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**SEALED**

**Office of the United States Attorney  
District of Nevada  
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Las Vegas, Nevada 89101  
(702) 388-6336**

**FILED**

**Date:** August 27, 2020

**Time:** 11:00 am

**U.S. MAGISTRATE JUDGE**

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12 **UNITED STATES DISTRICT COURT**  
13 **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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23

24

1 **COUNT ONE**  
2 ***Wire Fraud***  
3 **(18 U.S.C. § 1343)**

4 On or about June 11, 2020, in the State and Federal District of Nevada, and  
5 elsewhere,

6 **BRYAN ROBINSON,**

7 defendant herein, did knowingly, willfully, and with the intent to defraud, having devised  
8 and intending to devise a scheme and artifice to defraud, and to obtain money and property  
9 by means of materially false and fraudulent pretenses, representations, and promises,  
10 knowing such pretenses, representations, and promises were false and fraudulent when  
11 made, transmit and cause to be transmitted, by means of wire communications in interstate  
12 commerce, writings, signals, pictures, and sounds, for the purpose of executing such scheme  
13 and artifice, to wit: an interstate wire transfer in the amount of \$1,502,270 from Bank 2  
14 outside the State of Nevada to an account controlled by Robinson at Bank 1 in the State of  
15 Nevada.

16 **PROBABLE CAUSE**

17 Complainant, Allison Coffey, as and for probable cause, states the following:

18 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI)  
19 currently assigned to the white-collar crime squad in the Las Vegas Field Division. I have  
20 been employed as a SA of the FBI since July 2019. To become an FBI SA, I attended  
21 twenty (20) weeks of training at the FBI Academy in Quantico, Virginia where I was trained  
22 to investigate violations of United States laws, to collect evidence in cases in which the  
23 United States is, or may be, a party in interest, and to perform other duties imposed by law  
24 as well as other specialized federal law enforcement training. I have investigated violations  
of federal statutes governing various types of white-collar crime, including wire fraud, bank

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           7.     The business receiving the PPP loan proceeds must spend the funds on certain  
2 permissible expenses: payroll costs, interest on mortgages, rent, and utilities. The PPP  
3 allows the interest and principal on the PPP loan to be entirely forgiven if the business  
4 spends the loan proceeds on these expense items within a designated period of time and uses  
5 a specified portion of the PPP loan proceeds on payroll expenses.

### 6                                   **The Economic Injury Disaster Relief Program**

7           8.     The EIDL program is an SBA program that provides low-interest financing to  
8 small businesses, renters, and homeowners in regions affected by declared disasters.

9           9.     Another source of relief provided by the CARES Act was the authorization  
10 for the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing  
11 substantial financial disruption due to the COVID-19 pandemic. In addition, the CARES  
12 Act authorized the SBA to issue advances of up to \$10,000 to small businesses within three  
13 days of applying for an EIDL. The amount of the advance is determined by the number of  
14 employees the applicant certifies having. The advances do not have to be repaid.

15          10.    In order to obtain an EIDL and advance, a qualifying business must submit  
16 an application to the SBA and provide information about its operations, such as the number  
17 of employees as well as gross revenues and cost of goods sold for the 12-month period  
18 preceding the disaster. In the case of EIDLs for COVID-19 relief, the 12-month period was  
19 that preceding January 31, 2020. The applicant must also certify that all the information in  
20 the application is true and correct to the best of the applicant's knowledge.

21          11.    EIDL applications are submitted directly to the SBA and processed by the  
22 agency with support from a government contractor, Rapid Finance. The amount of the  
23 loan, if the application is approved, is determined based, in part, on the information  
24 provided by the application about employment, revenue, and cost of goods, as described

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.<sup>1</sup>  
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:  
22  
23

24 <sup>1</sup> 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

