

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Michael A. Hammer
	:	
v.	:	Mag. No. 23-10316
	:	
NIKENSON JEAN MATHURIN	:	CRIMINAL COMPLAINT
a/k/a "Nik Mathurin"		
a/k/a "Jean Mathurin"		

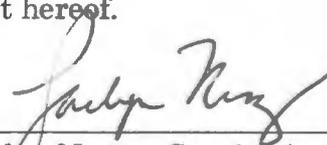
I, Jaclyn Nunez, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Housing Finance Agency Office of Inspector General ("FHFA-OIG"), and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



 Jaclyn Nunez, Special Agent
 FHFA-OIG

Special Agent Jaclyn Nunez attested to this Affidavit by telephone pursuant to Fed. R. Cr. P. 4.1(b)(2)(A) on this 14th day of December, 2023.



 Hon. Michael A. Hammer
 United States Magistrate Judge

ATTACHMENT A

COUNT ONE
(Wire Fraud)

From in and around April 2020 through in and around November 2022, in Sussex County, in the District of New Jersey and elsewhere, the defendant,

NIKENSON JEAN MATHURIN,
a/k/a "Nik Mathurin,"
a/k/a "Jean Mathurin,"

knowingly and intentionally devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing and attempting to execute such scheme and artifice, did transmit and cause to be transmitted by means of wire communications in interstate commerce, the following writing, sign, signal, picture, and sound:

Approx. Date	Description of Wire
6/8/2020	Lender 1 transferred approximately \$261,897 to MATHURIN's 4948 Account via an interstate wire that traveled through the State of Texas and the District of New Jersey.

In violation of Title 18, United States Code, Section 1343.

COUNT TWO
(Money Laundering)

On or about July 17, 2020, in Sussex County, in the District of New Jersey and elsewhere, the defendant,

NIKENSON JEAN MATHURIN,
a/k/a "Nik Mathurin,"
a/k/a "Jean Mathurin,"

did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is, causing an electronic transfer of approximately \$47,000 from MATHURIN's bank account at Bank 3 ending in 4948 to MATHURIN's 0741 Account, such property having been derived from a specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Section 1957.

ATTACHMENT B

I, Jaclyn Nunez, am a Special Agent with the FHFA-OIG. The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of evidence, including, business records, bank records, and other documents. Because this complaint is being submitted for the limited purpose of establishing probable cause to believe a federal crime was committed, I have not set forth every fact that I know concerning this investigation. Where the contents of documents and the actions and statements of others are reported, they are reported in substance and in part, except where otherwise indicated. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Overview

1. From in and around April 2020 through in and around November 2022, the Defendant, Nikenson Jean Mathurin, a/k/a "Nik Mathurin," a/k/a "Jean Mathurin" ("MATHURIN"), participated in a fraudulent scheme to receive approximately \$2,053,747 in COVID-19 emergency relief loans and cash advances meant for distressed small businesses under the Paycheck Protection Program ("PPP") and the Economic Injury Disaster Loan Program ("EIDL Program"). MATHURIN submitted false and fraudulent loan applications on behalf of five business entities to four lenders. In support of these applications, MATHURIN provided false and fraudulent documents and information to the lenders, including fabricated tax documents, payroll documents, and number of employees. Based at least in part on these materially false and fraudulent materials, MATHURIN obtained approximately \$2,053,747, which was deposited into his various bank accounts he controlled. MATHURIN then used the fraudulently obtained proceeds to, among other things, send money to other accounts he controlled, buy restaurant equipment, pay for travel expenses and motorcycle driving lessons, and transfer over \$370,000 to an online vehicle auction company account, which was used to buy luxury cars, motorcycles, and motorcycle parts.

Background

The PPP

2. The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was a federal law enacted in and around March 2020 designed to provide emergency financial assistance to Americans suffering economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of up to approximately \$349 billion in forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the PPP. In and around April 2020, Congress authorized over approximately \$300 billion in additional PPP funding.

3. To obtain a PPP loan, a qualifying business had to submit 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 money. In the PPP loan application, the business (through its authorized representative) truthfully had to state, 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 business was eligible to receive under the PPP. In addition, a business applying for PPP money had to provide truthful supporting documentation, which could include the business’s tax information.

