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SEALED

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FILED

Date: August 27, 2020

Time: 11:00 am

U.S. MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 BRYAN ROBINSON,
 18 Defendant.

Case No. 2:20-mj-00766-EJY

SEALED COMPLAINT for violation of:
 Wire Fraud
 (18 U.S.C. § 1343)

20 BEFORE the Honorable Elayna J. Youchah, United States Magistrate Judge, Las
 21 Vegas, Nevada, the undersigned complainant, being first duly sworn, states that:

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1 fraud, and money laundering. I am familiar with, and have participated in, the normal
2 methods of investigation, including, but not limited to, visual surveillance, conducting
3 interviews, drafting and executing seizure warrants, executing search and arrest warrants,
4 and conducting consensually monitored audio and video recordings.

5 2. The following information is based upon, among other things, my review of
6 records and documents obtained during the course of this investigation, information
7 conveyed by other employees or agents of the FBI, agents of the Office of Inspector General
8 of the United States Small Business Administration (SBA), and witnesses, to me orally or
9 via written communication, and my experience and background as an FBI SA.

10 **INTRODUCTION**

11 3. The government is investigating fraud committed by BRYAN ROBINSON
12 (“ROBINSON”). There is probable cause to believe ROBINSON, through his corporate
13 entity ATeam LV, LLC (“ATeam”), submitted false and fraudulent applications to obtain
14 loans through the Economic Injury Disaster Relief Loan (EIDL) program and Paycheck
15 Protection Program (PPP) guaranteed by the SBA. Based on the false and fraudulent
16 applications, ROBINSON successfully obtained an EIDL of \$159,900 and a PPP loan of
17 \$1,502,270. As set forth below, there is probable cause to believe that the EIDL and PPP
18 loans were obtained based on false and fraudulent information about the number of
19 employees and the gross revenue of the business, information that was provided by
20 ROBINSON regarding his business in order to qualify for the loan. Furthermore,
21 ROBINSON falsely stated that he had not been convicted of a felony within the last five
22 years, when in fact he was convicted of a felony drug offense in 2018 in Wyoming state
23 court and is currently serving a term of probation.

The Paycheck Protection Program

1
2 4. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act is a
3 federal law enacted in or around March 2020 and is designed to provide emergency
4 financial assistance to the millions of Americans who are suffering the economic effects
5 caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was
6 the authorization of up to \$349 billion in forgivable loans to small businesses for job
7 retention and certain other expenses, through the PPP. In or around April 2020, Congress
8 authorized over \$300 billion in additional PPP funding.

9 5. In order to obtain a PPP loan, a qualifying business must submit a PPP loan
10 application, which is signed by an authorized representative of the business. The PPP loan
11 application requires the business (through its authorized representative) to acknowledge the
12 program rules and make certain affirmative certifications in order to be eligible to obtain the
13 PPP loan. In the PPP loan application, the small business (through its authorized
14 representative) must state, among other things, its: (a) average monthly payroll expenses;
15 and (b) number of employees. These figures are used to calculate the amount of money the
16 small business is eligible to receive under the PPP. In addition, businesses applying for a
17 PPP loan must provide documentation showing their payroll expenses.

18 6. A participating financial institution (the lender) must process a PPP loan
19 application. If the lender approves a PPP loan application, it funds the PPP loan using its
20 own monies, which the SBA guarantees 100%. The lender transmits to the SBA, in the
21 course of processing the loan, data from the application, including information about the
22 borrower, the total amount of the loan, and the listed number of employees. The SBA
23 oversees the PPP, which has authority over all loans. To date, over 5,000 lending
24 institutions, mostly banks and credit unions, have participated in the PPP.

1 above. Any funds issued under an EIDL or advance are issued directly by the SBA. EIDL
2 funds can be used for payroll expenses, sick leave, production costs, and business
3 obligations, such as debts, rent, and mortgage payments. If the applicant also obtains a loan
4 under the PPP, the EIDL funds cannot be used for the same purpose as the PPP funds.

5 **BRYAN ROBINSON**

6 12. ROBINSON is a citizen of the United States and has a Nevada Driver's
7 License issued in September 2019, with a listed address in Las Vegas, Nevada.

