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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA

3:21-cr- 53 BR

v.

INDICTMENT

DAVID ROGER UNITAN,

**18 U.S.C. §§ 1028A, 1343, 1957 and
Forfeiture Allegation**

Defendant.

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS

1. At all times relevant to this Indictment, **DAVID ROGER UNITAN** (“UNITAN”), defendant herein, lacked gainful employment and resided with his mother in Walnut Creek, California, or at various locations in and around Portland, Oregon.

2. 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.

3. 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

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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 issue advances of up to \$10,000 to small businesses within three days of applying for an EIDL. The amount of the advance is determined by the number of employees the applicant certifies having. The advances do not have to be repaid.

4. In order to obtain an EIDL and advance, a qualifying business must provide information about the business's 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 must also certify that all the information in the application is true and correct to the best of the applicant's knowledge.

5. 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."

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

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

7. The allegations in paragraphs 1 through 6 of this Indictment are incorporated as though realleged herein.

8. Radius Bank is a federally insured financial institution based in Boston, Massachusetts.

9. NorthOne is a digital financial services platform for small businesses that provides banking services through Radius Bank.

10. Victim Business number one (“VB-1”) is a mid-sized privately held food business based in Wilsonville, Oregon.

11. Adult victim number one (“AV-1”) is a founder and owner of VB-1.

THE SCHEME

12. From not later than May 8, 2020, and continuing at least through July 31, 2020, defendant **UNITAN** devised and intended to devise a material scheme to defraud the SBA and various financial institutions and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

13. Specifically, **UNITAN** applied for and obtained EIDL and PPP loans using fictitious and stolen identities and false borrower information with the intent to steal and to convert the proceeds of those loans to his personal use and without any intent to repay those loans or to use the proceeds thereof for any authorized purpose.

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MANNER AND MEANS

It was part of this scheme that:

14. **UNITAN** adopted and repeatedly used an alias, “Danny Cohen” or “Daniel Cohen.” Under that alias, **UNITAN** opened accounts at various banks in the name of Albright LLC for the purpose of receiving the proceeds of fraudulently obtained EIDL and PPP loans. **UNITAN** also used the alias to incorporate Albright LLC in the State of California on or about June 20, 2020, for the purpose of applying for EIDL and PPP loans.

15. On or about May 19, 2020, using the alias “Dan Cohen” and the business name Albright LLC, **UNITAN** obtained a PPP loan from Cache Valley Bank of Logan, Utah, in the amount of \$83,100.

16. On or about July 31, 2020, using the alias “Daniel Cohen” and the business name Albright LLC, **UNITAN** obtained an EIDL from SBA in the amount of \$150,000.

17. **UNITAN** also used the names of real people and businesses to obtain loans. On or about June 14, 2020, in the name of AV-1, **UNITAN** submitted an electronic application to SBA for an EIDL on behalf of VB-1. That application, bearing number 3304488878, was submitted from an internet address in Cannon Beach, Oregon, and requested disbursement of funds to a NorthOne account number ending in 9821. **UNITAN** opened the NorthOne account in VB-1’s name. Upon approving the application, SBA transmitted \$149,900 by wire to the NorthOne account on June 18, 2020.

18. After receiving the proceeds of the loan to VB-1 in the NorthOne account, **UNITAN** transferred those funds to a Radius Bank account ending in 4544, which he had also opened using AV-1’s name and address. On or about June 24, 2020, **UNITAN** directed

\$77,898.11 to be wired from that Radius Bank account to an account at Heritage Bank for the benefit of Dick's Mackenzie Ford of Hillsboro, Oregon, for the purchase of a new Ford pickup.

WIRE FRAUD

19. On or about June 14, 2020, in the District of Oregon and elsewhere, defendant **DAVID ROGER UNITAN**, 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 3304488878 from the State of Oregon to the State of Colorado.

All in violation of Title 18, United States Code, Section 1343.

COUNT 2
(Aggravated Identity Theft)
(18 U.S.C. § 1028A)

20. Count 1 of this Indictment, along with all allegations in support thereof, are incorporated as though realleged herein.

21. On or about June 14, 2020, in the District of Oregon, defendant **DAVID ROGER UNITAN** did knowingly use, without lawful authority, the means of identification of another person, to wit the name and social security number of AV-1, during and in relation to the felony violation of 18 U.S.C. § 1343 charged in Count 1 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 3
(Money Laundering)
(18 U.S.C. § 1957)

22. On or about June 24, 2020, in the District of Oregon, defendant **DAVID ROGER UNITAN** did knowingly engage and attempt to engage in a monetary transaction by, through, or

to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, to wit the transfer of \$77,898.11 from the account number ending in 4544 at Radius Bank of Boston, Massachusetts, to Heritage Bank of Olympia, Washington, such property having been derived from a specified unlawful activity, that is, wire fraud as alleged in Count 1 of this Indictment.

All in violation of Title 18, United States Code, Section 1957.

FORFEITURE ALLEGATION

23. Upon conviction of the wire fraud offense alleged in Count 1 of 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, said property including:

- i. One 2020 Tesla Model X, VIN: 5YJXCDE23LF283975;
- ii. One 2020 Ford F-350, VIN: 1FT8W3BT2LED22219;
- iii. \$18,074.83 in funds held by Wells Fargo Bank, N.A.;
- iv. 3 Gold Coins bearing a face value of \$50; and
- v. Approximately 3.42 bitcoins.

24. 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;

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: February 17, 2021

A TRUE BILL.



OFFICIATING FOREPERSON

Presented by:

BILLY J. WILLIAMS
United States Attorney

A handwritten signature in black ink, appearing to read "Ryan W. Bounds", written over a horizontal line.

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