4. A PPP loan application had to be processed by a participating financial institution (the lender). If a PPP loan application was approved, the participating financial institution funded the PPP loan using its own monies, which were 100% guaranteed by the United States Small Business Administration (“SBA”). Data from the application, including information about the borrower, total amount of the loan, and listed number of employees was transmitted by the lender to the SBA in the course of processing the loan.

5. PPP money had to be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be forgiven entirely if the business spent the money on these expense items within a designated period (usually eight weeks of receiving the money) and used at least 75% of the PPP money on payroll expenses.

The EIDL Program

6. Another source of relief provided by the CARES Act was the EIDL Program, which was an SBA program that provided low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

7. In order to obtain an EIDL Program loan, a qualifying business was required to submit an application to the SBA and provide truthful information about its 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 EIDL Program loans for COVID-19 relief, the 12-month period constituted the 12 months preceding January 31, 2020. In addition, the business entity must have existed in an operational condition on February 1, 2020.

8. The amount of the EIDL Program loan was determined based, in part, on the information the applicant provided regarding the revenue, employees, and cost of goods of the company. The SBA directly issued any money disbursed under an EIDL Program loan to the applicant company. A company was permitted to use EIDL Program money for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

9. As part of the EIDL Program application, applicants could apply for up to a \$10,000 grant, known as an EIDL Program advance, which did not need to be repaid.

The Federal Wire Transfer Network

10. The Federal Reserve Bank operates the Federal Wire Transfer Network (“Fedwire”), which is an electronic funds-transfer system used primarily for the transmission and settlement of certain payment orders.

11. At all times relevant to this Complaint, money transmitted by Fedwire was routed via electronic wire from its origin to its destination through the District of New Jersey.

12. As set forth below, the money that MATHURIN procured from false and fraudulent loan applications submitted to Lender 1 were sent to bank accounts controlled by MATHURIN via interstate wire through the District of New Jersey using Fedwire.

Relevant Entities and Individuals

13. At all times relevant to this Complaint:

a. MATHURIN resided in Sparta, New Jersey (the "Sparta Residence"). He fraudulently applied for PPP and EIDL Program loans through the following shell entities that he purportedly owned and controlled:

i. Innovation Partners Plus, Inc. ("Innovation"), purportedly located in Valley Stream, New York;

ii. Opulence Motor Group, LLC ("Opulence"), purportedly located in Sparta, New Jersey;

iii. OMG Collision Corp. doing business as Corsa Volante ("OMG"), purportedly located in Lynbrook, New York;

iv. Tricon Systems LTC ("Tricon"), purportedly located in Mount Olive, New Jersey; and

v. America Home Care LLC ("America Home Care"), purportedly located in Sparta, New Jersey.

b. Bank 1 was a financial institution headquartered in California.

c. Bank 2 was a financial institution headquartered in New Jersey, where MATHURIN had at least two accounts: an Innovation checking account ending in 0741 ("Account 0741") and a Tricon checking account ending in 3811 ("Account 3811"). MATHURIN was the sole signatory for Account 0741 and Account 3811.

d. Bank 3 was a financial institution headquartered in Alabama, where MATHURIN had at least two accounts: an Opulence checking account ending in 4948 ("Account 4948") and an OMG checking account ending in 5781 ("Account 5781"). MATHURIN's Sparta Residence is listed on Account 4948 and Account 5781.

e. Bank 4 was a financial institution headquartered in Ohio.

f. Lender 1 was a financial services company headquartered in California.

g. Lender 2 was a financial services company headquartered in New York.

h. Lender 3 was a financial institution headquartered in New Jersey, where MATHURIN had at least one bank account: an America Home Care checking account ending in 3056 ("Account 3056"). MATHURIN was the sole signatory for Account 3056.

The Scheme to Defraud

14. From in and around April 2020 through in and around November 2022, MATHURIN submitted, or caused to be submitted, falsified and fraudulent loan and loan forgiveness applications to approved lenders, including Lenders 1, 2, and 3, and the SBA, to fraudulently obtain money through both the PPP and EIDL Program, and to seek forgiveness of these loans.