8 13. According to records obtained by the FBI, ROBINSON pled guilty to felony
9 drug possession in November 2018. The court sentenced him to two (2) to four (4) years of
10 imprisonment and suspended the sentence. The court also sentenced him to three (3) years
11 of probation, a term that has not expired.

12 **ATeam**

13 14. ROBINSON incorporated ATeam as a limited liability company under the
14 laws of the State of Nevada in July 2018. ROBINSON is the sole member of ATeam.

15 15. In August 2018, ROBINSON opened a bank account at Bank 1, a federally
16 insured financial institution, on behalf of ATeam ("Account 6138"). The account opening
17 documents stated that ATeam was a "dance company" with eight (8) employees and annual
18 gross sales of \$50,000. ROBINSON was listed as the sole owner of ATeam.

19 16. In January 2020, ROBINSON opened another bank account at Bank 1 on
20 behalf of ATeam ("Account 9853"). Once again, the account opening documents stated
21 that ATeam had eight (8) employees and annual gross sales of \$50,000.

22 **The Lending Institution**

23 17. Institution 1 is an online financial technology company that specializes in
24 small business lending. Institution 1 participated as a non-bank PPP lender to small

1 businesses. Institution 1 does not fund the PPP loans itself; rather Institution 1 processes
2 the loan application and the funds come from a different entity, typically a bank.

3 18. Bank 2 is a federally insured financial institution. Bank 2 funded the PPP
4 loan to ATeam that was processed by Institution 1.

5 **PPP Loan Application for ATeam**

6 19. ROBINSON submitted a complete PPP loan application for ATeam to
7 Institution 1, dated June 9, 2020. The FBI has obtained a copy of this application, as well
8 as the documents submitted by ROBINSON in support of the application. The loan
9 application requested a loan of \$1,502,270.

10 20. The PPP loan application lists ROBINSON as the sole owner of ATeam. He
11 also uploaded a copy of a voided check for Account 9853 and directed the loan proceeds to
12 that account.

13 21. In order to obtain the loan from Institution 1, ROBINSON provided
14 Institution 1 with a substantial amount of fraudulent information.

15 a. First, in order to support the requested loan amount of \$1,502,270, he
16 represented that ATeam had 37 employees and an average monthly payroll of \$600,908.¹
17 To support this claim, ROBINSON submitted a purported Internal Revenue Service
18 (“IRS”) W-3 Transmittal of Wages and Tax Statement, dated May 29, 2020. The W-3
19 stated that, for the year 2019, ATeam had 37 employees and paid \$7,210,896 in wages.

20 b. Evidence obtained by the FBI shows that these payroll figures were
21 fraudulent for at least the following reasons:
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24 ¹ The maximum allowable PPP loan amount is calculated by taking the company’s average monthly payroll and multiplying that figure by 2.5.

1 i. A search of IRS records confirmed the IRS has no record of
2 ATeam filing Forms 941s for 2018 or 2019, which are quarterly payroll reports that
3 employers must file.

4 ii. A search of Social Security Administration (SSA) records
5 confirmed that the SSA has no record of any W-3 filings by ATeam.

6 iii. Records obtained from the Nevada Department of
7 Employment, Training, and Rehabilitation state that it has no record of ATeam having any
8 employees, paying any wages, or paying unemployment taxes.

9 iv. As noted above, in both August 2018 and January 2020,
10 ROBINSON opened bank accounts for ATeam at Bank 1 and reported that ATeam had
11 eight (8) employees and annual gross revenue of \$50,000.

12 v. ATeam's bank account statements, obtained from Bank 1, do
13 not show *any* payments consistent with payroll for the year 2020. The bank account
14 statements show a monthly inflow of funds ranging from \$20,000 to \$40,000. The outflow
15 of funds appear to be mostly personal expenses, such as food, shopping, and credit card
16 statements.

17 22. Second, the ATeam PPP loan application asked "Is the Applicant (if an
18 individual) or any individual owning 20% or more of the equity of the Applicant subject to
19 an indictment, criminal information, arraignment, or other means by which formal criminal
20 charges are brought in any jurisdiction, or presently incarcerated, or on probation or
21 parole?" The application also asked, "Within the last five (5) years, for any felony, has the
22 Applicant (if an individual) or any owner of the Applicant 1) been convicted; 2) pleaded
23 guilty; 3) pleaded nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on
24 any form of parole or probation (including probation before judgment)?" The application

1 further warned that if that question was answered “Yes,” that “the loan will not be
2 approved.”

