

FILED

2023R00424/FMC/DH

JUL - 2 2024

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

AT 8:30 1231 P.M.
CLERK, U.S. DISTRICT COURT - DNJ
JB

UNITED STATES OF AMERICA	:	Hon. Michael A. Shipp
	:	
v.	:	Crim. No. 24-432
	:	
NIKENSON JEAN MATHURIN,	:	18 U.S.C. § 1343 18 U.S.C. § 1957
a/k/a "Nik Mathurin,"	:	
a/k/a "Jean Mathurin"	:	

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark,
charges as follows:

COUNTS ONE THROUGH THREE
(Wire Fraud)

1. At all times relevant to this Indictment:

a. Defendant Nikenson Jean Mathurin, a/k/a "Nik Mathurin," a/k/a "Jean Mathurin" ("MATHURIN") resided in Sparta, New Jersey (the "Sparta Residence"). MATHURIN owned and controlled at least the following shell entities:

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

ii. Opulence Motor Group, LLC ("Opulence"), 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 Innovation had a checking account ending in 0741 ("Account 0741").

MATHURIN was the sole signatory for Account 0741.

d. Bank 3 was a financial institution headquartered in Alabama, where Opulence had a checking account ending in 4948 (“Account 4948”). MATHURIN controlled Account 4948 and his Sparta Residence was listed on this account.

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

The Paycheck Protection Program (“PPP”)

f. 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.

g. 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 to make certain affirmative certifications to be eligible to obtain the PPP money. In the PPP loan application, the business (through its authorized representative) had to state truthfully, 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, such as Internal Revenue Service ("IRS") Forms 941 (Employer's Quarterly Federal Tax Returns) and Forms 940 (Employer's Annual Federal Unemployment Tax Returns).

h. 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.

i. 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 Economic Injury Disaster Loan Program ("EIDL Program")

j. 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.

k. 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.

l. The amount of the EIDL Program loan was determined partly 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 required to use all EIDL Program money as working capital including for payroll expenses, sick leave, production costs, and business obligations, such as debts, rent, and mortgage payments.

m. 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 Scheme to Defraud

2. From at least in and around April 2020 through at least in and around November 2022, MATHURIN devised and intended to devise a scheme to defraud Lender 1 and the SBA, and to obtain federal COVID-19 emergency relief money by means of materially false and fraudulent pretenses, representations and promises.

Goal of the Scheme to Defraud

3. The goal of the scheme was for MATHURIN to enrich himself by fraudulently obtaining and misusing federal COVID-19 emergency relief money.

Manner and Means of Scheme to Defraud

4. It was part of the scheme that:

a. MATHURIN submitted and caused to be submitted at least five falsified and fraudulent PPP loan applications and at least one falsified and fraudulent EIDL Program application, including an EIDL Program advance, seeking federal COVID-19 emergency relief money. MATHURIN's fraudulent applications included false information concerning, among other things, an applicant entity's average monthly payroll, gross revenue, and number of employees, and fake supporting tax documents for an applicant entity including IRS Forms 940 and IRS Forms 941. In order to receive the PPP and EIDL Program money, MATHURIN was required to sign and complete certain forms, some of which he digitally signed.

b. As a result of his fraudulent applications, MATHURIN unlawfully obtained millions of dollars in federal COVID-19 emergency relief money.

Fraudulent Application 1

c. On or about May 11, 2020, MATHURIN submitted a PPP loan application to Lender 1 on behalf of Innovation requesting approximately \$198,233 ("Application 1"). Application 1 listed MATHURIN as Innovation's sole owner and primary contact. Application 1 and its supporting documents contained materially

false and fraudulent information.

d. In support of Application 1, MATHURIN provided Lender 1 various supporting documents that contained materially false and fraudulent information, including fabricated copies of Innovation's purported IRS Form 940 for 2019 and IRS Forms 941 for 2019 and 2020.

e. MATHURIN also represented falsely that Innovation had an average monthly payroll of \$79,305 and 15 employees.

f. On or about May 20, 2020, MATHURIN's false and fraudulent representations and omissions in Application 1 caused Lender 1 to disburse approximately \$164,666 into Account 0741 using Bank 1, resulting in an interstate wire transmission.

Fraudulent Application 2

g. On or about March 31, 2020, MATHURIN submitted an EIDL Program application to the SBA on behalf of Innovation ("Application 2"). Application 2 listed MATHURIN as Innovation's sole owner. Application 2 contained materially false and fraudulent information.

h. In support of Application 2, MATHURIN represented falsely that for the 12 months prior to January 31, 2020, Innovation had \$1,200,000 in gross revenues and \$70,000 in cost of goods sold, and as of January 31, 2020, Innovation had 20 employees.

i. On or about May 22, 2020, MATHURIN's false and fraudulent representations and omissions in Application 2 caused the SBA to disburse

approximately \$149,900 into Account 0741, resulting in an interstate wire transmission.

Fraudulent Application 3

j. On or about June 1, 2020, MATHURIN submitted a PPP loan application to Lender 1 on behalf of Opulence requesting approximately \$205,115 (“Application 3”).

k. In support of Application 3, MATHURIN submitted materially false and fraudulent information, including fabricated copies of Opulence’s purported IRS Form 940 for 2019 and IRS Forms 941 for 2019 and 2020.

l. MATHURIN also represented falsely that Opulence had an average monthly payroll of \$82,046 and 17 employees.

m. On or about June 8, 2020, MATHURIN’s false and fraudulent representations and omissions in Application 3 caused Lender 1 to disburse approximately \$261,897 into Account 4948 using Bank 1, resulting in an interstate wire transmission.

Execution of the Scheme to Defraud

5. On or about the dates set forth below, in the District of New Jersey and elsewhere, the defendant,

NIKENSON JEAN MATHURIN,
a/k/a “Nik Mathurin,”
a/k/a “Jean Mathurin,”

for the purpose of executing the scheme described above, transmitted and caused to be transmitted by means of wire communications in interstate commerce the

writings, signs, and signals described below for each count, each transmission constituting a separate count:

<u>Count</u>	<u>Approximate Date</u>	<u>Description of Interstate Wire</u>
ONE	May 20, 2020	An electronic transfer of approximately \$164,666 by Lender 1 to MATHURIN's Account 0741 via an interstate wire that traveled through the States of Texas and New Jersey
TWO	May 22, 2020	An electronic transfer of approximately \$149,900 by the SBA to MATHURIN's Account 0741 via an interstate wire that traveled through the States of Colorado, Missouri, and New Jersey
THREE	June 8, 2020	An electronic transfer of approximately \$261,897 by Lender 1 to MATHURIN's Account 4948 via an interstate wire that traveled through the States of Texas and New Jersey

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

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COUNT FOUR
(Money Laundering)

6. The allegations in paragraphs 1 through 5 of this Indictment are realleged here.

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

NIKENSON 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 a transfer of approximately \$47,000 from MATHURIN’s Account 4948 to MATHURIN’s Account 0741, 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.

FORFEITURE ALLEGATION AS TO COUNTS ONE, TWO, AND THREE

Upon conviction of the offenses in violation of Title 18, United States Code, Section 1343, as charged in Counts One through Three of this Indictment, defendant NIKENSON JEAN MATHURIN 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 offenses.

FORFEITURE ALLEGATION AS TO COUNT FOUR

Upon conviction of the offense in violation of Title 18, United States Code, Section 1957, as charged in Count Four of this Indictment, defendant NIKENSON JEAN MATHURIN shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property.

SUBSTITUTE ASSETS PROVISION
(Applicable to All Forfeiture Allegations)

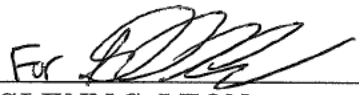
If by any act or omission of NIKENSON JEAN MATHURIN any of the property subject to forfeiture:

- 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,

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

A TRUE BILL

FOREPERSON

For 

GLENN S. LEON
Chief
United States Department of Justice
Criminal Division, Fraud Section



PHILIP R. SELLINGER
United States Attorney
United States Attorney's Office
District of New Jersey

CASE NUMBER: 24-432 MAS

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**NICKENSON JEAN MATHURIN,
a/k/a “Nik Mathurin,”
a/k/a “Jean Mathurin”**

INDICTMENT FOR

**18 U.S.C. § 1343
18 U.S.C. § 1957**


Foreperson

**PHILIP R. SELLINGER
UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY**

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