



### **Defendant and Related Entities**

3. SHARPER and D. SHARPER were married and residents of Charlotte, North Carolina, within the Western District of North Carolina. SHARPER and D. SHARPER had a bank account at Bank of America, identified herein as the SHARPER Account 2444.

4. The High School Athletic Booster Club (“Booster Club”) supported the Athletics Department, students, and coaches of a Charlotte-area High School. The Booster Club had an all-volunteer staff and no paid employees. Between 2018 and 2020, SHARPER served as the Treasurer and Interim President and D. SHARPER served as the concession stand and school store coordinator of the Booster Club. The Booster Club had a bank account at Wells Fargo, identified herein as the Booster Club Account 8057. On or about August 9, 2017, SHARPER and D. SHARPER were added as authorized signatories on the bank account and by August 9, 2019, they were the only authorized signatories on the bank account. SHARPER and D. SHARPER had debit cards linked to this account, ending 8615 and 4007, respectively.

5. A. Sharper CPA, PLLC (“A. Sharper CPA”) was a business that offered professional accounting services located in Charlotte, North Carolina within the Western District of North Carolina. SHARPER incorporated A. Sharper CPA on or about September 6, 2018, and he was listed as the member/organizer. A. Sharper CPA had a bank account at Bank of America, identified herein as the CPA Account 8262.

### **Small Business Administration and Relevant Financial Institutions**

6. The United States Small Business Administration (“SBA”) was an executive-branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation’s economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

7. As part of this effort, the SBA facilitated loans through banks, credit unions, and other lenders. These loans had government-backed guarantees.

8. Bank of America was a financial institution headquartered in Charlotte, North Carolina within the Western District of North Carolina whose deposits were insured by the Federal Deposit Insurance Corporation (“FDIC”) and which operated in and the activities of which affect interstate and foreign commerce. Bank of America was an approved SBA lender of PPP loans and accepted PPP applications through an electronic portal which applicants used to upload documents and information.

9. Wells Fargo Bank, N.A. was a financial institution headquartered in San Francisco, California whose deposits were insured by the FDIC and which operated in and the activities of which affect interstate and foreign commerce. Wells Fargo was an approved SBA

lender of PPP loans and accepted PPP applications through an electronic portal which applicants used to upload documents and information.

**The CARES Act and the Economic Injury Disaster Loan and Paycheck Protection Programs**

10. On March 13, 2020, President Donald J. Trump declared an emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in response to coronavirus disease 2019 (COVID-19). On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, which was designed to provide emergency financial assistance to the millions of American suffering the economic effects caused by the COVID-19 pandemic. The CARES Act established several new temporary programs and provided for the expansion of others, including programs created and/or administered by the SBA, to administer the emergency relief.

11. One of the programs expanded by the CARES Act was the Economic Injury Disaster Loan (“EIDL”) program, which is an SBA program that provides low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

12. EIDL proceeds may only be used for working capital to alleviate economic injury caused by the disaster (related to the COVID-19 pandemic) occurring in the month of January 31, 2020 and continuing thereafter.

13. EIDL funds are issued directly from the United States Treasury, and an applicant applies through the SBA via an online portal. In the electronic application, the applicant certifies that all of the information in the application is true and correct to the best of the applicant’s knowledge and is warned that any false statement or misrepresentation to the SBA or any misapplication of loan proceeds may result in sanctions, including criminal penalties. The application also states that the SBA relies upon the self-certifications in the EIDL application in determining whether the applicant is eligible for an EIDL.

14. The EIDL application process collects information concerning the business and the business owner, including information regarding the business’ gross revenue for the 12-month period preceding the disaster, which for COVID-19 is defined as January 31, 2020; the cost of goods sold for the 12-month period preceding the disaster; the number of employees employed by the business at the time of the disaster; information as to the criminal history of the business owners; and information regarding anyone that assisted in the preparation of the application.

15. 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”).

16. In order to obtain a PPP loan, a qualifying business submitted a PPP loan application, which was 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 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 provide, 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 showing their payroll expenses.

