

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

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 24-
	:	
JANE BATISTA	:	18 U.S.C. § 1343
	:	18 U.S.C. § 1957

INFORMATION

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. Defendant JANE BATISTA resided in Oradell, New Jersey, and Lake Worth, Florida.
 - b. BATISTA owned and controlled various business entities, including Business-1 and Business-2, located in Oradell, New Jersey.
 - c. Bank-1 was a financial institutional headquartered in McLean, Virginia.
 - d. An Internal Revenue Service (“IRS”) Form Schedule C was a form used by individuals to report income or loss from a business on their individual tax returns.
 - e. An IRS Form 941 was a quarterly federal tax return that employers were required to file with the IRS setting forth the total amount of wages

and other compensation subject to withholding, the total amount of payroll taxes withheld by the employer, and the total tax deposits made to the IRS.

f. An IRS Form 940 was an annual federal tax return that employers were required to file with the IRS setting forth, among other things, the total amount of wages the employer paid.

Paycheck Protection Program

g. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 2020 and 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 up to \$349 billion in forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program (“PPP”). In or around April 2020, Congress authorized over \$300 billion in additional PPP funding. The PPP ended on May 31, 2021.

h. To obtain a PPP loan, a qualifying business was required to submit a PPP loan application, 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 in order to be eligible to obtain the PPP loan. In the loan application, the small business was required 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 small business was eligible to receive under the PPP. In

addition, businesses applying for a PPP loan had to provide documentation showing their payroll expenses.

i. A PPP loan application had to be processed by a participating lender. If the PPP loan application was approved, the participating lender funded the PPP loan using its own money, which was 100% guaranteed by the U.S. 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 while processing the loan.

j. PPP loan proceeds could only 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 if the business spent the loan proceeds on these eligible 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.

The Scheme to Defraud

2. From in or around April 2020 through in or around August 2021, in the District of New Jersey and elsewhere, the defendant,

JANE BATISTA,

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud victim lenders, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice was in substance as set forth below.

Goal of the Scheme to Defraud

3. The goal of the scheme was for BATISTA to enrich herself by fraudulently obtaining and misusing federal COVID-19 emergency relief funds.

Manner and Means of the Scheme to Defraud

4. It was part of the scheme to defraud that:

a. BATISTA submitted or caused to be submitted at least seven falsified and fraudulent PPP applications seeking federal COVID-19 emergency relief money on behalf of herself, her husband, Business-1, and Business-2.

b. BATISTA's fraudulent applications included false information concerning, among other things, the applicant's average monthly payroll and number of employees, and fake supporting tax documents for an applicant, including IRS Forms 940 and IRS Forms 941.

c. For example, on or about March 15, 2021, BATISTA submitted a PPP loan application to a financing company ("Victim Lender-1") in her capacity as a sole proprietor requesting approximately \$20,833 ("Application-1"). Application-1 contained materially false and fraudulent information, including a fabricated IRS Form Schedule C. On or about April 8, 2021, based on BATISTA's false and fraudulent representations and omissions in Application-1, Victim Lender-1 disbursed approximately \$20,833 in PPP funds to an account that BATISTA controlled at Bank-1, resulting in an interstate wire transmission.

d. Similarly, on or about May 2, 2020, BATISTA caused to be submitted a PPP loan application to a financing company ("Victim Lender-2") on behalf of Business-1 requesting approximately \$160,040 ("Application-2").

Application-2 included false and fraudulent information, including a fabricated copy of Business-1's purported IRS Form 941 for the first quarter of 2020, which falsely represented that Business-1 had 10 employees and a payroll of \$154,000. On or about May 5, 2020, based on BATISTA's false and fraudulent representations and omissions in Application-2, Victim Lender-2 disbursed approximately \$160,040 in PPP funds to Business-1.

e. Similarly, on or about February 17, 2021, BATISTA submitted, or caused to be submitted, a PPP loan application to a financing company ("Victim Lender-3") on behalf of Business-2 requesting approximately \$77,748 ("Application-3"). Application-3 included false and fraudulent information, including a fabricated copy of Business-2's purported IRS Form 940 for 2020, which falsely represented that Business-2 paid approximately \$277,192 in wages in 2020. On or about February 26, 2021, based on BATISTA's false and fraudulent representations and omissions in Application-3, Victim Lender-3 disbursed approximately \$77,748 to Business-2.

f. As a result of the false and fraudulent PPP applications she submitted, BATISTA received a total of approximately \$465,489 in funds intended for federal COVID-19 emergency relief.

Execution of the Scheme to Defraud

5. On or about March 15, 2021, in the District of New Jersey and elsewhere, the defendant,

JANE BATISTA,

for the purpose of executing and attempting to execute the scheme described above, 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, the online submission of Application-1 to Victim Lender-1 from Oradell, New Jersey.

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

COUNT TWO
(Money Laundering)

6. The allegations set forth in Paragraphs 1, 3, and 4 of Count One of this Information are realleged here.

7. On or about April 15, 2021, in the District of New Jersey and elsewhere, the defendant,

JANE BATISTA,

Did knowingly engage and attempt to engage in a monetary transaction by, through, or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is a transfer of approximately \$15,000 from BATISTA's account at Bank-1 to an account owned by another individual at Bank-1, such property having been derived from a specified unlawful activity, that is, wire fraud, contrary to Title 18, United States Code, Section 1343.

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

FORFEITURE ALLEGATION AS TO COUNT ONE

Upon conviction of the offense in violation of Title 18, United States Code, Section 1343, as charged in Count One of this Information, defendant JANE BATISTA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of such offense, including, but not limited to, a sum of money equal to \$465,488.32, representing the proceeds of the offense charged in Count One of this Information.

FORFEITURE ALLEGATION AS TO COUNT TWO

Upon conviction of the offense in violation of Title 18, United States Code, Section 1957, as charged in Count Two of this Information, defendant JANE BATISTA shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in the money laundering offense, and all property traceable to such property.

SUBSTITUTE ASSETS PROVISION
(Applicable to All Forfeiture Allegations)

If any of the above-described forfeitable property, 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 person;
- 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 subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Title 18, United States Code Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

PHILIP R. SELLINGER
United States Attorney