

1 TRACY L. WILKISON
 Acting United States Attorney
 2 SCOTT M. GARRINGER
 Assistant United States Attorney
 3 Chief, Criminal Division
 SCOTT PAETTY (Cal. Bar No. 274719)
 4 CATHERINE AHN (Cal. Bar No. 248286)
 BRIAN FAERSTEIN (Cal. Bar No. 274850)
 5 Assistant United States Attorneys
 Major Frauds/Environmental and Community Safety Crimes Sections
 6 1100/1300 United States Courthouse
 312 North Spring Street
 7 Los Angeles, California 90012
 Telephone: (213) 894-6527/2424/3819
 8 Facsimile: (213) 894-6269/0141
 E-mail: Scott.Paetty@usdoj.gov
 9 Catherine.S.Ahn@usdoj.gov
 Brian.Faerstein@usdoj.gov

10 JOSEPH S. BEEMSTERBOER
 Acting Chief, Fraud Section
 Criminal Division, U.S. Department of Justice
 11 CHRISTOPHER FENTON
 Trial Attorney, Fraud Section
 12 Criminal Division, U.S. Department of Justice
 1400 New York Avenue NW, 3rd Floor
 14 Washington, DC 20530
 Telephone: (202) 320-0539
 15 Facsimile: (202) 514-0152
 E-mail: Christopher.Fenton@usdoj.gov

16 Attorneys for Plaintiff
 17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 v.

23 TAMARA DADYAN,

24 Defendant.

No. CR 20-579-SVW-4

GOVERNMENT'S SENTENCING POSITION FOR
 DEFENDANT TAMARA DADYAN

Date: November 15, 2021
 Time: 11:00 a.m.
 Location: Courtroom of the Hon.
 Stephen V. Wilson

25 Plaintiff United States of America, by and through its counsel
 26 of record, the Acting United States Attorney for the Central District
 27 of California, Assistant United States Attorneys Scott Paetty,
 28

1 Catherine Ahn, and Brian Faerstein, and Department of Justice Trial
2 Attorney Christopher Fenton, hereby files its sentencing position
3 regarding defendant Tamara Dadyan.

4 The government's sentencing position is based upon the attached
5 memorandum of points and authorities, declaration of Christopher
6 Fenton and accompanying exhibits, the revised presentence
7 investigation report, the files and records in this case, and any
8 other evidence or argument that the Court may wish to consider at the
9 time of sentencing.

10 The government reserves the right to file any supplemental
11 sentencing positions that may be necessary.

12 Dated: November 8, 2021

Respectfully submitted,

13 TRACY L. WILKISON
Acting United States Attorney

14 SCOTT M. GARRINGER
15 Assistant United States Attorney
Chief, Criminal Division

16 /s/
17 _____
SCOTT PAETTY
18 CATHERINE AHN
BRIAN FAERSTEIN
Assistant United States Attorneys
19 CHRISTOPHER FENTON
Department of Justice Trial Attorney

20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The government respectfully submits this sentencing memorandum
4 to advise the Court of its sentencing position regarding defendant
5 Tamara Dadyan ("defendant"), who has pleaded guilty to conspiracy to
6 commit wire fraud and bank fraud (Count 1), conspiracy to commit
7 money laundering (Count 26), and aggravated identity theft (Count
8 24).

9 Defendant was one of the ringleaders of a horrendous fraud. She
10 and her co-conspirators used dozens of fake, stolen, and synthetic
11 identities to steal and launder millions of dollars in COVID-19
12 disaster relief loan funds. The identities she misappropriated
13 included dead people and elderly local business owners who were semi-
14 retired. The millions she stole were intended for small businesses
15 and working families who desperately needed the money to survive as
16 the pandemic paralyzed the economy.

17 Defendant's crimes were shockingly callous. She knew the
18 disaster relief funds she was stealing were finite. She planned to
19 take as much as she could before the U.S. economy crashed and the
20 federal government ran out of money. She laughed about the harmful
21 impact her fraud had on the federal government and its disaster
22 relief efforts, including about possibly bankrupting the United
23 States. And she mocked her victims using words like "idiot" and
24 "fool".¹

25
26 ¹ See, e.g., GEX 10 at 4 ("They r never gonna have enough money
27 America needs to file bk"); GEX 10 at 7-8 ("Yah man we need to do the
28 max we can now u understand market Gonna crash[.] And we can use the
same names[.]"); GEX 10 at 13 ("No they kept hanging up I will wake
up early call[.] I was like on hold for ever bro[.] Kept calling back
(footnote cont'd on next page)

1 There are compelling reasons applicable to this defendant and
2 this case to impose a significant custodial sentence. As discussed
3 in more detail below (and in the government's response to defendant's
4 Presentence Investigation Report ("PSR") (ECF 1001)), the government
5 generally agrees with several aspects of the United States Probation
6 and Pretrial Services Office's ("USPO") calculation of the advisory
7 Guidelines range as to defendant, except that the government
8 respectfully submits that the advisory Guidelines calculation should
9 include: (1) a three-level aggravating role adjustment based on the
10 fact that she was a manager/supervisor of otherwise extensive
11 criminal activity in accordance with U.S.S.G. § 3B1.1(b); (2) a two-
12 level victim-related adjustment based on the fact that many of her
13 victims were vulnerable and could not protect themselves from
14 defendant's crimes; and (3) a two-level enhancement in accordance
15 with U.S.S.G. § 2B1.1(b)(11). The government therefore believes the
16 applicable guidelines range for defendant on Counts 1 and 26 is 235
17 to 293 months' imprisonment, based on a total offense level of 38 and
18 Criminal History Category I. A 24-month mandatory consecutive term
19 of imprisonment is also required on Count 24, resulting in an
20 effective advisory Guidelines range for all three counts of 259 to
21 317 months' imprisonment.

22 For the reasons stated below, the government respectfully
23 recommends the Court sentence defendant to 259 months' imprisonment,
24 consisting of a low-end sentence of 235 months on Counts 1 and 26 to

25 _____
26 today was disaster[.] Just like the loan they r giving lol[.]"); GEX
27 10 at 16 ("But listen this idiot lenders like liberty they don't know
28 about the extension yet."); GEX 10 at 9 ("Let's go the fool is dead
on armo land"); GEX at 1 ("Ok so Let's do for all this idiots 10K is
10 k").

1 be served concurrently, and 24 months on Count 24 to be served
2 consecutively to the terms imposed on Counts 1 and 26, for a total
3 custodial sentence of 259 months in prison. The government further
4 recommends five years of supervised release, restitution in the
5 amount of \$17,723,141.26, forfeiture consistent with the Court's
6 previous preliminary orders of forfeiture as to defendant (ECF 872,
7 876-878), and a special assessment of \$300.

8 **II. RELEVANT PROCEDURAL HISTORY**

9 On November 5, 2020, defendant was arrested based on a complaint
10 alleging her participation in a massive conspiracy to fraudulently
11 obtain millions of dollars in COVID-19 disaster relief loan funds.
12 (See United States v. Dadyan, et al., 20-mj-5321 (filed Nov. 3,
13 2020), ECF 1.) On November 17, 2020, a grand jury returned an
14 indictment against defendant and three co-defendants, alleging one
15 count of conspiracy to commit wire fraud and bank fraud, six counts
16 of wire fraud, and four counts of bank fraud. (ECF 32.) On March 9,
17 2021, a grand jury returned a first superseding indictment against
18 defendant and seven co-defendants, charging defendant with one count
19 of conspiracy to commit bank fraud and wire fraud, eleven counts of
20 wire fraud, eight counts of bank fraud, one count of conspiracy to
21 commit money laundering, one count of aggravated identity theft, and
22 one count of attempted bank fraud based on criminal conduct she
23 allegedly committed while on pretrial release. (ECF 154.)

24 On June 14, 2021, pursuant to the plea agreement, defendant
25 pleaded guilty to one count of conspiracy to commit wire fraud and
26 bank fraud (Count 1), one count of conspiracy to commit money
27 laundering (Count 26), and one count of aggravated identity theft
28

1 (Count 24). (ECF 525.) As part of the plea agreement, the parties
2 agreed to the following sentencing factors, which resulted in an
3 advisory Guidelines calculation totaling 31 (before acceptance of
4 responsibility): a base offense level of seven pursuant to USSG
5 §2B1.1(a)(1); a 20-level increase pursuant to USSG §2B1.1(b)(1)(K)
6 for losses greater than \$9,500,000; a two-level increase for
7 sophisticated means pursuant to USSG §2B1.1(b)(10); and a two-level
8 increase for a conviction under 18 U.S.C. § 1956 pursuant to USSG
9 §2S1.1(b)(2)(B). (Id. ¶ 21.) The parties, however, reserved their
10 rights to argue that additional specific offense characteristics,
11 adjustments, and departures under the Guidelines are appropriate.
12 (Id.)

13 On November 8, 2021, the USPO filed its revised PSR in which it
14 calculated a total offense level of 31 (with respect to Counts 1 and
15 26, the fraud conspiracy and money laundering conspiracy) and a
16 Criminal History Category I, resulting in an advisory Guidelines
17 range of 108 to 135 months' imprisonment for Counts 1 and 26. (ECF
18 1118.) Taking into account the 24-month mandatory consecutive
19 sentence for Count 24, the USPO thus calculated the effective
20 advisory Guideline range as 132 to 159 months' imprisonment. The
21 USPO recommends that defendant be sentenced to a term of 132 months'
22 imprisonment (consisting of 108 months on Counts 1 and 26, followed
23 by the mandatory consecutive 24-months sentence on Count 24), five
24 years of supervised release, restitution of \$17,723,141.26, and a
25 \$300 mandatory special assessment. (ECF 1117.)

26 The government addresses its objections to the PSR
27 (supplementing the objections it timely filed on September 27, 2021
28

1 (ECF 1001)) and discusses the reasons for its recommended sentence in
2 Sections IV and V below.²

3 **III. DEFENDANT'S OFFENSE CONDUCT**

4 The below summary of defendant's offense conduct is based on
5 facts stated in the parties' plea agreement (ECF 525) and the revised
6 PSR ¶¶ 24-44 (ECF 1118), and includes factual revisions as noted in
7 the government's response to the PSR (ECF 1001 at 13-14).³

8 Beginning in or about March 2020 through at least August 2020,
9 defendant agreed with her husband, co-defendant Artur Ayvazyan; her
10 brother-in-law, co-defendant Richard Ayvazyan; her sister-in-law, co-
11 defendant Marietta Terabelian; her cousin, co-defendant Vahe Dadyan,
12 and others to submit fraudulent applications for loans through the
13 Paycheck Protection Program ("PPP") and the Economic Injury Disaster
14 Loan ("EIDL") program to lenders, including numerous federally-
15 insured financial institutions and the United States Small Business
16 Administration ("SBA").

17 Defendant and her co-conspirators used (or caused to be used)
18 dozens of stolen, fictitious, and synthetic identities of other
19 individuals in order to submit fraudulent applications for EIDL and
20 PPP loans and launder the funds (see, e.g., GEX 10, 13.b, 13.c, 13.d,
21 13.e, 13.f, 13.h, 24.a, 24.b, 24.d, 24.e, 57.a, 57.c, 57.d, 57.e,
22 57.f, 57.g, GEX 115, GEX 116). The names used included dead people
23 (e.g., Nazar Terabelian, Olaf Landsgaard, Alak Mikaelian), elderly
24

25 ² Defendant filed a motion to withdraw her guilty plea (ECF
26 998), which the government has opposed (ECF 1092). The hearing on
27 defendant's motion is currently scheduled for November 10, 2021, and
28 her sentencing is currently scheduled for November 15, 2021.

³ Facts taken from sources other than the plea agreement, the
revised PSR, or ECF 1001 are noted in separate parenthetical
citations.

1 individuals who owned local businesses whose names were stolen (e.g.,
2 Jack Runyan, Mark Zindroski, Donald Sabala), foreign exchange
3 students who spent only months in the United States and then never
4 returned (e.g., Anna Dzukaeva, Viktoria Kauichko, Liudmyla Kopytova,
5 Anton Kudiumov, Iuliia Zhadko, Medet Murat), and dozens of other
6 synthetic or stolen individual identities and fictitious or
7 misappropriated business names (e.g., Roza Avakian, Hagop Bartoumian,
8 Mykhail Diuzhenko, Ara Haritunian, Armen Inijian, Diana Saakyan,
9 Leoncio Galver, Am & Am Financial Services, Continual Closings,
10 Escrow Doc Co., Fiber One Media, LK Design, MD Acquisition Services,
11 Meds Abrank, Montadrath, Mod Interiors Inc., New Acre Farm Produce
12 Inc., Runyan Tax Service Inc., Sabala Construction, Six Star Farms
13 Inc., Top Quality Contracting). This was all in addition to
14 defendant's use of her own name and names belonging to her family
15 members (e.g., Greta Akopyan, Artur Ayvazyzan, Arsen Dadyan, Vahe
16 Dadyan), as well as businesses that they actually owned (e.g., ABC
17 Realty Advisors Inc., ABC Legal Services and Management, Allstate
18 Towing and Transport LLC, Green Label Nutrienrs, Secureline Realty
19 and Funding Inc., Voyage Limo LLC, V&D Limo) to perpetrate the fraud.
20 (See generally ECF 1092-6 (a chart titled "Loans for Loss Calculation
21 - Artur Ayvazyan and Tamara Dadyan", which was submitted to the USPO
22 in connection with its preparation of the PSR and produced to defense
23 counsel).)

24 Defendant was one of the architects of an assembly line used to
25 prepare and submit these fraudulent loans. Her integral role is
26 exemplified by, among other things, the text messages sent from her
27 phone to co-defendant Richard Ayvazyan, which showed that she
28

1 explicitly discussed plans for the conspiracy with co-defendant
2 Richard Ayvazyan, including how to submit PPP and EIDL applications;
3 how to obtain Employer Identification Numbers ("EINs") for
4 businesses; and how to create fake payroll reports. Her role is
5 further illustrated by the evidence on her husband and co-defendant
6 Artur Ayvazyan's phone, which she admitted was used to create false
7 and fictitious documentation to support fraudulent disaster relief
8 loan applications.

9 In addition, defendant admitted that the voluminous records and
10 items found at her residence, at which she lived with her husband and
11 co-defendant Artur Ayvazyan, included further evidence of her role in
12 the conspiracy including fake identification documents; fraudulently
13 obtained credit cards purporting to belong to fake, synthetic and
14 stolen identities including names used to apply for PPP and EIDL
15 loans; checks and checkbooks in the names of individuals and
16 businesses who applied for PPP and EIDL loans; copies of PPP and EIDL
17 loan applications including in her own name and the names of others;
18 and fake and stolen notary stamps and seals belonging to state and
19 federal courts.

20 The conspiracies were carried out using sophisticated means,
21 including the use of fictitious businesses, stolen and synthetic
22 identities, a network of bank accounts opened in the names of those
23 fraudulent identities and businesses, and the production of
24 fraudulent documents including false identity documents. Defendant
25 used coordinated and repetitive steps to carry out and conceal the
26 scheme, including falsifying tax and payroll documents and using bank
27 accounts with deceptive names to conceal the nature, location,
28

1 source, and ownership of PPP and EIDL loan proceeds. Among other
2 things, defendant and her co-conspirators laundered the money by
3 purchasing luxury homes on behalf of members of the conspiracy.

4 **IV. ADVISORY SENTENCING GUIDELINES CALCULATION**

5 Pursuant to the plea agreement, defendant pleaded guilty to one
6 count of conspiracy to commit wire fraud and bank fraud (Count 1),
7 one count of conspiracy to commit money laundering (Count 26), and
8 one count of aggravated identity theft (Count 24). (ECF 525.) As
9 part of the plea agreement, the parties agreed to the following
10 sentencing factors, which resulted in an advisory Guidelines
11 calculation totaling 29 (including the two-point reduction for
12 acceptance of responsibility):

- 13 • a base offense level of 7 pursuant to USSG §2B1.1(a)(1);
- 14 • a 20-level increase pursuant to USSG §2B1.1(b)(1)(K) for
15 losses greater than \$9,500,000;
- 16 • a two-level increase for sophisticated means pursuant to
17 USSG §2B1.1(b)(10); and
- 18 • a two-level increase for a conviction under 18 U.S.C. §
19 1956 pursuant to USSG §2S1.1(b)(2)(B). (Id. ¶ 21.)

20 The parties reserved their rights to argue that additional specific
21 offense characteristics, adjustments, and departures under the
22 Guidelines are appropriate. (Id.)

23 The revised PSR correctly applied a two-level enhancement
24 because the offenses involved more than 10 victims in accordance with
25 USSG §2B1.1(b)(2), for an advisory Guidelines calculation totaling 31
26 (including the two-point reduction for acceptance of responsibility).
27 (ECF 1118.)

28

1 The government respectfully submits that the following
2 adjustments and enhancement should also apply: (1) a three-level
3 aggravating role adjustment based on the fact that defendant was a
4 manager/supervisor of otherwise extensive criminal activity in
5 accordance with U.S.S.G. § 3B1.1(b); (2) a two-level victim-related
6 adjustment based on the fact that many of defendant's victims were
7 vulnerable and could not protect themselves from defendant's crimes;
8 and (3) a two-level enhancement in accordance with U.S.S.G. §
9 2B1.1(b)(11). (ECF 1001.) The government therefore believes the
10 applicable guidelines range for defendant on Counts 1 and 26 is 235
11 to 293 months' imprisonment, based on a total offense level of 38 and
12 Criminal History Category I. A 24-month mandatory consecutive term
13 of imprisonment is also required on Count 24, resulting in an
14 effective advisory Guidelines range for all three counts of 259 to
15 317 months' imprisonment.

16 **A. A Three-Level Aggravated Role Adjustment Should Apply**

17 The government respectfully submits that a three-level
18 adjustment should apply to reflect defendant's role as a manager or
19 supervisor of the crimes for which she pleaded guilty. (ECF 1001 at
20 3-7.) In the addendum to the PSR (ECF 1119), the USPO did not appear
21 to disagree about defendant's role as a manager or supervisor of the
22 fraud conspiracy but did disagree about her role with respect to the
23 money laundering conspiracy (which, according to the USPO, is
24 determinative of the applicability of the adjustment).

25 The evidence of defendant's management and supervision of the
26 money laundering conspiracy is overwhelming. Defendant's home
27 contained blank checks and other records for dozens of bank accounts
28

1 that received stolen COVID-19 disaster relief money (GEX 57.g), as
2 well as handwritten notes relating specifically to the movement of
3 criminal proceeds and funds relating to identities associated with
4 the fraud. (GEX 57.f, 57.h.) Defendant's phone similarly contained
5 digital photographs of checks in the names of Anna Dzukaeva, Diana
6 Saakyan, Montadrath, and Am & Am Financial Services, all of which
7 were identities and business names used to obtain fraudulent PPP and
8 EIDL loans (GEX 13.c). This evidences her role managing and
9 supervising the flow of criminal proceeds between bank accounts
10 opened using fake, stolen or synthetic names.

11 Defendant's phone also contained detailed text messages with co-
12 defendant Richard Ayvazyan further showing her role in managing and
13 supervising the flow of criminal proceeds, including with respect to
14 co-defendants Artur Ayvazyan and Vahe Dadyan. For example, on July
15 14, 2020, defendant exchanged numerous texts with co-defendant
16 Richard Ayvazyan demonstrating her intimate knowledge of both her own
17 and co-defendant's Richard Ayvazyan's various accounts as part of her
18 effort to make arrangements to pay co-defendant Vahe Dadyan his cut
19 of the criminal proceeds. (GEX 10 at 21.) Among other things, she
20 suggests she could direct co-defendant Artur Ayvazyan to deposit co-
21 defendant Vahe Dadyan's cut of the criminal proceeds on his behalf.
22 (Id.)

23 In another example, from September 16, 2020 through September
24 30, 2020, defendant repeatedly texted with co-defendant Richard
25 Ayvazyan about her efforts to establish new bank account and move
26 money while they were dealing with the freezing and closure of
27 numerous accounts. (GEX 10 at 33-35.) Again, defendant specifically
28

1 speaks about directing co-defendant Artur Ayvazyan to assist in
2 helping to launder funds. (GEX 10 at 35 (“Rich we need ur help this
3 fuckjng capital one restricted the account that I finally opened[.]
4 They want to call the employer or employer Human Resource[.] I tried
5 giving another cell so Art can verify the check they said the number
6 is not a[.] Getting verified as that business number[.]”). These
7 text messages are consistent with the physical evidence seized at
8 defendant’s home and the other digital evidence discovered on
9 defendant’s phone showing that she had intimate knowledge of and
10 control over bank accounts involved in the receipt and transfer of
11 criminal proceeds, and demonstrates her role as a manager and
12 supervisor of the money laundering scheme. (See also ECF 1001 at 5-6
13 (describing defendant’s role in arranging to launder her cut of a
14 fraudulent loan submitted on behalf of an unindicted co-
15 conspirator).)

16 **B. A Two-Level Vulnerable Victim Adjustment Should Apply**

17 The government respectfully submits that a two-level “vulnerable
18 victim” adjustment applies based on the use of names belonging to
19 deceased individuals and foreign visitors. (ECF 1001 at 3-7.) In
20 its addendum to the PSR (ECF 1119), the USPO disagreed with the
21 government’s position on the basis that, in the USPO’s view, there is
22 a lack of sufficient evidence to support a vulnerable victim
23 enhancement as it relates to the money laundering conspiracy (which
24 again, according to the USPO, is determinative of the applicability
25 of the adjustment). Defendant, however, used the names of deceased
26 individuals and foreign visitors in connection with both the fraud
27 and money laundering conspiracies.

28

1 For example, defendant's phone contained a fake driver's
2 license, fraudulent loan applications, and checks in the name of Anna
3 Dzukaeva (GEX 13.b, 13.c, 13.d), who visited the United States in
4 2015 and never returned (GEX 44 at 7).

5 Similarly, the text messages further show defendant and co-
6 defendant Richard Ayvazyan conspiring to use the identity of "alak"
7 to submit fraudulent loan applications, noting "Let's go the fool is
8 dead on armo land". (See GEX 10 at 9.) When asked if she had
9 accounts in his name, defendant responds, "Yes wells" followed by a
10 message titled "You're one step away from receiving Paycheck Program
11 Program funds.png." (Id.) This deceased individual's name is
12 further referenced later in the text message conversation when
13 defendant attempts to open a corporate account for Alak, asking,
14 "Rich what bank can I open Corp account without going to branch" and
15 "There is the new alak Corp we got buy (sic) the stupid wells online
16 shit said come to branch". (GEX 10 at 20.) Defendant's success in
17 establishing this corporate account is further discussed when she and
18 co-defendant Richard Ayvazyan are dealing with the freezing and
19 closure of numerous accounts and their attempts to open new ones.
20 (See e.g., GEX 10 at 33-35.) Defendant discusses her success in
21 opening a new account, including her use of a stock purchase
22 agreement to obtain control since the account was opened in her own
23 name but "the Corp online everything belongs to Alak". (GEX 10 at
24 34-35.)

25 In another example, defendant uses the name Olaf Landsgaard,
26 which belongs to a deceased attorney, to launder criminal proceeds
27 from the fraud conspiracy to purchase a residence in the name of
28

1 "Anton Kudiumov". The evidence includes an email found on
2 defendant's phone (GEX 13.i), as well as text messages discussing
3 defendant's use of an email account in the name of Olaf Landsgaard in
4 connection with a real estate transaction (GEX 10 at 20, 40).

5 Substantial evidence shows these identities were used in
6 connection with both conspiracies, including the money laundering
7 conspiracy, and thus the vulnerable victim enhancement should apply.
8 See United States v. Maciel-Alcala, 612 F.3d 1092, 1101-02 (9th Cir.
9 2010) (explaining that identity theft involving the identities of
10 deceased persons is not a victimless crime and potentially harms the
11 deceased's living friends and family); United States v. Cuellar, 165
12 F.3d 918 (9th Cir. 1998) (unpublished) (affirming the district
13 court's application of a two-level "vulnerable victim" enhancement
14 where defendant used the identity of a deceased individual to
15 fraudulently obtain a credit card in the deceased's name and noting
16 that the district court had found that the families of the deceased
17 were the vulnerable victims, who were particularly susceptible to
18 defendant's conduct at a difficult time).⁴

19 **C. A Two-level Enhancement in Accordance with U.S.S.G. §**
20 **2B1.1(b)(11) Should Apply**

21 While defendant is eligible to receive the two-level enhancement
22 under either USSG § 2B1.1(b)(11)(A)(ii), (B)(i), (B)(ii), (C)(i),
23 and/or (C)(ii), the government recommends this Court apply the
24 enhancement based on USSG § 2B1.1(b)(11)(A)(ii), as affirmed in
25 United States v. Ovsepiyan, 739 Fed. Appx. 448 (9th Cir. October 5,

26
27 ⁴ The government also incorporates by reference the additional
28 arguments made in Part III.B of its sentencing memorandum for co-
defendant Artur Ayvazyan with respect to the applicability of the
vulnerable victim adjustment.

1 2018). For the reasons set forth in Part III.A.2.b of the
2 government's sentencing memorandum for co-defendant Artur Ayvazyan,
3 which the government incorporates by reference here, the government
4 believes this approach avoids the 'double-counting' issue that is the
5 basis of the USPO's objection to this enhancement in its addendum to
6 the PSR (ECF 1119). Applying the enhancement based on U.S.S.G.
7 § 2B1.1(b)(11)(A)(ii) thus permits the Court to hold defendant
8 accountable for the multiplicity of authentication features found in
9 the possession of her and her co-conspirators separate and apart from
10 the offense conduct underlying Count 24.

11 **V. SECTION 3553(a) FACTORS**

12 The Court should impose a sentence sufficient, but not greater
13 than necessary, to reflect the purposes of sentencing identified in
14 18 U.S.C. § 3553(a). United States v. Carty, 520 F.3d 984, 991 (9th
15 Cir. 2008). The advisory Guidelines range provides the "starting
16 point and . . . initial benchmark" for this Court's consideration of
17 an appropriate sentence. Molina-Martinez v. United States, 136 S.Ct.
18 1338, 1345 (2016) (quoting Gall v. United States, 552 U.S. 38, 49
19 (2007)). Although the Guidelines are not binding, they "reflect a
20 rough approximation of sentences that might achieve section 3553(a)'s
21 objectives." United States v. Rita, 551 U.S. 338, 350 (2007).

22 Under 18 U.S.C. § 3553(a), in arriving at the appropriate
23 sentence, the Court should consider, among other factors, the nature
24 and circumstances of the offense and the history and characteristics
25 of the defendant, § 3553(a)(1); the need for the sentence imposed to
26 reflect the seriousness of the offense, to promote respect for the
27 law, and to provide just punishment for the offense, § 3553(a)(2)(A);
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1 the need for the sentence imposed to afford adequate deterrence to
2 criminal conduct, § 3553(a)(2)(B); the need for the sentence imposed
3 to protect the public from further crimes of the defendant,
4 § 3553(a)(2)(C); and the need to avoid unwarranted sentence
5 disparities, § 3553(a)(6).

6 **VI. GOVERNMENT'S SENTENCING RECOMMENDATION**

7 **A. Term of Custody**

8 In light of the relevant 18 U.S.C. § 3553(a) factors, a sentence
9 of 259 months in prison is sufficient, but not greater than
10 necessary, to achieve the goals of sentencing here.

11 1. Nature and Circumstances of the Offense and History
12 and Characteristics of the Defendant (18 U.S.C.
§ 3553(a)(1))

13 The nature and circumstances of the offense weigh heavily in
14 favor of a significant sentence of imprisonment within the advisory
15 Guidelines range. Defendant stole disaster relief funds desperately
16 needed by small businesses and working families to survive a national
17 catastrophe. She began stealing as soon as the money became
18 available in March 2020, when the country was grappling with a public
19 health crisis and faced the very real prospect of an economic
20 collapse. And she continued through the height of the pandemic until
21 she was arrested.

22 In stark contrast to the chaos unfurling around the country,
23 defendant kept meticulous track of the names, accounts, identities,
24 and businesses needed to perpetrate the fraud, coordinating with her
25 brother-in-law on phones and even the gender of the voices needed to
26 convince lenders and banks that the fraudulent loan applications, and
27 the money that flowed from that fraud, were legitimate. (GEX 10.)

1 She laughed about the fact that she was stealing disaster relief
2 funds and schemed to steal as much as she possibly could before the
3 country slid into depression and the federal government filed for
4 bankruptcy. (Id. at 4, 7-8, 13.)

5 Defendant's role in the conspiracies was key and her involvement
6 was integral to the success of the fraud. In conjunction with
7 Richard Ayvazyan, and in reliance on the active assistance of
8 coconspirators like her husband co-defendant Artur Ayvazyan and
9 cousin co-defendant Vahe Dadyan, defendant operated the assembly
10 line used to prepare and submit false and misleading disaster relief
11 loan applications in the names of individuals and businesses that did
12 not actually need the money, if they existed at all. She continually
13 communicated with co-defendant Richard Ayvazyan throughout the
14 conspiracy about all aspects of this process, helping manage,
15 coordinate and propel the fraudulent scheme. (See, e.g., GEX 10.)
16 She also directed some of the actions of co-defendant Artur Ayvazyan,
17 co-defendant Vahe Dadyan, and at least one other unindicted co-
18 conspirator (who is now deceased). (GEX 10.) Her role and the
19 extent of her involvement is underscored by the overwhelming evidence
20 discovered in her home and on her phone. (See, e.g., GEX 10, 13.b,
21 13.c, 13.d, 13.e, 13.f, 13.h, 57.a, 57.c, 57.d, 57.e, 57.f, 57.g.)

22 The fraud was prolific. Defendant and her co-conspirators used
23 dozens of fake, stolen and synthetic identities to submit (or cause
24 the submission of) over 150 fraudulent loan applications seeking over
25 \$20 million in disaster relief funds and then laundered the stolen
26 money through a vast network of bank accounts opened under false
27 pretenses. (See generally ECF 1092-6 (a chart titled "Loans for Loss
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1 Calculation - Artur Ayvazyan and Tamara Dadyan", which was submitted
2 to the USPO in connection with its preparation of the PSR and
3 produced to defense counsel).)

4 The impact of defendant's fraud is substantial. Her actions
5 targeted and exploited the individuals and businesses whose names
6 were used to open bank accounts, apply for loans and create fake tax
7 filings; the lenders who originated the fraudulent loans; the federal
8 agency that funded the loans; the retail banks used to launder the
9 criminal proceeds; and the small businesses and working families who
10 were unable to obtain disaster relief because of defendant's crimes.
11 The government considers these individuals and entities to be
12 victims. Defendant referred to many of them as "idiots". (GEX 10.)

13 Nothing explains defendant's action other than pure,
14 unadulterated greed. Based on the information defendant provided to
15 the USPO, defendant's family successfully immigrated to the United
16 States, she obtained an education, she is in a stable marriage, she
17 lives in a mansion, and she is free of addiction. (ECF 959 ¶¶ 82-
18 103.) Consistent with these facts, the USPO has not identified any
19 factors that would warrant a departure from the applicable Guidelines
20 range. (Id. ¶ 140.)

21 A sentence at the low-end of the advisory Guidelines range of
22 259 months' imprisonment (consisting of 235 months on Counts 1 and 26
23 to be served concurrently and 24 months on Count 24 to be served
24 consecutively to the terms imposed on Counts 1 and 26) is appropriate
25 based on an individualized assessment of this defendant and the
26 circumstances of the extent and nature of her involvement in this
27 prolific and horrendous fraud.

1 2. Seriousness of the Offense, Respect for the Law, and
2 Just Punishment (18 U.S.C. § 3553(a) (2) (A))

3 A custodial sentence within the advisory Guidelines range is
4 also needed in this case to reflect the seriousness of the offense,
5 promote respect for the law, and provide just punishment for the
6 offense.

7 As described above, the scope and execution of defendant's
8 crimes and relevant conduct make plain the seriousness of the
9 offense. The context in which the fraudulent scheme was carried out
10 only underscores the gravity of the offenses. Defendant and her co-
11 conspirators sought and stole finite COVID-19 disaster relief funds
12 necessary to the survival of the country's small businesses and
13 working families at the height of the pandemic. The use of multiple
14 synthetic or misappropriated identities, sham business entities, and
15 fraudulent back-up documentation sought to deceive institutional
16 lenders and the federal government as they worked to meet the vital
17 needs of those who were actually in need. The extensive planning and
18 coordination of the scheme which defendant and her co-conspirators
19 carried out against the backdrop of an unprecedented public health
20 and economic crisis reflect a significant lack of respect for the law
21 and the need for just punishment in this case.

22 Defendant's lack of respect for the law is further underscored
23 by her cruel disregard for the impact her actions had on her fellow
24 citizens and those who were trying to provide aid to them. In her
25 text messages with co-defendant Richard Ayvazyan, defendant provided
26 her unvarnished view, labelling many of her victims as "idiots",
27 laughing about the "disaster" that had befallen the country, and
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1 joking about the possibility that the federal government may run out
2 of money and file for bankruptcy. (GEX 10.) Defendant's disrespect
3 for the law appears to be part of a broader pattern of her
4 exploitation of judicial institutions. Indeed, defendant admitted
5 that when federal agents searched her home in November 2020, they
6 discovered fake and stolen notary stamps and seals belonging to state
7 and federal courts (which included stamps belonging to the United
8 States Bankruptcy Court for the Central District of California).
9 (Declaration of Christopher Fenton ¶¶ 1-2, Exs. 1, 2.)

10 With these factors in mind, the government respectfully submits
11 that a low-end custodial sentence of the effective advisory
12 Guidelines range of 259 months' imprisonment (consisting of 235
13 months on Counts 1 and 26 to be served concurrently and 24 months on
14 Count 24 to be served consecutively to the terms imposed on Counts 1
15 and 26) is sufficient, but not greater than necessary, to achieve the
16 goals of sentencing in this case.

17 3. Affording Adequate Deterrence and Protecting the
18 Public from Further Crimes of the Defendant (18 U.S.C.
§ 3553(a)(2)(B) and (C))

19 There is a strong need in this case to impose a sentence that
20 will specifically deter defendant from committing fraud post-release.
21 Defendant has the knowledge and skills to plan, execute and conceal
22 sophisticated schemes, as demonstrated by her architecture of an
23 assembly line for preparing and submitting fraudulent disaster relief
24 loan applications in this case. Indeed, her home, her phone, and her
25 husband's phone contained all of the component parts necessary to
26 carry out and conceal such a scheme. Even in the absence of a
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1 criminal history, in light of her demonstrated sophistication,
2 specific deterrence is a necessary consideration here.

3 Also relevant to the issue of specific deterrence is defendant's
4 questionable conduct in connection with the USPO's preparation of the
5 PSR. According to the PSR, defendant did not provide complete
6 information about her finances on the mandatory Personal Financial
7 Statement and failed to provide a copy of her tax returns. (ECF 959
8 ¶¶ 107-108.) In addition, the PSR describes defendant's luxury
9 lifestyle, failures to explain or inconsistencies in statements
10 around income, and assets of suspicious or unknown origin. For
11 example, defendant denied ownership of the Weddington residence,
12 claiming it was leased but failed to provide a copy of the lease.
13 (Id. ¶ 110.) The residence has gone through numerous transfers in
14 ownership that included, among others, herself and her mother, a
15 corporation bearing defendant's name, and two additional individuals.
16 (Id. 959 ¶ 110 and 110(a).) Defendant also owns high-value assets
17 that were not disclosed to the USPO. (Id. ¶ 111.) Defendant owns
18 numerous luxury goods (id.) but the USPO notes that, "[i]t is unknown
19 how she and her husband are maintaining their current lifestyle" and
20 even though defendant "noted that her husband was unemployed . . . in
21 the financial records submitted to the Probation Officer, she noted
22 that he earns over \$37,000 a month." (Id. ¶ 120.) Together these
23 facts and representations in the PSR raise significant concerns that
24 defendant may be continuing to conceal assets to obstruct forfeiture
25 proceedings.

26 There is also a strong need to impose a sentence that generally
27 deters others from stealing disaster relief money earmarked for small
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1 businesses and families in crisis - particularly in light of the fact
2 that the pandemic is ongoing and the possibility that the federal
3 government may continue to provide such assistance in the future. It
4 is critical to the success of these government programs that others
5 are deterred from doing what defendant did here. Like the need to
6 promote respect for the law, a significant custodial sentence in a
7 case such as this will signal to other potential wrongdoers that
8 there are serious consequences for exploiting a national emergency
9 such as that brought on by the COVID-19 pandemic.

10 This case is particularly significant to the government's effort
11 to deter pandemic fraud because it is amongst the most egregious
12 examples prosecuted to date. It is necessary for potential
13 wrongdoers to understand that, although submitting any number of
14 fraudulent disaster relief loan applications constitutes a serious
15 crime and will likely result in the imposition of a sentence of
16 imprisonment, submitting dozens or hundreds of fraudulent loan
17 applications will result in substantially greater prison time. In
18 light of the fact that the tools required to commit these crimes,
19 namely Internet access and a bank account, are available to almost
20 anyone, it is critical that the Court send a message that a defendant
21 who is engaged in a vast scheme involving dozens of fake, stolen and
22 synthetic identities, over 150 fraudulent disaster relief loan
23 applications, and a vast network of bank accounts opened under false
24 pretenses, will be sentenced in a way that is meaningfully different.

25 **B. Supervised Release, Fine, Restitution, Forfeiture, and**
26 **Mandatory Special Assessment**

27 The government concurs with the USPO's recommendation that
28 defendant be sentenced to five years of supervised release,

1 restitution of \$17,723,141.26, and a \$300 mandatory special
2 assessment.⁵ (ECF 1117.) The government also recommends that,
3 consistent with the parties' plea agreement, the Court order
4 forfeiture consistent with the Court's previous preliminary orders of
5 forfeiture as to defendant. (ECF 872, 876-878.)

6 **VII. CONCLUSION**

7 For the above reasons, the government respectfully requests that
8 the Court impose the following sentence as to defendant Tamara
9 Dadyan: (i) 259 months' imprisonment, consisting of 235 months on
10 Counts 1 and 26 to be served concurrently and 24 months on Count 24
11 to be served consecutively to the terms imposed on Counts 1 and 26;
12 (ii) five years of supervised release; (iii) restitution in the
13 amount of \$17,723,141.26, (iv) forfeiture consistent with the Court's
14 prior preliminary orders of forfeiture; and (v) a special assessment
15 of \$300.

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28 ⁵ The government takes no position on the imposition of a fine.