17. 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. While the lender issued the PPP loan, the SBA provided a guarantee that the financial institution would be reimbursed. 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.

18. PPP loan proceeds were required to be used by the business on certain permissible expenses such as 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 these expenses within a designated period of time and used a defined portion of the PPP loan proceeds on payroll expenses.

### **The Scheme to Defraud the Booster Club**

19. The purpose of the scheme to defraud the Booster Club was for SHARPER and D. SHARPER to unjustly enrich themselves by embezzling at least \$200,000 from the Booster Club by writing checks to themselves for purported reimbursement, wiring funds directly to their personal bank account, and using the Booster Club's debit cards and credit card to make personal expenditures.

### **Manner and Means of the Scheme to Defraud**

20. The manner and means by which SHARPER and D. SHARPER sought to accomplish the object and purpose of the scheme and artifice included, among others:

a. Between on or about February 20, 2018 and March 2020, SHARPER and D. SHARPER fraudulently wrote more than \$100,000 in checks from the Booster Club Account 8057 to themselves, often with false notations claiming the checks were for reimbursements.

b. Between 2018 and May 2020, SHARPER and D. SHARPER fraudulently used debit cards ending 8615 and 4007 for personal expenditures in North Carolina, Florida, Georgia, Louisiana, South Carolina, Virginia, and London, England, including

among others: more than \$8,000 on food, dining, and entertainment; more than \$20,000 in cash and ATM withdrawals; more than \$6,000 in fuel and auto expenses; more than \$6,000 on personal shopping at stores such as Target, Amazon, Bath & Body Works, and men's and women's clothing stores; and more than \$4,000 on personal travel.

c. On or about August 7, 2019, SHARPER, without the knowledge or authorization of the Booster Club, applied for a \$50,000 Wells Fargo Business Line of Credit in the name of the Booster Club. Credit card ending 6131 ("Booster Club Credit Card") was associated with this line of credit.

d. Between October 2019 and May 2020, SHARPER and D. SHARPER used the Booster Club Credit Card for personal expenditures, including among others: a \$3,800 car payment to a GMC dealership; more than \$5,000 for Charlotte Hornets tickets; meals, including \$839.50 at Ruth's Chris Steak House; clothing; travel to Florida; and gas. SHARPER used at least \$20,000 in Booster Club funds to pay down the balance on the Booster Club Credit Card.

e. Between on or about November 29, 2019, and on or about April 7, 2020, SHARPER and D. SHARPER fraudulently wired or caused to be wired more than \$23,000 from the Booster Club Account 8057 to the SHARPER Account 2444.

f. On or about March 20, 2020, SHARPER and D. SHARPER fraudulently opened and caused to be opened a bank account at First National Bank of Pennsylvania in a name similar to the Booster Club.

g. SHARPER created and caused to be created false financial documentation to conceal his and D. SHARPER's embezzlement. On or about May 1, 2020, SHARPER emailed the Booster Club board members and others a screen shot showing a \$150,283 account balance in the Booster Club Account 8057 and a Fiscal Year 2020 Profit and Loss Statement ("P&L") for the Booster Club. In truth and in fact, the account balance in the Booster Club Account 8057 on May 1, 2020 was \$522.07 and the P&L did not reflect the financial reality of the Booster Club.

h. On or about May 15, 2020, SHARPER attempted to dissolve the Booster Club by filing Articles of Dissolution by Directors, Members, and Third Persons for Nonprofit Corporation with the North Carolina Secretary of State falsely representing that the "approval of members was not required for the dissolution, and the plan of dissolution was approved by a sufficient vote of the board of directors."

### **The PPP Loan and EIDL Fraud**

21. In order to unjustly enrich himself and to conceal his and D. SHARPER's scheme to defraud and embezzle from the Booster Club, SHARPER defrauded Bank of America, Wells Fargo, and the SBA by obtaining EIDL and PPP loan proceeds under false and misleading



pretenses, including by making false statements about the gross revenues, monthly payroll, and number of employees of the Booster Club and A. Sharper CPA.

