

**FILED**

DEC 21 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM MARK SULLIVAN,  
MICHELLE CADMAN-SULLIVAN,  
a/k/a "Michelle Sullivan,"  
a/k/a "Michelle Ann Sullivan,"

Defendants.

Case No. **21 CR 561 GKF**

INDICTMENT

[COUNT ONE: 18 U.S.C. § 1349 –  
Bank Fraud Conspiracy;  
COUNTS TWO through FIVE:  
18 U.S.C. § 1028A(a)(1) – Aggravated  
Identity Theft;  
Forfeiture Allegation: 18 U.S.C. §  
981(a)(1)(C), 18 U.S.C. § 982(a)(2)(B),  
18 U.S.C. § 1028(b) and 28 U.S.C. §  
2461(c) – Bank Fraud and Identity  
Theft Forfeiture]

THE GRAND JURY CHARGES:

COUNT ONE  
[18 U.S.C. § 1349]

**The Conspiracy and Its Object**

1. From in or about April 2020 to the date of this Indictment, in the Northern District of Oklahoma and elsewhere, the defendants, **WILLIAM MARK SULLIVAN** and **MICHELLE CADMAN-SULLIVAN**, a/k/a "Michelle Sullivan," a/k/a "Michelle Ann Sullivan," ("the Conspirators"), conspired to commit offenses under Chapter 63 of the United States Code, that is, bank fraud, a violation of Title 18, United States Code, Section 1344(2), in the following manner ("the Conspiracy"):

## Introduction

At all times relevant to the Conspiracy:

2. In the spring of 2020, Congress established the Paycheck Protection Program (“PPP”), whereby federal financial support was made available to businesses due to the economic effects of the COVID-19 pandemic. The PPP enabled eligible businesses to borrow funds under certain advantageous conditions. PPP loans were originated by financial institutions, such as banks and credit unions, and were guaranteed by the United States Small Business Administration (“SBA”).

3. In its PPP loan application to a bank and the SBA, a business was required to state, among other things, its: (a) average monthly payroll expenses; and (b) number of employees. These figures were used by the bank and the SBA to calculate the amount of money the business was eligible to receive under the PPP. In addition, the business was required to provide the bank and SBA with records of its payroll expenses and of its having been in business as of February 15, 2020.

4. The PPP loan proceeds could be used by a borrowing business only for certain authorized 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 (a) used the loan proceeds to pay those expense items within a designated time, which was usually within eight weeks of receiving the proceeds, and (b) used at least 75% of the PPP loan proceeds on payroll expenses.

### **The Purpose of the Conspiracy**

5. It was the purpose of the Conspiracy to enrich the Conspirators unlawfully by fraudulently obtaining loan proceeds from financial institutions pursuant to the federal Paycheck Protection Program.

### **The Targets of the Conspiracy**

6. The Conspirators committed acts in furtherance of the Conspiracy against the following financial institutions, within the meaning of Title 18, United States Code, Section 20:

- a. Arvest Bank, located in Tulsa, Oklahoma (“Arvest”); and
- b. The Exchange Bank, located in Skiatook, Oklahoma (“Exchange”)  
(collectively “the banks”).

The depository accounts of the banks were insured by the Federal Deposit Insurance Corporation.

### **Manner and Means of the Conspiracy**

The Conspirators used the following manner and means, among others, to achieve the object of their Conspiracy:

7. It was part of the Conspiracy that the Conspirators would and did create various business entities that would falsely and fraudulently represent on loan applications that they had a number of employees and amount of payroll expenses that would qualify for PPP loans. Those business entities, and material information falsely and fraudulently represented by the Conspirators to be true about them, included the following:

- a. **Oklahoma Paving, LLC**  
2402 Terwilleger Blvd, Tulsa, Oklahoma  
3 employees with an average monthly payroll of \$50,546.41  
Submitted by **WILLIAM MARK SULLIVAN**  
to Arvest Bank on or about April 8, 2020.
- b. **U.S. Central Construction, LLC**  
2402 Terwilleger Blvd, Tulsa, Oklahoma  
3 employees with an average monthly payroll of \$26,053.00  
Submitted by **MICHELLE SULLIVAN**  
to Arvest Bank on or about April 28, 2020.
- c. **USA-1 Construction INC.**  
3329 West 5<sup>th</sup> Street, Tulsa, Oklahoma  
19 employees with an average monthly payroll of \$143,483.00  
Submitted by **WILLIAM MARK SULLIVAN**  
to Arvest Bank on or about April 30, 2020.
- d. **Oklahoma Energy**  
22 West 41<sup>st</sup> Street, Sand Springs, Oklahoma  
35 employees with an average monthly payroll of \$279,101.66  
Submitted by **MICHELLE SULLIVAN**  
to Arvest Bank on or about May 4, 2020.
- e. **Oklahoma Paving**  
22 West 41<sup>st</sup> Street, Sand Springs, Oklahoma,  
35 employees with an average monthly payroll of \$279,101.66  
Submitted by **MICHELLE SULLIVAN**  
to Arvest Bank on or about May 4, 2020.
- f. **Oklahoma Energy**  
22 West 41<sup>st</sup> Street, Sand Springs, Oklahoma  
35 employees with an average monthly payroll of \$251,458.00  
Submitted by **MICHELLE SULLIVAN**  
to Exchange Bank on or about May 11, 2020.

8. It was part of the Conspiracy that the Conspirators would and did submit applications to financial institutions, within the meaning of Title 18, United States Code, Section 20, that contained materially false and fraudulent pretenses, representations, and promises, including the following:

- a. False representations about the address and location of the borrowing company;
- b. False representations about the time during which the borrowing company had purportedly been in operation;
- c. False representations about the number of persons employed by the borrowing company;
- d. False representations about the name and addresses of the purported employees of the borrowing company;
- e. False representations about the total amount of monthly payroll for the borrowing company;
- f. False representations about the total quarterly wage figures of the borrowing company;
- g. False representations about the total payroll taxes withheld and paid on behalf of the purported employees of the borrowing company;
- h. False representations about the earned annual wages paid to the Conspirators' children as purported employees of the borrowing company; and
- i. False representations about the use to which PPP funds would be put in furtherance of the borrowing company's business operations.

9. It was part of the Conspiracy that the Conspirators would and did submit the fraudulent applications to the banks online, and would thereafter communicate with the banks by means of telephone calls and emails.

10. It was part of the Conspiracy that the Conspirators would and did submit multiple applications for the same borrowing company to both of the banks, without disclosing to the banks that they were submitting such duplicative and overlapping applications.

11. It was part of the Conspiracy that the Conspirators knew that the representations, pretenses, and promises that they made to the banks were materially false and fraudulent at the time they made them.

12. It was part of the Conspiracy that the Conspirators would and did attempt to obtain loans for their various purported businesses in the total approximate amount in excess of \$2.7 million and would actually obtain funding from the banks in the total approximate amount of \$691,145.

All in violation of Title 18, United States Code, Section 1349.

**COUNTS TWO THROUGH FIVE**  
**[18 U.S.C. § 1028A(a)(1)]**

13. On or about April 28, 2020, in the Northern District of Oklahoma and elsewhere, the defendant, **MICHELLE CADMAN-SULLIVAN**, a/k/a “Michelle Sullivan,” a/k/a “Michelle Ann Sullivan,” knowingly transferred, used, and possessed, without lawful authority, a means of identification of another person known to the Grand Jury and designated below, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), that is, Title 18, United States Code, Section 1344(2), knowing that the means of identification, the name and Social Security account number of the person, as designated below, belonged to another actual person.

<b>Count</b>	<b>Person</b>
2	Minor A
3	Minor B
4	Minor C
5	Minor D

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



**FORFEITURE ALLEGATION**

**[18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1028(b)  
and 28 U.S.C. § 2461(c)]**

The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 18, United States Code, Section 982(a)(2)(B), Title 18, United States Code, Section 1028(b) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses alleged in this Indictment, as a part of their sentences, the defendants, **WILLIAM MARK SULLIVAN** and **MICHELLE CADMAN-SULLIVAN**, a/k/a “Michelle Sullivan,” a/k/a “Michelle Ann Sullivan,” shall forfeit to the United States any property constituting, or derived from, or traceable to, the proceeds obtained, directly or indirectly, as a result of such violations and any property, real or personal, that was used or intended to be used to commit or to facilitate the violations of federal law. The property to be forfeited includes, but is not limited to:

A money judgment in an amount of at least \$691,145.00, representing proceeds obtained by the Defendants as a result of the offenses.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 18, United States Code, Section 982(a)(2)(B), Title 18, United States Code, Section 1028(b) and Title 28, United States Code, Section 2461(c).

CLINTON J. JOHNSON  
ACTING UNITED STATES ATTORNEY

A TRUE BILL

  
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KEVIN C. LEITCH  
Assistant United States Attorney

*/s/ Grand Jury Foreperson*  
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Grand Jury Foreperson