

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

FILED
Date: 11/22/2022
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 5:22-cr- 84-JA-PRL
18 U.S.C. § 1343

HENRY TROY WADE

INDICTMENT

The Grand Jury charges:

COUNTS ONE THROUGH SIX

A. **Introduction**

At times material to this Indictment:

1. HENRY TROY WADE was a resident of the Middle District of Florida. He created and maintained bank accounts with MIDFLORIDA Credit Union (“MIDFLORIDA”).

2. MIDFLORIDA was a financial institution that provided, among other services, bank accounts to its customers. MIDFLORIDA allowed for its customers to complete wire transfers to and from other financial institution. Wire transfers occur when the originating customer instructs its financial institution to electronically transfer funds to a beneficiary customer. Wire transfers allow money to be moved quickly and securely without the need to exchange cash. They allow two parties to transfer funds even if they are in different geographic locations. A wire transfer facilitates money transfers electronically across a network of banks or transfer

agencies around the world. This financial institution had branches and ATMS in the Middle District of Florida and elsewhere in Florida.

3. The Coronavirus Aid, Relief, and Economic Security Act (“CARES” Act) was a federal law enacted on March 27, 2020, designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of the Economic Injury Disaster Loan (“EIDL”) program. EIDL is a Small Business Administration (“SBA”) program that provides low-interest funding to small businesses, renters, and homeowners affected by declared disasters.

4. In order to obtain an EIDL, a qualifying business must submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster. In the case of EIDLs for COVID-19 relief, the 12-month period was the year preceding January 31, 2020. The applicant must also certify that all the information in the application is true and correct, and agree in the required Loan Authorization and Agreement that the EIDL funds will be used solely as working capital to alleviate economic injury caused by disaster.

5. The amount of an EIDL, if the application is approved, is determined based, in part, on the information provided in the application about employment, revenue, and cost of goods, as set forth above. Any funds issued under an EIDL are

issued directly by the SBA. EIDL funds shall be used as working capital, such as payroll expenses, sick leave, production costs, and ordinary business obligations, such as debts, rent, and mortgage payments.

6. EIDL applications are electronically received in cloud-based platforms. If an SBA application was approved, the SBA's Denver Finance Center, located in Denver, Colorado, created payment files and authorized payments of the EIDL funds based on those applications. The disbursement of the EIDL funds were transmitted by the Financial Management System ("FMS") to the Treasury and then to the recipient's bank account. The primary server for the FMS is in Sterling, Virginia.

B. The Scheme and Artifice

7. Beginning no later than on or about May 1, 2020, and continuing through at least on or about March 31, 2021, in the Middle District of Florida and elsewhere, the defendant,

HENRY TROY WADE,

knowingly devised and intended to devise a scheme and artifice to defraud the SBA, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

C. Manner and Means of the Scheme and Artifice

8. The manner and means by which the defendant sought to accomplish the scheme and artifice include, among others, the following:

- a. It was part of the scheme that the defendant electronically submitted Small Business Loan applications for EIDL loans and grants.
- b. It was further part of the scheme that the defendant made false representations on his Small Business Loan applications for EIDL loans and grants.
- c. It was further part of the scheme that the defendant received proceeds from the loans and grants through electronic wire transfers.

D. Execution of the Scheme and Artifice

9. On or about the dates set forth below in Counts One through Six, in the Middle District of Florida and elsewhere, the defendant,

HENRY TROY WADE,

for the purpose of executing the aforementioned scheme and artifice, knowingly and intentionally transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce the writings, signs, signals, pictures, and sounds described below, each transmission constituting a separate count:

COUNT	DATE OF WIRE	DESCRIPTION OF WIRE
ONE	May 1, 2020	Electronic deposit in the amount of \$3,000 from SBA to defendant's MidFlorida account ending in 0305.
TWO	June 30, 2020	Electronic deposit in the amount of \$76,000 from SBA to defendant's MidFlorida account ending in 7832.
THREE	July 7, 2020	Electronic deposit in the amount of \$3,000 from SBA to defendant's MidFlorida account ending in 7832.
FOUR	August 3, 2020	Electronic deposit in the amount of \$147,500 from SBA to defendant's MidFlorida account ending in 6925.
FIVE	August 4, 2020	Electronic deposit in the amount of \$145,800 from SBA to defendant's MidFlorida account ending in 6801.
SIX	March 31, 2021	Electronic deposit in the amount of \$149,100 from SBA to defendant's MidFlorida account ending in 8001.

In violation of 18 U.S.C. § 1343.

FORFEITURE

1. The allegations contained in Counts One through Six are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

3. The property to be forfeited includes, but is not limited to, the

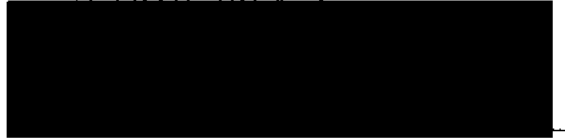
following: approximately \$149,100, seized from MidFlorida Credit Union Account #129948001 held in the name of Big Valley Grille & Bistro LLC, which funds were proceeds obtained from the offense charged in Count Six, and an order of forfeiture for at least \$524,400, which represents the proceeds of the offenses charged in Counts One through Six.

4. If any of the property described above, as a result of any act or omission of the 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,

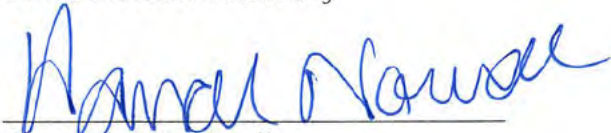
the United States shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

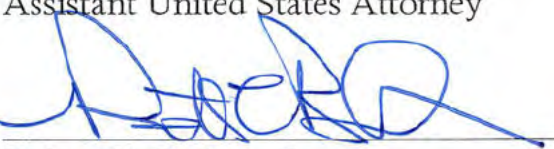
A TRUE BILL



Foreperson

ROGER B. HANDBERG
United States Attorney

By: 
Hannah J. Nowalk
Assistant United States Attorney

By: 
Robert E. Bodnar, Jr.
Assistant United States Attorney
Chief, Ocala Division

FORM OBD-34
October 22

No. 5:22-cr-

UNITED STATES DISTRICT COURT
Middle District of Florida
Ocala Division

THE UNITED STATES OF AMERICA

vs.

HENRY TROY WADE

INDICTMENT

Violations: 18 U.S.C. § 1343

A true bill.


Foreperson

Filed in open court this 22nd day

of November 2022.


Clerk

Bail \$ _____