### ***The Booster Club PPP Application***

22. On or about April 22, 2020, SHARPER submitted and caused to be submitted an application through Wells Fargo's electronic portal for a \$71,090 PPP loan in the name of the Booster Club.

23. The application falsely represented that the Booster Club had an average monthly payroll of \$28,436; had 3 employees; and that the purpose of the loan was for payroll. In addition, as part of the application SHARPER provided a false IRS Form 940 signed by SHARPER purporting to show that, in 2019, the Booster Club made \$341,232.37 in payments to employees. In fact, no such Form 940 was ever filed with the IRS on behalf of the Booster Club because the Booster Club had no employees.

24. On or about May 2, 2020, SHARPER signed, and caused to be signed, a Wells Fargo promissory note, which attested: "Borrower certifies that the information provided in the application and the information provided in all supporting documents and forms is true and accurate in all material respects. Borrower understands that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under 18 USC 1001 and 3571 [ ]; and if submitted to a federally insured institution, under 18 USC 1014 [ ]."

25. On or about May 7, 2020, Wells Fargo funded the loan by disbursing \$71,090 to the Booster Club Account 8057. As of May 1, 2020, prior to the receipt of the PPP loan funds, the Booster Club Account 8057 had a balance of approximately \$555.06.

### ***The A. Sharper CPA EIDL Application***

26. On or about March 30, 2020, SHARPER submitted and caused to be submitted an application through SBA's electronic portal for a \$74,900 EIDL in the name of A. Sharper CPA.

27. The application falsely represented that A. Sharper CPA had gross revenues for the 12 months prior to the disaster of \$150,000.

28. On or about May 16, 2020, SHARPER electronically signed the Loan Authorization and Agreement in connection with the EIDL Application for A. Sharper CPA. In the loan agreement, SHARPER certified that all the representations in the EIDL Application for A. Sharper CPA were true, correct and complete and were offered to induce SBA to make the loan. SHARPER agreed to use the loan proceeds "solely as working capital to alleviate economic injury caused by disaster occurring in the month of January 31, 2020."

29. On or about May 19, 2020, SBA funded the loan by disbursing \$74,900 to the CPA Account 8262. As of May 1, 2020, prior to the receipt of the EIDL funds, the CPA

Account 8262 had a balance of approximately \$574.89.

### ***The A. Sharper CPA PPP Application***

30. On or about May 4, 2020, SHARPER submitted and caused to be submitted an application through Bank of America's electronic portal for a \$90,357 PPP loan in the name of A. Sharper CPA.

31. The application falsely represented that A. Sharper CPA had an average monthly payroll of \$36,143; had 5 employees; and needed the loan to support its ongoing operations. In addition, as part of the application SHARPER provided a false IRS Form 940 purporting to show that in 2019, A. Sharper CPA made \$433,716 in payments to employees. In fact, no such Form 940 was ever filed with the IRS on behalf of A. Sharper CPA.

32. On or about May 7, 2020, SHARPER signed, and caused to be signed, a Bank of America promissory note, which attested: "Borrower certifies that the information provided in the Application and the information that Borrower provided in all supporting documents and forms is true and accurate in all material respects. Borrower acknowledges that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under, 18 USC 1001 and 3571[] and if submitted to a Federally insured institution, under 18 USC 1014 []."

33. On or about May 7, 2020, Bank of America funded the loan by disbursing \$90,357 to the CPA Account 8262. As of May 1, 2020, prior to the receipt of the PPP loan funds, the CPA Account 8262 had a balance of approximately \$574.89.

### **Use of Fraudulent Loan Proceeds**

34. After the fraudulent loan proceeds were deposited into the CPA Account 8262 and the Booster Club Account 8057, SHARPER diverted and caused to be diverted some of the fraudulently obtained funds for personal and unauthorized purposes, including but not limited to:

a. In May 2020, SHARPER used the Booster Club PPP loan funds to pay approximately \$40,000 in outstanding Booster Club related invoices, including for field maintenance, coaches' office painting, and sports equipment.

b. In May 2020, SHARPER used the A. SHARPER CPA PPP and EIDL funds to pay more than \$25,000 towards the Booster Club's Credit Card balance.

c. On or about May 12, 2020, SHARPER transferred \$2,818.50 from the Booster Club's Account 8057 to the CPA Account 8262.

d. On or about May 19, 2020, SHARPER transferred \$58,000 from the CPA Account 8262 to an unrelated business.

e. On or about May 20, 2020, SHARPER withdrew \$8,000 in cash from the CPA Account 8262.

f. On or about May 20, 2020, D. SHARPER withdrew \$23,902 from the Booster Club Account 8057 and obtained three cashiers checks in the amount of \$13,263, \$5,502, and \$5,137, which were provided to the Booster Club.

g. On or about May 27, 2020, SHARPER paid \$5,000 from the CPA Account 8262 towards the purchase of a car.

h. Between May 2020 and October 2020, SHARPER spent more than \$4,000 from the CPA Account 8262 on food, dining, and entertainment expenditures.

i. On or about June 9, 2020, SHARPER made a \$6,284 payment from the CPA Account 8262 to the Booster Club's Credit Card.

**COUNT ONE**

(Wire Fraud Scheme to Defraud the Booster Club)

35. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

36. From in or about 2017 through in or about June 2020, in the Western District of North Carolina and elsewhere, the defendants,

**(1) ANTHONY SHARPER, SR. and  
(2) DEANA SHARPER**

with the intent to defraud, did knowingly and intentionally devise the above-described scheme and artifice to defraud and to obtain money by materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce any writing, signal, picture, and sound, *to wit*, the line of credit application, emails, wire transfers, and other electronic financial transactions in interstate and foreign commerce.

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



**COUNT TWO**

(False Statements to a Financial Institution)

37. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

38. On or about April 22, 2020, in the Western District of North Carolina and elsewhere, the defendant,

**(1) ANTHONY SHARPER, SR.**

did knowingly make and cause to be made a false statement with the intent to influence the actions of Wells Fargo, a financial institution, the accounts of which are insured by the FDIC, to wit, in the Wells Fargo PPP Application for the Booster Club, SHARPER, Sr. falsely represented that the Booster Club had 3 employees and an average monthly payroll of \$28,436.

All in violation of Title 18, United States Code, Sections 1014 and 2.

**COUNT THREE**

(False Statements to a Financial Institution)

39. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

40. On or about May 4, 2020, in the Western District of North Carolina and elsewhere, the defendant,

**(1) ANTHONY SHARPER, SR.**

did knowingly make and cause to be made a false statement with the intent to influence the actions of Bank of America, a financial institution, the accounts of which are insured by the FDIC, to wit, in the Bank of America PPP Application for A. Sharper CPA, SHARPER falsely represented that A. Sharper CPA had 5 employees and an average monthly payroll of \$36,143.

All in violation of Title 18, United States Code, Sections 1014 and 2.

**COUNT FOUR**

(False Statements to the Small Business Administration)

41. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

42. On or about March 30, 2020, in the Western District of North Carolina and elsewhere, the defendant,

**(1) ANTHONY SHARPER, SR.**

did knowingly make and cause to be made a false statement or report for the purpose of influencing the action of the SBA in connection with the EIDL program, which it administers pursuant to a provision of the Small Business Act. SHARPER stated and caused to be stated that, A. Sharper CPA had gross revenues for the 12 months prior to the disaster of \$150,000.

All in violation of Title 18, United States Code, Sections 1014 and 2.

**COUNT FIVE**

(Engaging in Monetary Transactions in Criminally Derived Property)

43. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

44. On or about May 11, 2020, in the Western District of North Carolina and elsewhere, the defendant,

**(1) ANTHONY SHARPER, SR.**

did knowingly engage and attempt to engage in a monetary transaction by, through and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, money deposits which represented fraudulently obtained disaster-related loan proceeds, such property having been derived from a specified unlawful activity, that is, false statements to Bank of America, *to wit*, a \$19,211.35 withdrawal from the CPA Account 8262 for a payment to the Booster Club Credit Card.

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

**COUNT SIX**

(Engaging in Monetary Transactions in Criminally Derived Property)

45. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

46. On or about about May 21, 2020, in the Western District of North Carolina and elsewhere, the defendant,

**(1) ANTHONY SHARPER, SR.**

did knowingly engage and attempt to engage in a monetary transaction by, through and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, money deposits which represented fraudulently obtained disaster-related loan proceeds, such property having been derived from a specified unlawful activity, that is, false statements to Bank of America, *to wit*, a \$19,877.36 cashier's check from the CPA Account 8262 for the purchase of a 2019 Honda Civic.

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

**COUNT SEVEN**

(Filing a False Tax Return)

47. Paragraphs 1 through 34 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

48. On or about April 14, 2019, in the Western District of North Carolina, the defendant,

**(1) ANTHONY SHARPER, SR.**

a resident of Charlotte, North Carolina, did willfully make and subscribe and file with the IRS, his U.S. Joint Individual Income Tax Return, Form 1040, for 2018, which was verified by a written declaration under the penalties of perjury and which SHARPER did not believe to be true and correct as to every material matter, in that the tax return failed to report the embezzled income anywhere on his tax return, including as other income on Schedule 1, Line 21 and total income on Line 6.

All in violation of Title 26, United States Code, Section 7206(1).

**COUNT EIGHT**  
(Filing a False Tax Return)

49. Paragraphs 1 through 35 of this Bill of Indictment are re-alleged and incorporated herein by reference as though fully set forth herein.

50. On or about July 15, 2020, in the Western District of North Carolina, the defendant,

**(1) ANTHONY SHARPER, SR.**

a resident of Charlotte, North Carolina, did willfully make and subscribe and file with the IRS, his U.S. Joint Individual Income Tax Return, Form 1040, for 2019, which was verified by a written declaration under the penalties of perjury and which SHARPER did not believe to be true and correct as to every material matter, in that the tax return failed to report the embezzled income anywhere on his tax return, including as other income on Line 7a and total income on Line 7b.

All in violation of Title 26, United States Code, Section 7206(1).

**NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE**

Notice is hereby given of 18 U.S.C. § 982 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 982 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in Counts One through Four of this Bill of Indictment;
- b. All property involved in the violations set forth in Counts Five and Six; and
- c. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) or (b) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a) and (b).

The Grand Jury finds probable cause that the following property is subject to forfeiture on one or more of the grounds stated above:

- a. A forfeiture money judgment in the amount of at least \$436,000, such amount constituting the proceeds of the violations set forth in Counts One through Six of this Bill of Indictment;

A TRUE BILL:



FOREPERSON

WILLIAM T. STETZER  
ACTING UNITED STATES ATTORNEY



CARYN FINLEY  
ASSISTANT UNITED STATES ATTORNEY

# NEW CRIMINAL CASE COVER SHEET

# U. S. DISTRICT COURT

(To be used for all new Bills of Indictments and Bills of Information)

CASE SEALED:  YES  NO

DOCKET NUMBER:

3:21-cr-139-MOC

If case is to be sealed, a Motion to Seal and proposed Order **must** be attached.)

CASE NAME :US vs ANTHONY SHARPER, SR. ET AL.

COUNTY OF OFFENSE : MECKLENBURG

RELATED CASE INFORMATION :

Magistrate Judge Case Number :

Search Warrant Case Number :

Miscellaneous Case Number :

Rule 20b :

SERVICE OF PROCESS : SUMMONS

U.S.C. CITATIONS (Mark offense carrying greatest weight):  Petty  Misdemeanor  Felony

18 U.S.C. § 1343

JUVENILE:  Yes  No

ASSISTANT U. S. ATTORNEY : CARYN FINLEY

VICTIM/WITNESS COORDINATORS: SHIRLEY RUTLEDGE

INTERPRETER NEEDED :

LIST LANGUAGE AND/OR DIALECT:

REMARKS AND SPECIAL INSTRUCTIONS: