

Approved: Jared Hoffman  
JARED HOFFMAN / DEREK WIKSTROM  
Assistant United States Attorneys

Before: THE HONORABLE JUDITH C. McCARTHY  
United States Magistrate Judge  
Southern District of New York

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: **SEALED COMPLAINT**  
UNITED STATES OF AMERICA :  
:   
: Violations of 18 U.S.C.  
- v. - : §§ 1349, 1028A, and 2  
:   
GLENROY WALKER : COUNTY OF OFFENSES:  
HOWARD LEVY, : WESTCHESTER  
SHERRIL BAEZ, :  
NORMA GETTEN, :  
DONNAT POWELL, and :  
GARY WHEELER, :  
:   
Defendants. :  
:   
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SOUTHERN DISTRICT OF NEW YORK, ss.:

NATHANIEL KEARNEY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

**COUNT ONE**  
**(Conspiracy to Commit Wire Fraud)**

1. From at least in or about July 2020 up to and including at least in or about February 2022, in the Southern District of New York and elsewhere, GLENROY WALKER, HOWARD LEVY, SHERRIL BAEZ, NORMA GETTEN, DONNAT POWELL, and GARY WHEELER, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud affecting a financial institution, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that GLENROY WALKER, HOWARD LEVY, SHERRIL BAEZ, NORMA GETTEN, DONNAT POWELL, and GARY WHEELER, the defendants, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme

and artifice, in violation of Title 18, United States Code, Section 1343, to wit, WALKER, LEVY, BAEZ, GETTEN, POWELL, and WHEELER, agreed together and with others to obtain loan funds from various financial institutions guaranteed by the U.S. Small Business Administration (“SBA”), through the SBA’s Paycheck Protection Program (“PPP”), by submitting fraudulent applications for PPP loans, including through the electronic submission of fraudulent loan applications via wire between the Southern District of New York and states other than New York State.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**  
**(Aggravated Identity Theft)**

3. From at least in or about July 2020 up to and including at least in or about May 2021, in the Southern District of New York and elsewhere, GLENROY WALKER and HOWARD LEVY, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, WALKER and LEVY used identifying information belonging to other persons to submit fraudulent loan applications to the SBA in furtherance of the offense charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(1) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the FBI. I joined the FBI in 2011 and am currently assigned to the FBI Westchester Resident Agency White Collar and Public Corruption Task Force Squad. During my time with the FBI, I have worked on numerous investigations into wire fraud and other white-collar crimes.

5. This case arises from an investigation the FBI has been conducting into a scheme to defraud the SBA and several banks in connection with applications for millions of dollars in forgivable loans from the PPP enacted into federal law as part of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) in March 2020. I have been personally involved in that investigation. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement officers, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during my participation in the investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**Overview of the Fraudulent Conduct**

6. As set forth below, from at least in or about July 2020 up to and including at least in or about February 2022, the defendants engaged in a scheme to obtain funds from various financial institutions, guaranteed by the SBA, through the SBA’s PPP. GLENROY WALKER and HOWARD LEVY, the defendants, conspired with each other and others to submit

approximately 114 PPP loan applications to various financial institutions, each of which contained materially false and fraudulent representations (the “Fraudulent PPP Applications”). The 114 Fraudulent PPP Applications sought PPP loans for 56 different individuals, including WALKER and LEVY themselves. WALKER and LEVY submitted the Fraudulent PPP Applications either on behalf of themselves or others, including, but not limited to, SHERRIL BAEZ, NORMA GETTEN, DONNAT POWELL, and GARY WHEELER (the “Applying Defendants”). Based on the Fraudulent PPP Applications, each defendant, including WALKER and LEVY, received at least one PPP loan that he or she was not eligible to receive under the eligibility requirements of the PPP.

7. In total, the Fraudulent PPP Applications submitted by GLENROY WALKER and HOWARD LEVY, the defendants, sought over \$14.7 million from the various financial institutions. Based on my participation in this investigation, I know that 39 of the 114 Fraudulent PPP Applications were approved by the various financial institutions, resulting in disbursements totaling more than \$4.6 million.

8. After obtaining their loans, certain Applying Defendants and other applicants on the Fraudulent PPP Applications transferred a predetermined percentage—typically 15% of the PPP loan received—of their fraudulently obtained money to co-conspirators GLENROY WALKER or HOWARD LEVY, the defendants, or both, as payments for obtaining the loans and/or having the loans forgiven under the PPP.

9. Most of the Fraudulent PPP Applications sought loans in amounts between \$140,000 and \$150,000, and none of the Fraudulent PPP Applications sought loans greater than or equal to \$150,000. I know from my participation in this investigation that the process of applying for loan forgiveness on a PPP loan is streamlined, and less onerous, for loans in amounts less than \$150,000.

10. Based on information obtained from a certain financial institution (“Financial Institution-1”), I know that PPP applications and applications for forgiveness sent to Financial Institution-1 were received on servers located in Valley Forge, Pennsylvania.

### **The Paycheck Protection Program**

11. Based on my training and experience, my review of information from the SBA’s website, my review of information received from the SBA, and my communications with SBA employees, I know that:

a. The SBA is a federal agency that administers assistance to American small businesses. This assistance includes issuing certain loans, and guaranteeing loans issued by certain lenders, to qualifying small businesses. Under the SBA loan guarantee programs, the actual loan is issued by a commercial lender, but the lender receives the full faith and credit backing of the United States Government on all or part of the loan. Therefore, if a borrower defaults on an SBA-guaranteed loan, the commercial lender may seek reimbursement from the SBA, up to the percentage of the guarantee. By reducing the risk to commercial lenders, the SBA’s loan guarantee programs enable lenders to provide loans to qualifying small businesses to which financing might otherwise be unavailable on reasonable terms through normal lending channels. When a borrower

seeks an SBA-guaranteed loan, the borrower must meet both the commercial lender's eligibility requirements for the loan as well as the SBA's eligibility requirements.

b. The CARES Act is a federal law enacted on March 29, 2020, designed to provide emergency financial assistance to the millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. Among other things, the CARES Act authorized billions of dollars in forgivable loans to small businesses for job retention and certain other business expenses through the PPP. On April 24, 2020, the Paycheck Protection Program and Health Care Enhancement Act was signed into law, authorizing additional billions of dollars in PPP funding. The first round of the PPP closed to new applications on August 8, 2020. On December 27, 2020, the Consolidated Appropriations Act of 2021, which included the Economic Aid to Hard-Hit Small Businesses, Nonprofit, and Venues Act (the "Relief Act") was signed into law, providing additional funding for the PPP. Under the Relief Act, certain businesses that had already obtained a PPP loan under the original PPP were eligible for an additional "second draw" PPP loan, provided they met certain requirements. The Relief Act also re-opened the application period for "first draw" PPP loans to businesses that had not been approved for "first draw" PPP loans prior to August 8, 2020, or who may have been eligible to receive more funds during the "first draw" period than they actually received.

c. The PPP allowed qualifying small businesses and other organizations to receive unsecured SBA-guaranteed loans. PPP loan proceeds were required to be used by businesses on payroll costs, mortgage interest, rent, and/or utilities, among other specified expenses. The PPP allowed the interest and principal to be forgiven if businesses spent the proceeds on those expenses under certain conditions. Pursuant to the CARES Act, the amount of PPP funds a business was eligible to receive was determined by the number of employees employed by the business and their average payroll costs. Businesses applying for a PPP loan had to provide documentation to confirm that they had in the past paid employees the compensation represented in the loan application. The PPP is overseen by the SBA, which has authority over all PPP loans, but individual PPP loans were issued by approved commercial lenders, who would receive and process PPP applications and supporting documentation. Eligibility for PPP loans was limited to businesses in existence before on or about February 15, 2020.

d. Borrowers through the PPP were also eligible to apply for loan forgiveness once all loan proceeds for which forgiveness was requested had been used.

#### **Multiple Witnesses Describe the LEVY and WALKER Scheme to Law Enforcement**

12. Law enforcement has interviewed multiple witnesses who came to be involved in HOWARD LEVY and GLENROY WALKER, the defendant's fraud scheme. For instance:

a. One witness in this case ("Witness-1") operates a business and, before the COVID-19 pandemic, became acquainted with WALKER. Based on my participation in interviews of Witness-1 and my review of related documents, I have learned, among other things, the following:

i. In or about February or March 2021, WALKER called Witness-1 from a particular phone number ending in -9459 (the "WALKER Number") and, in substance and

in part, encouraged Witness-1 to apply for a PPP loan with the assistance of WALKER and an accountant he worked with. Witness-1 ultimately agreed to work with WALKER and the accountant to apply for a PPP loan.

ii. Thereafter, in or about March 2021, Witness-1 was contacted by an accountant, LEVY, who told Witness-1 that he worked with WALKER, and that he would be assisting Witness-1 with the PPP loan application process. On this and other occasions, LEVY contacted Witness-1 from a particular phone number ending in -2509 (the “LEVY Phone Number”).<sup>1</sup>

iii. Witness-1 provided the FBI with a voicemail the accountant left on Witness-1’s phone in or about March 2021. In that voicemail, the accountant said the following, in substance and in part:

Hi [Witness-1], Mr. Levy. PPP. Give me a call back when you get a chance, alright? The bank may call you ... about the PPP, just, you can just refer the call to me, tell her to call your accountant and give her my number, it’s [Redacted]-2509, Mr. Levy. Thanks.

iv. In or about March 2021, Witness-1 received a letter in the mail from a certain bank (“Financial Institution-2”), stating that an account had been opened in Witness-1’s name. Witness-1 had not opened an account at Financial Institution-2 and did not authorize anyone to do so on his or her behalf. Witness-1 then contacted the accountant, who, as just noted, had identified himself as “Mr. Levy,” to ask about Financial Institution-2. LEVY told Witness-1, in substance and in part, that LEVY had opened an account at Financial Institution-2 on Witness-1’s behalf, and that it was necessary to do this because Financial Institution-2 would be issuing Witness-1 a PPP loan.

v. Thereafter, Witness-1 reviewed the loan application LEVY submitted to Financial Institution-2 on Witness-1’s behalf. The loan application included false information and fraudulent documents relating to Witness-1’s business, which information Witness-1 had not provided to LEVY.

