

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Crim. No. 24-
 :
 v. :
 : 18 U.S.C. § 1343
 RALSTON BOSWELL :

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Wire Fraud)

1. At all times relevant to this Information:

a. The defendant, RALSTON BOSWELL (“BOSWELL”), was a resident of Camden County, New Jersey.

b. Lender-1, Lender-2 and Lender-3 were financial institutions that participated as lenders in the Paycheck Protection Program (“PPP”), as described herein. Lender-1 was a “financial institution” within the meaning of Title 18, United States Code, Section 20.

The Paycheck Protection Program

c. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 2020 and was designed to provide emergency financial assistance to the millions of Americans who suffered the economic effects caused by the COVID-19 pandemic. One

source of relief provided by the CARES Act was the authorization of billions of dollars in forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”).

d. To obtain a PPP loan, a qualifying business had to submit a PPP loan application signed by an authorized representative of the business. The applicant of a PPP loan was required to acknowledge the program rules and make certain affirmative certifications in order to be eligible to obtain the PPP loan. In the PPP loan application, the applicant had to state, among other things, its average monthly payroll expenses and number of employees. These figures were used to calculate the amount of money the business was eligible to receive under the PPP. In addition, businesses applying for a PPP loan had to provide documentation showing their payroll expenses.

e. A PPP loan application had to be processed by a participating financial institution (the lender). If the PPP loan application was approved, the lender funded the PPP loan using its own monies, which were 100% guaranteed by the Small Business Administration (“SBA”). 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.

f. PPP loan proceeds could only be used by the business for certain permissible expenses, including 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 used the loan proceeds on these expense items within a designated period of time after receiving the proceeds and used a certain amount of the PPP loan proceeds on payroll expenses.

g. To obtain loan forgiveness of a loan in the amount of \$150,000 or less, a borrower was required to submit a PPP Loan Forgiveness Application Form 3508S. Form 3508S required the borrower to report the amount of loan proceeds spent on payroll costs. It also required the borrower to certify that the information provided in the forgiveness application was true and correct.

2. From in or around March 2021 through in or around April 2021, in Camden County, in the District of New Jersey and elsewhere, defendant

RALSTON BOSWELL

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 to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, namely electronic loan applications that were sent from a location in New Jersey to a location outside New Jersey.

Object of the Scheme

3. The object of the scheme was for defendant RALSTON BOSWELL to enrich himself by obtaining money through the submission of fraudulent PPP

loan applications that included false statements about defendant RALSTON BOSWELL's employment and income.

Manner and Means of the Scheme

4. It was part of the scheme to defraud that:
 - a. Defendant RALSTON BOSWELL submitted, through the internet, a fraudulent loan application to Lender 1 on or about March 6, 2021.
 - b. The application falsely stated that defendant RALSTON BOSWELL was an Uber driver and had monthly earnings of \$7,500.
 - c. Based on the false application, Lender 1 disbursed approximately \$18,750 to defendant RALSTON BOSWELL's bank account located in New Jersey.
 - d. Defendant RALSTON BOSWELL submitted, through the internet, a fraudulent PPP loan application to Lender 2 on or about April 30, 2021. Defendant RALSTON BOSWELL used a false name to submit the application. The application falsely stated that the applicant was a self-employed individual whose gross income in 2019 was \$90,000.
 - e. Based on the false application, Lender 2 disbursed approximately \$18,750 to defendant RALSTON BOSWELL's bank account located in New Jersey.
 - f. Defendant RALSTON BOSWELL submitted, through the internet, a fraudulent PPP loan application to Lender 3 on or about May 16, 2021. The application falsely stated that defendant RALSTON BOSWELL was a

Lyft or tax driver and had annual gross sales of \$90,000 and a monthly payroll of \$7,500.

g. Based on the false application, Lender 3 disbursed approximately \$18,750 to defendant RALSTON BOSWELL's bank account located in New Jersey.

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

COUNT TWO
(Wire Fraud)

1. Paragraph 1.a. of Count One of this Information is realleged as if set forth in full herein.

The Pandemic Unemployment Assistance Program

2. At all times relevant to this Information:

a. The CARES Act created a new temporary federal unemployment insurance program called Pandemic Unemployment Assistance (“PUA”). PUA provided unemployment insurance benefits (“UIBs”) for individuals who were not eligible for other types of unemployment (*e.g.*, the self-employed, independent contractors, gig economy workers). The CARES Act also created a new temporary federal program called Federal Pandemic Unemployment Assistance (“FPUC”) that provided an additional \$600 weekly benefit to those eligible for PUA and regular UIBs.

b. Subject to certain eligibility requirements, a person who was unemployed, but who used to be employed by an employer in a given state could apply to receive UIBs from that state.

c. Each state administered the above UIB programs through a State Workforce Agency (“SWA”). When a SWA approved a UIB application, the SWA caused money to be transferred to the applicant, often by causing a credit/debit card to be mailed to the address requested by the applicant.

3. From in or around May 2020 through in or around March 2021, in Camden County, in the District of New Jersey and elsewhere, defendant

RALSTON BOSWELL

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 to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, namely electronic applications for unemployment benefits that were sent from a location in New Jersey to a location outside New Jersey.

Object of the Scheme

4. The object of the scheme was for defendant RALSTON BOSWELL to enrich himself by obtaining money from SWAs through the submission of fraudulent UIB claims.

Manner and Means of the Scheme

5. It was part of the scheme to defraud that:
- a. Defendant RALSTON BOSWELL collected personal identification information (“PII”), including names, residential addresses, and social security numbers of other individuals.
 - b. Defendant RALSTON BOSWELL used the PII to submit at least six fraudulent applications for UIBs via online portals to SWAs.
 - c. Defendant RALSTON BOSWELL obtained approximately \$152,961 from SWAs in response to the fraudulent UIB applications. The

payments from the SWAs were made into accounts controlled by defendant
RALSTON BOSWELL.

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

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

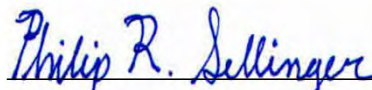
1. As a result of committing the offenses charged in Counts One and Two of this Information, defendant RALSTON BOSWELL shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real or personal, constituting or derived from proceeds traceable to the offenses charged in Counts One and Two of this Information, and all property traceable thereto, the value of which totaled \$209,211.

SUBSTITUTE ASSETS PROVISION
(Applicable to All Forfeiture Allegations)

2. 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, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.


PHILIP R. SELLINGER
United States Attorney

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INFORMATION FOR

18 U.S.C. § 1343

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