3 23. ROBINSON falsely certified “No” to both of these questions. Records show
4 that ROBINSON pled guilty in November 2018 to felony drug possession in Cheyenne,
5 Wyoming. The records further show that ROBINSON was sentenced to three (3) years of
6 probation and that he was still on probation when he submitted the PPP loan application. I
7 have confirmed that ROBINSON is still serving his term of active probation.

8 24. According to Institution 1’s records, the PPP loan for ATeam was approved
9 and disbursed. Records from Bank 1 show the PPP loan proceeds of \$1,502,270 were
10 received in Account 9853 on or about June 11, 2020. Information obtained by the SBA
11 shows that the funds were sent from Bank 2’s servers in Pennsylvania via interstate wire to
12 Institution’s 1 account at Bank 1. The funds were then moved via ACH from Institution 1’s
13 account at Bank 1 to ROBINSON’s account at Bank 1 in Nevada.

14 **EIDL for ATeam**

15 25. The FBI obtained documentation for ATeam’s EIDL from the SBA.
16 According to the records, on or about May 29, 2020, ROBINSON submitted an application
17 in support of a \$150,000 EIDL for ATeam.

18 26. On the loan application received by the SBA, ROBINSON falsely represented
19 that ATeam was in the agriculture industry and had 37 employees. He also falsely
20 represented that gross revenues were \$12,500,000, cost of goods sold were \$10,750,000, and
21 the agriculture cost was \$1,500,000 for the twelve months ending January 31, 2020. There is
22 probable cause to believe that ROBINSON knowingly made these false representations.
23 First, bank account opening documentation shows ATeam was described as a dance
24 business. Second, physical surveillance of ATeam’s address listed on the EIDL application,

1 5154 West Patrick Lane, Suite 110-A, Las Vegas, NV 89118, and ROBINSON's home
2 address failed to locate any relevant business activity. Third, as described above, queries to
3 IRS, SSA, and Nevada Department of Employment, Training, and Rehabilitation did not
4 return records of filings mandated to employers. Finally, a review of the January 2020 bank
5 statement of Account 9853 did not show revenue, cost of goods sold expenses, or
6 agriculture costs consistent with the amount ROBINSON claimed on his EIDL application.

7 27. On ATeam's EIDL loan application received by the SBA, ROBINSON
8 misrepresented that he has not been convicted of a felony within the last five years. At the
9 time of Robinson's EIDL loan application for ATeam, an applicant had to certify that the
10 applicant, if an individual or any owner of the applicant business, had not been convicted of
11 a felony or been placed on parole in the prior five years. As part of the ATeam's EIDL loan
12 application, ROBINSON falsely answered "No" to this question, which read, "Within the
13 last five (5) years, for any felony, have you ever been convicted, plead guilty, plead no lo
14 contendere, been placed on pretrial diversion, or been placed on any form of parole or
15 probation (including probation before judgment)?" ROBINSON knew his answer to this
16 question was false because of his felony conviction previously described.

17 28. As discussed below, ATeam ultimately received a \$10,000 advance and a
18 \$149,900 loan from the SBA based on the EIDL loan application.

19 **Use of EIDL and PPP Loan Proceeds**

20 29. As stated above, ROBINSON directed the proceeds of the loans be deposited
21 in Account 9853 in the name of ATeam, which he controlled. ROBINSON is the only
22 authorized signatory on the account.

23 30. To obtain the PPP loan proceeds, ROBINSON certified that "[t]he funds will
24 be used to retain workers and maintain payroll or make mortgage interest payments, lease

1 payments, and utility payments.” Similarly, the EIDL application required the applicant to
2 certify that, “the borrower will use all the proceeds of this Loan solely as working capital to
3 alleviate economic injury.” These certifications were false. In fact, the funds were disbursed
4 as follows:

5 a. The June 2020 account statement for Account 9853 had a balance on
6 June 3, 2020, of \$542.92. On June 4, 2020, an EIDL advance of \$10,000 was received into
7 Account 9853.

8 b. On June 5, 2020, a cash deposit of \$2,000 was made into the account.
9 A few days later, on June 8, 2020, a cash deposit of \$3,000 was made into Account 9853.

10 c. On June 10, 2020, Account 9853 had a balance of \$1,525.15. The next
11 day, June 11, 2020, the PPP loan proceeds of \$1,502,270 were transferred to Account 9853.

12 d. On June 13, 2020, ROBINSON, using funds from Account 9853,
13 purchased a cashier’s check in the amount of \$150,581, payable to Dynasty Beverage LLC
14 (Dynasty). According to Dynasty’s bank records, Dynasty distributes food and goods.

15 e. On June 16, 2020, ROBINSON using funds from Account 9853,
16 purchased a cashier’s check in the amount of \$150,227, payable to Dynasty.

17 f. On June 17, 2020, ROBINSON, using funds from Account 9853,
18 purchased a cashier’s check in the amount of \$200,000, payable to Dynasty.

19 g. On June 17, 2020, a wire transfer in the amount of \$150,100 was made
20 from Account 9853 to Maksales.com LLC (Maksales). According to the website of
21 Maksales, it is a wholesaler of cell phones and accessories. The wire details state that the
22 wire originated from Account 9853 in Las Vegas, Nevada, and was transmitted to an
23 account located in New York, New York. The wire details further state that the wire is
24

1 “Towards Payroll,” however, Maksales.com LLC is not listed as a parent company,
2 subsidiary or assumed business name on ATeam’s PPP loan application.

3 h. On June 22, 2020, Account 9853 received \$149,900 from SBA
4 pursuant to ATeam’s loan under the EIDL program.

5 i. On June 22 and 24, 2020, ROBINSON made several purchases at the
6 Red Rock Casino Resort and Spa and the Red Rock ADV Room totaling \$1,091.

7 j. On June 26, 2020, ROBINSON obtained a cashier’s check payable to
8 Dynasty in the amount of \$15,000.

9 k. On June 26, 2020, ROBINSON sent a wire transfer to Maksales for
10 \$22,500. The details of the wire transfer included “Materials.”

11 l. On July 9, 2020, ROBINSON made a \$5,000 purchase at the
12 Washington Dental Clinic in Chula Vista, California.

13 m. On July 27, 2020, ROBINSON obtained a cashier’s check payable to
14 Dynasty in the amount of \$33,500.

15 n. There is no evidence that any of these payments were made to pay
16 wages to any employees of ATeam.

17 31. As noted above, the balance of Account 9853 on June 3, 2020 was \$542.92.
18 Aside from the PPP and EIDL loans, the only other deposits into Account 9853 between
19 June 3, 2020 and July 27, 2020 were a \$2,000 deposit on June 5, a \$3,000 deposit on June 8,
20 2020, and a \$5,000 deposit on July 15, 2020. Therefore, except for \$10,542.92, the
21 expenditures from Account 9853 detailed above were made with PPP and/or EIDL funds. I
22 believe there is probable cause to show these payments were not authorized uses of the PPP
23 funds and further demonstrate Robinson’s scheme and artifice to defraud.
24

1 32. Lastly, the bank statements of Account 9853 for June 2020 and July 2020 do
2 not show *any* payments consistent with payroll being made from Account 9853.

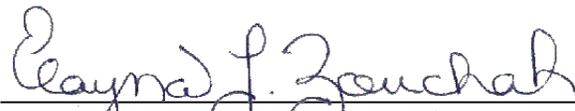
3 33. On August 5, 2020, Bank 1 restricted Account 9853 with a
4 remaining balance of \$758,822.53.

5 **CONCLUSION**

6 34. Based upon the foregoing, I believe there is probable cause to believe
7 Robinson devised a scheme and artifice to defraud to obtain fraudulently \$1,502,270 in total
8 PPP funds and \$159,900 in EIDL funds through his company ATEAM LV, LLC in
9 violation of 18 U.S.C. § 1343 (Wire Fraud).

10 
11 Allison Coffey, Special Agent
12 Federal Bureau of Investigation (FBI)

13 Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
14 telephone on August 27 , 2020.

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16 HONORABLE ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE
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