b. Another witness in this case (“Witness-2”) also owned a business. Based on my participation in interviews of Witness-2, and my review of related documents, I have learned, among other things, the following:

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<sup>1</sup> Based on my review of subscriber records for the LEVY Phone Number, I know that the LEVY Phone Number is subscribed in the name “Howard Levy” at a certain address in the Bronx (the “LEVY Address”). Based on my review of law enforcement reports and personal participation in surveillance operations, I know that on or about May 18, 2023, the FBI conducted surveillance of the LEVY Address and confirmed that LEVY uses the LEVY Address as a residence.

i. An individual referred Witness-2 to LEVY for assistance in applying for a PPP loan.<sup>2</sup> Witness-2 provided LEVY business information for the business, as well as a February 2020 bank statement.

ii. Witness-2 applied for a PPP loan through LEVY, but Witness-2 later learned that the PPP application contained fraudulent information. For example, the PPP application stated that Witness-2's business employed 13 people, but Witness-2 was self-employed and had no other employees. The PPP Application stated that Witness-2's business's average monthly payroll listed was \$59,916.00, but Witness-2 did not have payroll expenses associated with his business, and Witness-2 did not tell LEVY that his average monthly payroll was \$59,916.00.

iii. As part of the PPP Application for Witness-2's business, LEVY included a fraudulent bank statement from a certain financial institution ("Financial Institution-3") for a particular bank account (the "Witness-2 Account"). The fraudulent bank statement contained a withdrawal for \$46,857.57 with a description of "MaxPayrollTrans," but that was false; Witness-2 confirmed that payroll is not deducted from the Witness-2 Account, and that Witness-2 did not fabricate the fake bank statement. Actual bank statements for the Witness-2 Account received from Financial Institution-3 do not reflect the withdrawal shown in the fraudulent statement.

iv. Witness-2's PPP Application included a purported IRS Form 940 for tax year 2019 on behalf of Witness-2's business. The form indicated that it was prepared by a certain tax accountant ("Tax Accountant-1") but based on an interview with Tax Accountant-1 conducted by the FBI, in which I participated, I know that Tax Accountant-1 did not actually prepare that form or submit it to the IRS. Witness-2 did not provide LEVY with the information contained on the Form 940.

v. On or about March 30, 2021, Witness-2 wrote a check for \$23,468.50 from Witness-2's business's checking account to Access Accounting Systems, which as discussed below, I know LEVY owns. Witness-2 stated that this check was a fee for LEVY obtaining the PPP loan.

### **The Identification of Howard Levy**

13. Based on my review of records relating to the Fraudulent PPP Applications received from certain financial institutions, I have learned, among other things, that from on or about July 2020 up to and including at least in or about May 2021, approximately 103 of the 114 Fraudulent PPP Applications were submitted from a particular IP address (the "LEVY IP Address"), and of the 103 that were created from the LEVY IP Address, 29 applications were funded for a total of more than \$4.6 million in disbursements. The LEVY IP Address was located in the Southern District of New York.

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<sup>2</sup> The contact information Witness-2 had for LEVY is the LEVY Phone Number and LEVY Address. Witness-2 texted LEVY on the LEVY Phone Number and provided physical documents to LEVY at the LEVY Address in connection with Witness-2's PPP Application.

14. Based on my review of records obtained from internet service providers and phone carriers, I have learned, among other things, that between approximately 2018 and approximately June 2021, the LEVY IP Address was provided by Verizon to a particular subscriber. The customer name associated with the LEVY IP Address was "Mark Levy." The LEVY Phone Number was listed as the "Daytime Telephone" associated with the LEVY IP Address, and the "Account Address" for the LEVY IP Address was the LEVY Address. The same customer account at Verizon listed the LEVY Phone Number and a particular email address that is subscribed to in the name "Howard Levy" (the "LEVY Email Address"). The subscriber address for the LEVY Email Address is the LEVY Address.

15. Based on my review of records received from Financial Institution-1, I know that LEVY applied for a PPP loan on behalf of the corporate entity "Access Accounting Systems." That application identified LEVY as the owner of Access Accounting Systems, and provided as contact information the LEVY Address and the LEVY Number.

16. Based on my review of records obtained from various financial institutions, I know that when the Applying Defendants and others paid LEVY kickbacks for services rendered in applying for the PPP loans and getting the loans forgiven, the checks were frequently addressed to Access Accounting Systems.

#### **The Identification of Glenroy Walker**

17. Based on my review of records received from a certain financial institution ("Financial Institution-4"), I know that GLENROY WALKER, the defendant, owns or claims to own the following corporate entities:

- a. EBONY BUSINESS GROUP JAMAICA INC.
- b. TMC CAPITAL GROUP
- c. CARIBBEAN PAGENT
- d. WINNERS HOLDINGS & CONSULTING
- e. GLOBAL GROUP NA INC.
- f. GLOBAL IMPRESSION INC.

18. Based on my review of records received from the SBA and Financial Institution-4, I know that GLENROY WALKER, the defendant, used these corporate entities to receive kickback payments from the Applying Defendants and other PPP applicants who WALKER and HOWARD LEVY, the defendant, assisted in applying for PPP loans, or distribute shared kickback payments to LEVY through Access Accounting Systems.

19. I know from my participation in multiple witness interviews that GLENROY WALKER, the defendant, used the WALKER Phone Number to contact potential PPP applicants about submitting PPP applications.

20. In addition to using these accounts to receive kickback payments or distribute shared kickback payments to HOWARD LEVY, the defendant, GLENROY WALKER, the defendant, also used these accounts to apply for PPP loans himself. For example, on or about March 3, 2021, WALKER and LEVY exchanged the following text messages:

WALKER: Good night Howard, I think I am going to need, a article of incorporation, or certificate of incorporation for the Winners Holding & Consulting llc, for the opening of the corporation tomorrow, let me know if that's possible to get one

LEVY: Yes tomorrow around 11 am it's \$400

a. Based on my participation in this investigation, I understand that WALKER is asking LEVY for articles of incorporation for WALKER's corporate entity, Winners Holdings & Consulting, so WALKER could prove to a financial institution that his business existed before February 15, 2020, and was therefore eligible to receive PPP loans.

b. On March 6, 2021, just three days after WALKER requested that LEVY create fake articles of incorporation for WALKER's corporate entity, WALKER applied for a PPP loan, which was approved by Financial Institution-1 on March 18, 2021, in the amount of \$147,919.00.

### **The Scheme to Submit Fraudulent PPP Applications**

21. Because businesses applying for a PPP loan had to provide documentation to confirm that they had in the past paid employees the compensation represented in the PPP loan application, most of the Fraudulent PPP Applications, including all of the Applying Defendants' Fraudulent PPP Applications, included fraudulent bank statements that reflected fake payroll deductions. HOWARD LEVY, the defendant, asked each of the Applying Defendants for a copy of a real bank statement for which the Applying Defendant applied for a PPP loan, which LEVY used as a model when he created the fraudulent bank statements. Law enforcement obtained, directly from certain financial institutions, the actual statements and other information for the accounts referenced in the Fraudulent PPP Applications. Based on my training and experience and my involvement in this investigation, the appearances of the fraudulent bank statements were consistent with the appearances of genuine bank statements. However, the actual account information corresponding with the account numbers, and the records from the banks, confirm that the bank statements were fraudulent. For example, based on my comparison of the contents of the Fraudulent PPP Applications with records received from various financial institutions, I have learned, among other things, the following:

a. On or about February 8, 2021, an application for a PPP loan was submitted from the LEVY IP Address on behalf of a corporate entity called "Kinetic Synergy, Inc." (the "First POWELL PPP Application"). The First POWELL PPP Application listed DONNAT POWELL, the defendant, as the owner of Kinetic Synergy, Inc. and included a fraudulent bank statement from a certain financial institution ("Financial Institution-5") for an account ending in -2225 (the "2225 Account"). The fake bank statement for the 2225 Account showed that on February 15, and February 29, 2020, there were payroll deductions of \$27,588.00 and \$27,823.45, respectively. Based on my review of real bank statements obtained from Financial Institution-5 for the 2225 Account, there were no payroll deductions on those dates or in those amounts.



b. On or about February 15, 2021, an application for a PPP loan was submitted from the LEVY IP Address on behalf of a corporate entity called "Polish LLC" (the "First BAEZ PPP Application"). The First BAEZ PPP Application listed SHERRIL BAEZ, the defendant, as the owner of Polish LLC and included a fraudulent bank statement from Financial Institution-3 for an account ending in -1633 (the "1633 Account"). The fake bank statement for the 1633 Account showed that on February 29, 2020, there was a payroll deduction of \$57,389.17. Based on my review of real bank statements obtained from Financial Institution-3 for the 1633 Account, there was no payroll deduction on that date or in that amount.

c. On or about February 23, 2021, an application for a PPP loan was submitted from the LEVY IP Address on behalf of a corporate entity called "Peak Business Group" (the "First WHEELER PPP Application"). The First WHEELER PPP Application listed GARY WHEELER, the defendant, as the owner of Peak Business Group and included a fraudulent bank statement from a certain financial institution ("Financial Institution-6") for an account ending in -0228 (the "0228 Account"). The fake bank statement for the 0228 Account showed that on February 29, 2020, there was a payroll deduction of \$59,752.74 with the caption "Quickpay with wiretransfer Payroll DominiomPayroll [sic]." Based on my review of real bank statements obtained from Financial Institution-6 for the 0228 Account, there was no payroll deduction on that date or in that amount.

22. In some cases, the Applying Defendants' PPP Applications were supported by purported bank statements for accounts that did not even exist at the date of the statement. For example, based on my review of records received from the financial institutions to which the Fraudulent PPP Applications were submitted, I have learned, among other things, the following:

a. On or about February 3, 2021, an application for a PPP loan was submitted from the LEVY IP Address on behalf of a corporate entity called "Interface Consulting Group Inc." (the "First GETTEN PPP Application"). The First GETTEN PPP Application listed NORMA GETTEN, the defendant, as the owner of the Interface Consulting Group Inc. and included a fraudulent bank statement from a certain financial institution ("Financial Institution-7") for an account ending in -1371 (the "1371 Account"). The fake bank statement for the 1371 Account showed that on February 15, 2020, there was a "Dominion Payrol [sic]" deduction in the amount of \$29,562.00, and on February 29, 2020, there was a Dominion Payroll deduction in the amount of \$29,226.00. Based on my review of real bank statements obtained from Financial Institution-7, the 1371 Account was not even opened until January 16, 2021, well after the purported transactions reflected in the fraudulent bank statements.

b. As noted above, as part of the First Wheeler PPP Application, HOWARD LEVY, the defendant, included a fraudulent bank statement from Financial Institution-6 for the 0228 Account. The fake bank statement for the 0228 Account showed that on February 29, 2020, there was a payroll deduction of \$59,752.74 with the caption "Quickpay with wiretransfer Payroll DominiomPayroll [sic]." Based on my review of real bank statements obtained from Financial Institution-4 for the 0228 Account, the 0228 Account was not even opened until July 7, 2020, well after the purported transactions reflected in the fraudulent bank statements.

23. Many of the applications contained purported tax returns that the investigation determined were fraudulent. Based on my participation in witness interviews and conversations

with another Special Agent with the FBI who participated in this investigation, I know that at least six different tax accountants' identities were used by GLENROY WALKER and HOWARD LEVY, the defendants—without permission or authority from the tax accountants—to prepare fraudulent IRS Form 940s (Employer's Annual Federal Unemployment Tax Returns). The tax accountants confirmed that they did not prepare the Form 940s in at least 35 of the 114 Fraudulent PPP Applications. For example:

a. Based on my review of the First BAEZ PPP Application, discussed above, LEVY included a purported IRS Form 940 for tax year 2019, which purported to be on behalf of Polish LLC. The form indicated that it was prepared by a certain tax accountant ("Tax Accountant-2") but based on an interview with Tax Accountant-2 conducted by the FBI, in which I participated, I know that Tax Accountant-2 did not actually prepare that form or submit it to the IRS. WALKER and LEVY used Tax Accountant-2's identity without Tax Accountant-1's permission or authority.

b. On or about April 7, 2021, an application for a PPP loan was submitted from the LEVY IP Address on behalf of a sole proprietorship called "Sherill Baez" (the "Second BAEZ PPP Application"). The Second BAEZ PPP Application listed SHERRIL BAEZ, the defendant, as the owner of the Sherrill Baez sole proprietorship. Based on my review of the Second BAEZ PPP Application, the application included a purported IRS Form 940 for tax year 2019. The form indicated that it was prepared by a certain tax accountant ("Tax Accountant-3"), but based on an interview with Tax Accountant-3 conducted by the FBI, in which I participated, I know that Tax Accountant-3 did not actually prepare that form or submit it to the IRS. Tax Accountant-3's identity was used without Tax Accountant-2's permission or authority.

c. Based on my review of the First POWELL PPP Application, discussed above, LEVY included a purported IRS Form 940, which purported to be from the Kinetic Synergy Inc. The form indicated that it was prepared by a certain tax accountant ("Tax Accountant-4"), but based on an interview with Tax Accountant-4 conducted by the FBI, in which I participated, I know that Tax Accountant-4 did not actually prepare that form or submit it to the IRS. Tax Accountant-4's identity was used without Tax Accountant-4's permission or authority.

24. As discussed in detail below, many of the Fraudulent PPP applicants, including all four of the Applying Defendants, paid kickbacks to accounts controlled by HOWARD LEVY or GLENROY WALKER, the defendants, or both, after receiving fraudulently obtained PPP loans.

#### **Applying Defendants' Roles in PPP Scheme**

##### **SHERRIL BAEZ**

25. As discussed in part above, based on my review of records from records received from Financial Institutions-1 and -3, email provider records, and phone carrier records, I know that LEVY submitted fraudulent PPP applications on behalf of two entities for which SHERILL BAEZ, the defendant, was listed as the owner, one of which (the Sherill Baez sole proprietorship) was funded on April 10, 2021, in a total amount of \$76,425.00.

26. Based on my review of records from Financial Institution-2, I know that on or about April 19, 2021, SHERILL BAEZ, the defendant, wrote a check in the amount of \$22,363.50 to Access Accounting Services, which is owned by HOWARD LEVY, the defendant. The check

contains the same address in Rosedale, New York, that was used as the business address on the First BAEZ PPP Application. Based on my participation in this investigation, I believe the April 19, 2021 paycheck from BAEZ to LEVY was a kickback for LEVY obtaining for BAEZ a PPP loan.

27. Based on my review of text message exchanges between HOWARD LEVY and SHERILL BAEZ, the defendants,<sup>3</sup> obtained pursuant to a judicially authorized search warrant, I have learned, among other things, that between in or about March 5, 2021, and February 3, 2022, LEVY and BAEZ had several communications about PPP applications. BAEZ recruited other PPP applicants for LEVY and received payments from WALKER and LEVY for successful recruitments. For example, on or about March 21, 2021, BAEZ communicated with LEVY to arrange kickbacks for loans she referred to GLENROY WALKER, the defendant, and LEVY:

BAEZ: M[r] walker told me you guy[s] would give me something for the loan[s] that close [BAEZ lists eight loans that she claims she referred to WALKER and LEVY].

LEVY: Collect from Mr Walker for the past ones. I am good for the last 3 ... We already have that agreement

28. Based on my review of records received from Financial Institution-3, I know that on or about March 19, 2021, an account in the name of "Polish LLC," which is owned by SHERILL BAEZ, the defendant, received a payment in the amount of \$1,000.00 from Access Accounting Systems, Inc., which is owned by HOWARD LEVY, the defendant, and on or about March 23, 2021, the same account received a payment in the amount of \$500.00 from Ebony Business Group Jamaica, Inc., which is owned by GLENROY WALKER, the defendant. Based on my participation in this investigation, I believe these payments are fees for BAEZ referring PPP applicants to WALKER and LEVY.

29. Based on my additional review of text message exchanges between HOWARD LEVY and SHERILL BAEZ, the defendants, obtained pursuant to a judicially authorized search warrant, I have also learned, that on or about March 25, 2021, LEVY communicated with BAEZ to create fake business information for a PPP loan application on behalf of BAEZ's friend whom BAEZ referred to GLENROY WALKER, the defendant, and LEVY:

LEVY: Ok here's [REDACTED]'s info No of employees 4 Yearly payroll \$248791 Gross receipt \$389246 Monthly payroll \$29479 Loan amount \$73697.50

LEVY: Company started 4/2018

NORMA GETTEN

30. As discussed in part above, based on my review of records received from the SBA, financial institutions, and phone carrier records, I know that HOWARD LEVY, the defendant,

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<sup>3</sup> The First and Second BAEZ PPP Applications listed a phone number ending in -5277 as BAEZ's contact number.

submitted fraudulent PPP applications on behalf of two entities for which NORMA GETTEN, the defendant, was listed as the owner, one of which (Interface Consulting Group Inc.) was funded on February 12, 2021, in a total amount of \$144,474.00.

31. Based on my review of records from Financial Institution-7, I know that on or about February 13, 2021, NORMA GETTEN, the defendant, wrote a check in the amount of \$14,447.00 to Access Accounting Services, which is owned by HOWARD LEVY, the defendant. The check contains the same address in the Bronx, New York, that was used as the owner's address on the First GETTEN PPP Application. Based on my participation in this investigation, I believe the February 13, 2021 check from GETTEN to LEVY was a kickback for LEVY obtaining for GETTEN a PPP loan.

32. Based on my review of text message exchanges between HOWARD LEVY and NORMA GETTEN, the defendants,<sup>4</sup> obtained pursuant to a judicially authorized search warrant, I have learned, among other things, that between in or about January 16, 2021 and December 25, 2021, LEVY and GETTEN exchanged several communications about submitting PPP applications. For example, on or about February 10, 2021, LEVY and GETTEN exchanged the following text messages:

LEVY: Your loan is almost complete, I've got the preliminary approval already.

GETTEN: Thanks for that, I was just saying to my son I am down to zero. Hope all work[s] out.

33. Based on my additional review of text message exchanges between HOWARD LEVY and NORMA GETTEN, the defendants, obtained pursuant to a judicially authorized search warrant, I have also learned, that on or about February 28, 2021, GETTEN communicated with LEVY to arrange for a fee for referring applicants to GLENROY WALKER, the defendant, and LEVY:

GETTEN: Please send your email she will send you everything also I need my 5% so I told them 15%

LEVY: Sure, however she has to pay \$500 upfront fee just like Mr. Walker.

34. Based on my participation in this investigation and my experience, I believe that NORMA GETTEN, the defendant, was arranging to charge another PPP applicant a higher fee so that GETTEN could receive a 5% kickback while HOWARD LEVY, the defendant, was to receive a 10% kickback.

35. Based on my additional review of text message exchanges between HOWARD LEVY and NORMA GETTEN, the defendants, obtained pursuant to a judicially authorized search

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<sup>4</sup> The first GETTEN PPP Application listed a phone number ending in -6223 as GETTEN's contact number.

warrant, I have also learned, that on or about April 9, 2021, GETTEN communicated with LEVY about how to disguise her PPP loan so she could more easily make withdrawals from the bank:

GETTEN: Boy [Financial Institution-7] give problems to withdraw money they kept me for 40 more m[inutes] to do a withdrawal of less than \$10,000. Ok have to tell them what I needed it for. I told them payroll and how many people this week which added up to the exact amount that I wanted to withdraw.

GETTEN: I don't always want to use checks, I also did a deposit of \$7500 to the account over a month now and they are questioning it who I got it from and for what.

LEVY: Wow really ... maybe you should consider closing the account. I never heard of such a thing.

GETTEN: I was there from 11:50 just come out

LEVY: You should have just closed the account.

GETTEN: I just need to take out all the money but it's problem, should I just write a check and take out the rest

GETTEN: [] I also another business account that I have I use it to pass the money around like you told me.

36. Based on my training and experience, and my participation in this investigation, I understand that the above communications between HOWARD LEVY and NORMA GETTEN, the defendants, show that GETTEN asked LEVY about how she can withdraw the PPP loan from Financial Institution-7 or disguise her PPP loan so she could spend the money in ways that were not permissible under the PPP.

37. Based on my additional review of text message exchanges between HOWARD LEVY and NORMA GETTEN, the defendants, obtained pursuant to a judicially authorized search warrant, I have also learned, that on or about May 12, 2021, GETTEN communicated with LEVY to ask him about how many employees he listed on one of her PPP applications:

GETTEN: This is [] what is need from you, how many employees you put to the one that I already got and anything else that am to know so I can file m[y] taxes on th[at] ... Please do not shred my folder with documents I'll come pick up or you can drop it in the mail just in case your going to [take] a vacation break.

38. Based on my training and experience, and my participation in this investigation, I understand that the above communications between HOWARD LEVY and NORMA GETTEN, the defendants, show that GETTEN needed to ask LEVY how many employees GETTEN employed at her own company because GETTEN knew that LEVY fabricated the number of

employees at GETTEN's business in order to make GETTEN's business eligible to receive a PPP loan.

DONNAT POWELL

39. Based on my review of records from records received from the SBA, financial institutions, and phone carrier records, I know that HOWARD LEVY, the defendant, submitted fraudulent PPP applications on behalf of two entities for which DONNAT POWELL, the defendant, was listed as the owner, one of which (Kinetic Synergy, Inc.) was funded on February 22, 2021, in a total amount of \$148,000.00.

40. Based on my review of records from Financial Institution-5, I know that from between on or about February 24, 2021, and March 6, 2021, DONNAT POWELL, the defendant, wrote checks in the amounts of \$22,000.00 and \$3,695.00, respectively, to Access Accounting Services, which is owned by HOWARD LEVY, the defendant. The two checks contain the same address in Hackensack, New Jersey, that was used as the business address on the First POWELL PPP Application. Based on my participation in this investigation, I believe the February 24, 2021, and March 6, 2021 checks from POWELL to LEVY were kickbacks for LEVY obtaining for POWELL a PPP loan.

41. Based on my review of text message exchanges between HOWARD LEVY and DONNAT POWELL,<sup>5</sup> the defendants, obtained pursuant to a judicially authorized search warrant, I have learned, among other things, that between in or about February 24, 2021, and February 10, 2022, LEVY and POWELL had several communications about POWELL purchasing shell corporations and applying for PPP applications on behalf of those entities that POWELL had recently acquired that had not actually employed people or earned revenue in the amounts claimed in the PPP applications.

42. For example, on or about June 11, 2021, DONNAT POWELL, the defendant, communicated with HOWARD LEVY, the defendant, and explained that he purchased Kinetic Synergy, Inc. from GLENROY WALKER, the defendant:

POWELL: We made a mistake in not having the companies in both NY and NJ. Can we fixed it?, the company's mr. Walker sells me is in both NY and NJ

LEVY: Which company ?

POWELL: The one you file for and was successful

POWELL: Kinetic Synergy

43. Based on my review of other text message exchanges between HOWARD LEVY and DONNAT POWELL, the defendants, obtained pursuant to a judicially authorized search warrant, I have also learned, among other things, that before POWELL purchased Kinetic Synergy,

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<sup>5</sup> The First POWELL PPP Application listed a phone number ending in -3188 as POWELL's contact number.

Inc., LEVY and POWELL exchanged several communications about purchasing existing corporate entities for the purpose of applying for PPP loans. For example, on or about March 29, 2021, LEVY and POWELL exchanged the following text messages:

POWELL: This guy wants 5000 dollars for his business wish I'm trying to find out if it's active. I'm waiting on him to text me with the information

LEVY: Ok but be careful ... sometimes people do it with 4 or people.

POWELL: How can you find out if that is done?

LEVY: There is no reliable way, because it's all new transactions. Usually the Department of State should have records, but some State won't release much info on new transactions.

44. On or about March 30, 2021, HOWARD LEVY and DONNAT POWELL, the defendants, exchanged the following text messages:

POWELL: A MC delivery service. 2017. This is the business name and time it was formed

LEVY: What State ?

POWELL: Florida

LEVY: Not seeing anything double check company name, make sure it's a Corp and not sole proprietor

POWELL: My ad it's A MC pickup and delivery services

LEVY: 1 Corporation is Dissolved 2 Corp is inactive No annual reports filed ever No taxes filed from inception All back taxes and annual reports need to be filed as well as reinstatement documents with fees. This all could cost around \$10k Not to mention costs for transferring ownership

POWELL: Thanks

45. Based on my training and experience, and my participation in this investigation, I understand that the above communications between HOWARD LEVY and DONNAT POWELL, the defendants, show POWELL's efforts to purchase a shell company to use to apply for a PPP loan, and LEVY looked up the company and explained to POWELL why he should not purchase it.

GARY WHEELER

46. As discussed in part above, based on my review of records received from the SBA, financial institutions, and phone carrier records, I know that HOWARD LEVY, the defendant,

submitted fraudulent PPP applications on behalf of four entities for which GARY WHEELER, the defendant, was listed as the owner, of which three were funded in total amounts of \$149,630.00 (Peak Business Group), \$112,955.00 (Garden Bar & Grill), and \$149,790.00 (Matrix Data Group), respectively.

47. Based on my review of records from Financial Institution-4, I know that on or about March 3, 2021, GARY WHEELER, the defendant, wired \$22,444.56 from a bank account with Financial Institution-6 in the name "Peak Business Group" to Ebony Business Group Jamaica Inc., which is owned by GLENROY WALKER, the defendant. I also know, based on my review of records from Financial Institution-4, that on the same day POWELL wired money to WALKER, WALKER wrote a check to Access Accounting Systems, which is owned by HOWARD LEVY, the defendant, for half that amount, or \$11,222.28. The memo line of the check from WALKER to LEVY stated, "PEAK," which I believe to be a reference to Peak Business Group. Based on my participation in this investigation, I believe the March 3, 2021 wire transfer from WHEELER to WALKER was a kickback for WALKER obtaining for WHEELER a PPP loan, and the March 3, 2021 check from WALKER to LEVY was WALKER paying LEVY his share of the kickback.

48. Based on my review of records from Financial Institution-4, I know that on or about March 3, 2021, GARY WHEELER, the defendant, wired \$16,943.25 from a bank account with Financial Institution-6 in the name "Garden Bar & Grill LTD" to Ebony Business Group Jamaica Inc., which is owned by GLENROY WALKER, the defendant. I also know, based on my review of records from Financial Institution-4, that on the same day WHEELER wired money to WALKER, WALKER wrote a check to Access Accounting Systems, which is owned by HOWARD LEVY, the defendant, for half that amount, or \$8,471.62. The memo line of the check from WALKER to LEVY stated, "GARDEN," which I believe to be a reference to Garden Bar & Grill. Based on my participation in this investigation, I believe the March 3, 2021 wire transfer from WHEELER to WALKER was a kickback for WALKER obtaining for WHEELER a PPP loan, and the March 3, 2021 check from WALKER to LEVY was WALKER paying LEVY his share of the kickback.

49. Based on my review of records from Financial Institution-4, I know that on or about March 19, 2021, GARY WHEELER, the defendant, wired \$22,468.56 from a bank account with Financial Institution-6 in the name "Matrix Data Group" to Ebony Business Group Jamaica Inc., which is owned by GLENROY WALKER, the defendant. I also know, based on my review of records from Financial Institution-4, that on or about March 23, 2021, WALKER wrote a check to Access Accounting Systems, which is owned by HOWARD LEVY, the defendant, for half that amount, or \$11,234.28. The memo line of the check from WALKER to LEVY stated, "GARY WHEELER." Based on my participation in this investigation, I believe the March 19, 2021 wire transfer from WHEELER to WALKER was a kickback for WALKER obtaining for WHEELER a PPP loan, and the March 23, 2021 check from WALKER to LEVY was WALKER paying LEVY his share of the kickback.

50. Based on my review of text message exchanges between HOWARD LEVY and GARY WHEELER,<sup>6</sup> the defendants, obtained pursuant to a judicially authorized search warrant,

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<sup>6</sup> The First WHEELER PPP Application listed a phone number ending in -1967 as WHEELER's contact number.



I have learned, among other things, that between in or about March 3, 2021, and January 31, 2022, LEVY and WHEELER had several communications about PPP forgiveness. For example, I have learned about the following communications between LEVY and WHEELER from on or about July 6, 2021:

WHEELER: hello Mr levy when will I have to file an[d do] those forgiveness

LEVY: They will email me once it's time. It's 6 months after receiving the loan.

51. I have also learned about the following communications between HOWARD LEVY and GARY WHEELER, the defendants, from on or about August 2, 2021:

WHEELER: gm Mr levy how are you?

LEVY: Doing good, ... the forgiveness should be coming up in a few weeks.

WHEELER: ok checking in to see if it's anything new

LEVY: No nothing new[,] the SBA will open a portal to do the forgiveness directly, eliminating the need to use the banks that issued the loans.

52. I have also learned that between in or about March 3, 2021 and January 31, 2022, HOWARD LEVY and GARY WHEELER, the defendants, exchanged several communications about how to disguise the PPP disbursements to avoid detection of fraudulent activity. For example, I have learned about the following communications between LEVY and WHEELER from on or about March 24, 2021:

WHEELER: should I be writing myself a check every week? or don't worry about that?

WHEELER: hi Mr levy

LEVY: I wouldn't worry about it too much. However move the money around from one account to the next.

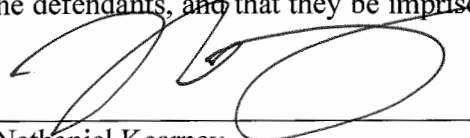
WHEELER: ok

WHEELER: should I move to other accounts other than ones that have been used already?

LEVY: Yes if possible.

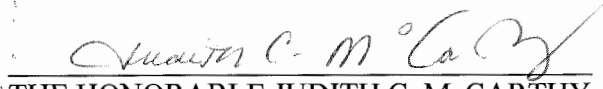
WHEREFORE, deponent respectfully requests that warrants issue for the arrest of GLENROY WALKER, HOWARD LEVY, SHERRIL BAEZ, NORMA GETTEN, DONNAT

POWELL, and GARY WHEELER, the defendants, and that they be imprisoned or bailed, as the case may be.



Nathaniel Kearney  
Special Agent  
Federal Bureau of Investigation

Sworn to me this 1<sup>st</sup> day of June 2023.



THE HONORABLE JUDITH C. McCARTHY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK