order to be eligible to obtain the PPP loan. In the PPP loan application (SBA Form 2483), the small business (through its authorized representative) was required to state, among other things, its: (a) average monthly payroll expenses; and (b) number of employees. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP. In addition, businesses applying for a PPP loan were required to provide documentation confirming their payroll expenses.

8. A PPP loan application was processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies, which were 100% guaranteed by the SBA. Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

9. PPP loan proceeds were required to be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on the allowable expenses within a designated period of time and used a certain percentage of the PPP loan proceeds on payroll expenses. If the applicant obtained an EIDL loan in addition to a PPP

loan, the EIDL funds could not be used for the same purpose as the PPP funds.

10. Broker 1 was located in Utah and served as a broker for PPP loans for financial institutions. Broker 1 collected PPP loan application documents for the financial institutions that funded the loans.

11. Lender 1 was a non-bank small business lender located in Seminole County, Florida. Lender 1 participated as a PPP lender to small businesses.

**The Defendant and Related Entities**

12. The defendant, **JAMES MEDARD**, a/k/a “James Menard,” a/k/a “James Joseph,” was a resident of Broward County, Florida.

13. JM Home Solutions, Inc. (“JM Home Solutions”) was a Florida corporation with its principal address listed at 7951 Riviera Blvd., Suite 211C, Miramar, Florida 33023.

14. Bundles Collect, LLC (“Bundles Collect”) was a Florida corporation with its principal address listed at 7451 Riviera Blvd., Suite 148, Miramar, Florida 33023.

15. AR Construction, LLC (“AR Construction”) was a Florida corporation with its principal address listed at 7451 Riviera Blvd., Suite 134, Miramar, Florida 33023.

16. JM Development Group, LLC (“JM Development Group”) was a Colorado corporation with its principal address listed at 157 Kalamath Street, Denver, Colorado 80215.

17. JM Investment Partners, Inc. (“JM Investment Partners”) was a Florida corporation with its principal address listed at 7451 Riviera Blvd., Suite 134, Miramar, Florida 33023.

18. At various times, **JAMES MEDARD** was listed as an officer or agent on the corporate filings of JM Home Solutions, Bundles Collect, AR Construction, JM Development Group, and JM Investment Partners, as well as on the corporate filings of other entities.

19. **JAMES MEDARD** was the sole signatory on the Wells Fargo bank accounts for Bundles Collect, AR Construction, JM Development Group, and JM Investment Partners. **MEDARD** was co-signatory on the Wells Fargo bank account for JM Home Solutions. At all relevant times, the defendant was the beneficial owner of JM Home Solutions, Bundles Collect, AR Construction, JM Development Group, and JM Investment Partners.

**COUNTS 1-13**  
**Wire Fraud**  
**(18 U.S.C. § 1343)**

1. The General Allegations section of this Indictment is re-alleged and incorporated by reference as though fully set forth herein.

2. From on or about May 22, 2020, and continuing through in or around November 2020, in Miami Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES MEDARD,**  
**a/k/a “James Menard,”**  
**a/k/a “James Joseph,”**

did knowingly, and with intent to defraud, devise, and intend 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, knowing that the pretenses, representations, and promises were false and fraudulent when made, and, for the purpose of executing the scheme and artifice, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain writings, sign, signals, pictures and sounds.

**PURPOSE OF THE SCHEME AND ARTIFICE**

3. It was the purpose of the scheme and artifice for Defendant and his accomplices to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission

of false and fraudulent applications for loans and grants made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic, including EIDL and PPP loans, and (b) diverting fraud proceeds for the defendant and his accomplices' personal use, the use and benefit of others, and to further the fraud.

**MANNER AND MEANS OF THE SCHEME AND ARTIFICE**

The manner and means by which the defendant and his accomplices sought to accomplish the object and purpose of the scheme and artifice included, among others, the following:

4. On various dates prior to submitting false and fraudulent applications for CARES Act loans on behalf of entities that **JAMES MEDARD** controlled, **MEDARD** opened bank accounts in the names of those entities and was the sole signatory on those bank accounts.

5. On various dates in 2020, **JAMES MEDARD** submitted and caused the submission of false and fraudulent EIDL loan applications that were made in the name of **MEDARD**, JM Home Solutions, Bundles Collect, AR Construction, JM Development Group, JM Investment Partners, and other entities, via interstate wire communications, through SBA's online portal.

6. On various dates in 2020, **JAMES MEDARD** submitted and caused the submission of false and fraudulent PPP loan applications on behalf JM Home Solutions, Bundles Collect, and AR Construction, via interstate wire communications, through Broker 1's online portal.

7. In furtherance of the scheme, the EIDL and PPP loan applications that **JAMES MEDARD** submitted, and caused to be submitted, falsely and fraudulently misrepresented the ownership interest of other individuals in the applicant entities, and concealed **MEDARD's** ownership interest in those entities.

8. In furtherance of the scheme, **JAMES MEDARD** submitted and caused to be submitted false and fraudulent information and documentation to support the EIDL and PPP loan applications, including false and fraudulent bank statements and Internal Revenue Service (“IRS”) forms.

9. In furtherance of the scheme, **JAMES MEDARD** used the personal identity information of other persons, without their knowledge or consent, to support the false and fraudulent EIDL and PPP loan applications that **MEDARD** submitted and caused to be submitted via interstate wire communications to the SBA and to Broker 1.

10. As a result of the false and fraudulent EIDL loan applications submitted as part of this scheme, the SBA disbursed loan proceeds to JM Home Solutions and **JAMES MEDARD**’s bank accounts at Wells Fargo, via interstate wire transmissions.

11. **JAMES MEDARD** and his accomplices used the proceeds from the fraud scheme for their own use, the use of others, and to further the fraud.

#### USE OF WIRES

12. On or about the dates specified as to each count below, in the Southern District of Florida, and elsewhere, **JAMES MEDARD**, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communication, certain writings, signs, signals, pictures, and sounds, as described below:

COUNT	APPROXIMATE DATE	DESCRIPTION OF WIRE
1	June 9, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of JM Home Solutions.
2	June 20, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of Bundles Collect.
3	June 21, 2020	Electronic transmission to Broker 1 of fraudulent PPP loan application in the name of Bundles Collect with falsified Wells Fargo bank statement and four (4) falsified IRS Forms 941 (Employer's Quarterly Federal Tax Return) for 2019.
4	June 24, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of AR Construction.
5	June 24, 2020	Electronic transmission to Broker 1 of fraudulent PPP loan application in the name of AR Construction with falsified Wells Fargo bank statement and four (4) falsified IRS Forms 941 (Employer's Quarterly Federal Tax Return) for 2019.
6	June 26, 2020	Electronic transmission to Broker 1 of fraudulent PPP loan application in the name of JM Home Solutions with falsified Wells Fargo bank statement and four (4) falsified IRS Forms 941 (Employer's Quarterly Federal Tax Return) for 2019.
7	July 4, 2020	Electronic transmission to Broker 1 of two (2) false documents entitled "Employee Earnings Summary" for 2019 and first quarter of 2020, falsified IRS Form 941 (Employer's Quarterly Federal Tax Return) for first quarter of 2020, and falsified Form 1120 (Corporate Income Tax Return), in support of PPP loan application on behalf of JM Home Solutions.
8	July 12, 2020	Electronic transmission to the SBA of second fraudulent EIDL loan application in the name of Bundles Collect.
9	August 6, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of <b>JAMES MEDARD</b> .
10	August 15, 2020	Electronic transmission to the SBA of second fraudulent loan application in the name of AR Construction.
11	August 18, 2020	Electronic transmission to the SBA of falsified IRS Form 1099 (reporting miscellaneous income) in support of EIDL loan application in the name of <b>JAMES MEDARD</b> .
12	October 12, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of JM Development Group.
13	November 9, 2020	Electronic transmission to the SBA of fraudulent EIDL loan application in the name of JM Investment Partners.

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



**COUNTS 14-20**  
**Money Laundering**  
**(18 U.S.C. § 1957)**

1. The General Allegations section of this Indictment is re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates set forth below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES MEDARD,**  
**a/k/a “James Menard,”**  
**a/k/a “James Joseph,”**

did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution affecting interstate and foreign commerce in criminally derived property of a value greater than \$10,000, and such property having been derived from specified unlawful activity, knowing that the property involved in the monetary transaction was derived from some form of unlawful activity, as set forth below:

COUNT	APPROXIMATE DATE	MONETARY TRANSACTION
14	September 1, 2020	Wire transfer of approximately \$25,000 from <b>JAMES MEDARD’s</b> Wells Fargo bank account ending in 6469, to JM Home Solutions’ Wells Fargo bank account ending in 8936.
15	September 1, 2020	Wire transfer of approximately \$60,000 from <b>JAMES MEDARD’s</b> Wells Fargo bank account ending in 6469, to <b>JAMES MEDARD’s</b> Wells Fargo bank account ending in 8861.
16	September 1, 2020	Wire transfer of approximately \$19,000 from <b>JAMES MEDARD’s</b> Wells Fargo bank account ending in 6469, to JM Development Group’s Wells Fargo bank account ending in 8928.

COUNT	APPROXIMATE DATE	MONETARY TRANSACTION
17	September 1, 2020	Wire transfer of approximately \$25,000 from <b>JAMES MEDARD's</b> Wells Fargo bank account ending in 6469, to JM Development Group's Wells Fargo bank account ending in 5582.
18	October 21, 2020	Wire transfer of approximately \$30,000 from <b>JAMES MEDARD's</b> Wells Fargo bank account ending in 8861, to JM Home Solutions' Wells Fargo bank account ending in 8936.
19	October 21, 2020	Wire transfer of approximately \$145,173.13 from JM Home Solutions' Wells Fargo bank account ending in 8936 to Trans State Title's account at First Citizens Bank & Trust Co.
20	November 27, 2020	Wire transfer of approximately \$15,000 from <b>JAMES MEDARD's</b> Wells Fargo bank account ending in 8861, to AR Construction's Wells Fargo bank account ending in 2067.

It is further alleged that the specified unlawful activity was wire fraud, in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Sections 1957 and 2.

**COUNTS 21-24**  
**Aggravated Identity Theft**  
**(18 U.S.C. §1028A)**

On or about the dates enumerated as to each count below, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendant,

**JAMES MEDARD,**  
**a/k/a "James Menard,"**  
**a/k/a "James Joseph,"**

during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, wire fraud, as charged in Counts 7, 9, and 12, of this Indictment, did knowingly transfer, possess,

and use, without lawful authority, the means of identification of another person, as specified in each count below:

COUNT	APPROXIMATE DATE OF USE	MEANS OF IDENTIFICATION
21	July 4, 2020	Name and social security number of D.L. used on two typed documents entitled "Employee Earnings Summary" for each of 2019 and the first quarter of 2020 in support of JM Home Solutions' PPP loan application.
22	July 4, 2020	Name and social security number of J.M. used on two typed documents entitled "Employee Earnings Summary" for each of 2019 and the first quarter of 2020 in support of JM Home Solutions' PPP loan application.
23	August 6, 2020	Social security number of A.L., a minor, used on EIDL loan application submitted to the SBA in the name of <b>JAMES MEDARD</b> .
24	October 12, 2020	Social security number of A.L., a minor, used on EIDL loan application submitted to SBA on behalf of JM Development Group.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

### FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of certain property in which the defendant, **JAMES MEDARD**, a/k/a "**James Menard**," a/k/a "**James Joseph**" has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1343, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or

personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon conviction of a violation of Title 18, United States Code, Section 1957, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, involved in such offense, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

4. The property subject to forfeiture as a result of the alleged offenses includes, but is not limited to, the following:

- (i) Real property located at Lot 8, Block 2 of Carver Heights, as recorded in Plat Book 23, Page 25, of the Public Records of Broward County, Florida.

5. The property subject to forfeiture as a result of the alleged offenses includes, but is not limited to, a sum of approximately \$310,000, which represents the total amount of funds involved in or derived from the alleged offenses and may be sought as a forfeiture money judgment.

6. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be divided without difficulty;


the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), and Title 18, United States Code Section, 982(b)(1).

A TRUE BILL

FOREPERSON

  
\_\_\_\_\_  
JUAN ANTONIO GONZALEZ  
ACTING UNITED STATES ATTORNEY

  
\_\_\_\_\_  
AIMEE C. JIMENEZ  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.  
JAMES MEDARD, a/k/a "James Menard,"  
a/k/a "James Joseph",

**CERTIFICATE OF TRIAL ATTORNEY\***  
Superseding Case Information:

Defendant. \_\_\_\_\_/

Court Division: (Select One)

- Miami  Key West  FTL
- WPB  FTP

New defendant(s)  Yes  No

Number of new defendants \_\_\_\_\_

Total number of counts \_\_\_\_\_

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_
4. This case will take 5 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

- (Check only one)
- I 0 to 5 days
  - II 6 to 10 days
  - III 11 to 20 days
  - IV 21 to 60 days
  - V 61 days and over

- (Check only one)
- Petty
  - Minor
  - Misdemeanor
  - Felony

6. Has this case previously been filed in this District Court? (Yes or No) No

If yes: Judge \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) Yes

If yes: Magistrate Case No. 21-mj-02514-McAliley

Related miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) No
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) No
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No

*[Signature]*  
\_\_\_\_\_  
Aimee C. Jimenez  
Assistant United States Attorney  
Court ID No. A5500795

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** JAMES MEDARD, a/k/a "James Menard," a/k/a "James Joseph"

**Case No:** \_\_\_\_\_

Counts #: 1-13

Wire fraud

Title 18, United States Code, Section 1343

**\* Max. Penalty:** Twenty (20) years' imprisonment as to each count

Counts #: 14-20

Engaging in monetary transactions in property derived from specified unlawful activity

Title 18, United States Code, Section 1957

**\*Max. Penalty:** Ten (10) years' imprisonment as to each count

Counts #: 21-24

Aggravated identity theft

Title 18, United States Code, Section 1028A

**\*Max. Penalty:** Two (2) years' imprisonment as to each count

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**