15. In connection with his fraud, MATHURIN submitted at least the following falsified PPP and EIDL Program loan applications:

Name of Entity	Appx. Application Date	Application Type	Lender	Appx. Amount Funded
Innovation	May 11, 2020	PPP	Lender 1	\$164,666
Innovation	March 31, 2020	EIDL	SBA	\$149,900
Innovation	March 31, 2020	EIDL Advance	SBA	\$10,000
Opulence	June 1, 2020	PPP	Lender 1	\$261,897
OMG	May 10, 2020	PPP	Lender 1	\$205,527
Tricon	February 8, 2021	PPP	Lender 2	\$522,500
America Home Care	April 2, 2021	PPP	Lender 3	\$739,257

Innovation PPP Application to Lender 1

16. On or about May 11, 2020, MATHURIN submitted a PPP application to Lender 1 dated April 4, 2020 on behalf of Innovation requesting approximately \$198,233 (“Application-1”). MATHURIN submitted Application-1 via email from account, nm@innovationny.com, which contained the email signature “Nik Mathurin.” Application-1, which listed MATHURIN as Innovation’s sole owner and primary contact, stated that Innovation’s monthly payroll was approximately \$79,305 and that the company had 15 employees. In support of Application-1, MATHURIN

provided Lender 1 with various supporting documents, including copies of his Connecticut driver's license, passport card, and a purported Internal Revenue Service ("IRS") Form 940 for 2019 and IRS Form 941s and payroll documents for Innovation for 2019 and 2020.

17. Application-1 contained materially false and fraudulent information. For instance, IRS records confirmed that Innovation did not file an IRS Form 940 or an IRS Form 941 between 2018 and 2021. Therefore, the tax documents MATHURIN submitted to Lender 1 were falsified and fraudulent. Innovation's purported payroll documentation was also falsified and fraudulent. The submitted payroll documentation for January 1, 2019, through March 31, 2020 claimed between 15 and 16 employees, including MATHURIN, and average monthly payrolls of between approximately \$67,947 and \$79,305. New York State Department of Labor ("NY DOL") has no records of any employees during the relevant timeframe.

18. On or about May 20, 2020, Lender 1 transferred approximately \$164,666 to Account 0741. Lender 1 used Bank 1 to disburse the funds to Account 0741 via interstate wire through the District of New Jersey using Fedwire.

Innovation EIDL Program Application to the SBA

19. On or about March 31, 2020, MATHURIN created an EIDL application on behalf of Innovation for the SBA seeking approximately \$150,000 and a \$10,000 advance ("Application-2"). Application-2 listed MATHURIN as Innovation's owner and provided his Social Security Number, mobile phone number (the "MATHURIN Phone Number"), which is subscribed to MATHURIN, email address nm@innovationny.com, and account information for Account 0741.

20. Application-2 contained materially false and fraudulent information. For instance, Application-2 stated that Innovation had 20 employees as of January 31, 2020. Innovation appears to have no employees as the company claimed it only had to pay state unemployment tax in New York State and the NY DOL has no record of Innovation paying any such tax there. In Application-2, MATHURIN claimed \$1,200,000 in gross revenues and \$70,000 in cost of goods sold from January 31, 2019 to January 31, 2020. NY DOL has no records of any employees during the relevant timeframe. Account 0741, which MATHURIN did not open until approximately January 2020, does not support these purported figures.

21. In addition to creating Application-2, on or about May 21, 2020, MATHURIN also signed a note for a \$150,000 EIDL program loan.

22. Bank records show that on or about April 21, 2020, Innovation received approximately \$10,000 from the SBA into Account 0741. On or about May 22, 2020, the SBA disbursed approximately \$149,900 into Account 0741.

Opulence PPP Application to Lender 1

23. On or about June 1, 2020, MATHURIN submitted a PPP application to Lender 1 on behalf of Opulence requesting approximately \$205,115 (“Application-3”). Application-3 was submitted by “Nik Mathurin” at nm@omgluxury.com and listed MATHURIN as Opulence’s sole owner and primary contact.

24. In support of Application-3, MATHURIN submitted materially false and fraudulent information, including Opulence’s purported tax documents, specifically an IRS Form 940 for 2019 and IRS Form 941s for 2019 and 2020. IRS records confirmed that Opulence did not file an IRS Form 940 or an IRS Form 941 between 2018 through 2021. Therefore, the tax documents submitted in support of Application-3 were falsified and fraudulent.

25. On or about June 5, 2020, MATHURIN digitally signed the Opulence note for the PPP loan using an internet protocol (“IP”) address then assigned to MATHURIN at the Sparta Residence. Bank records show that on or about June 8, 2020, Lender 1 transferred approximately \$261,897 to Account 4948, which was sent via interstate wire through the District of New Jersey using Fedwire.

26. On or about June 26, 2020, MATHURIN transferred approximately \$90,000 from Account 4948 to Account 0741. On or about July 17, 2020, MATHURIN then transferred an additional approximately \$47,000 from Account 4948 to Account 0741.

OMG PPP Application to Lender 1

27. On or about May 10, 2020, MATHURIN submitted a PPP application (“Application-4”) to Lender 1 on behalf of OMG requesting approximately \$154,475, listing himself as OMG’s sole owner and primary contact.

28. In support of OMG’s PPP application, MATHURIN submitted false and fraudulent information to Lender 1, including purported tax documents, specifically an IRS Form 940 for 2019 and IRS Form 941s for 2019 and 2020. IRS records confirmed that OMG did not file an IRS Form 940 or an IRS Form 941 between 2018 and 2021. Therefore, the tax documents submitted in support of Application-4 were falsified and fraudulent.

29. MATHURIN digitally signed the Opulence note for the PPP loan using an internet protocol (“IP”) address then assigned to MATHURIN at the Sparta Residence. Bank records show that on or about June 15, 2020, OMG received

approximately \$205,527 into Account 5781, which was sent via interstate wire through the District of New Jersey using Fedwire.

Tricon PPP Application to Lender 2

30. On or about February 8, 2021, MATHURIN electronically signed a PPP application to Lender 2 on behalf of Tricon requesting approximately \$480,000 ("Application-5"), which listed MATHURIN as Tricon's sole owner and primary contact. MATHURIN used email account nmath@triconsys.com to send Application-5.

31. Based on records received as part of the investigation, nmath@triconsys.com is associated with MATHURIN's webhosting account. The webhosting customer account information is in MATHURIN's name and includes his nikenso@m@gmail.com account, which is subscribed to him ("MATHURIN's Gmail Account").

32. In support of Application-5, MATHURIN submitted materially false and fraudulent information to Lender 2, including purported tax documents, specifically IRS Form 941s for 2019 with MATHURIN's name as president of Tricon. IRS records confirmed that Tricon did not file an IRS Form 941 between 2018 and 2021. Therefore, the tax documents submitted in support of Application-5 were falsified and fraudulent.

33. Bank records show that on or about March 16, 2021, Lender 2 transferred approximately \$522,500 to Account 3811.

America Home Care PPP Application to Lender 3

34. On or about April 2, 2021, MATHURIN electronically signed a PPP application to Lender 3 on behalf of America Home Care requesting approximately \$739,257 ("Application-6"), in which MANTHURIN listed himself as America Home Care's sole owner and primary contact. MATHURIN electronically signed Application-6 and the note using the name "NIKENSON MATHURIN" and MATHURIN's Gmail Account.

35. In support of Application-6, MATHURN submitted purported tax documents, specifically an IRS Form 940 for 2019 and IRS Form 941s for 2019 and 2020. IRS records confirmed that American Home Care did not file an IRS Form 940 or an IRS Form 941 between 2018 and 2021. Therefore, the tax documents submitted in support of Appliaction-6 were falsified and fraudulent.

36. Bank records show that on or about April 5, 2021, Lender 3 transferred approximately \$739,257 in to Account 3056.

37. In total, MATHURIN's fraud scheme resulted in MATHURIN fraudulently obtaining a total of approximately \$2,053,847, which was approximately \$1,893,947 in PPP funds and approximately \$159,900 in EIDL Program funds.

Misuse of Fraudulently Obtained PPP and EIDL Program Money

38. Based on financial analysis, MATHURIN misused these fraudulently obtained funds for, among other things, travel expenses, restaurant equipment unrelated to any of his purported businesses, motorcycle driving lessons, transfers between various MATHURIN-controlled bank accounts, and transfers to an account at an online vehicle auction company that was used to buy luxury cars, motorcycles, and motorcycle parts.