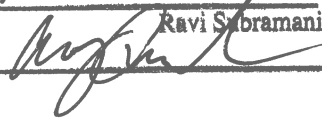


Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

November 10 20 21  
Ravi Subramanian, Clerk  
By  Deputy

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

BRYAN ALAN SPARKS and  
AUTUMN GAIL LUNA,  
Defendants.

NO **CR21-189 JLR**  
INDICTMENT

The Grand Jury charges that:

**COUNT 1**

**(Conspiracy to Commit Mail and Wire Fraud)**

**A. Background**

1. **Overview.** These charges involve a conspiracy by defendants BRYAN ALAN SPARKS and AUTUMN GAIL LUNA to use stolen personal identifying information (PII) of over 50 Washington State residents, as well as residents of other states, to submit fraudulent applications for Small Business Administration (SBA) loans and unemployment benefits intended to assist workers and businesses suffering from the

1 economic impacts of the COVID-19 pandemic. SPARKS and LUNA fraudulently  
2 obtained over \$1 million in loan proceeds and benefits by causing SBA to disburse loan  
3 proceeds of at least \$520,000 and Washington Employment Security Department (ESD)  
4 to pay out federal and state unemployment benefits of at least approximately \$500,000.

5       2.     **CARES Act and EIDL Program.** On March 27, 2020, the United States  
6 enacted into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The  
7 CARES Act authorized approximately \$2 trillion in aid to American workers, families,  
8 and businesses to mitigate the economic consequences of the COVID-19 pandemic.

9       3.     The SBA administers the Economic Injury Disaster Loan (EIDL) program.  
10 EIDL provides low-interest financing to small businesses and non-profit organizations in  
11 regions affected by declared disasters. The CARES Act authorized the SBA to provide  
12 EIDLs of up to \$2 million to eligible small businesses experiencing substantial financial  
13 disruption due to the COVID-19 pandemic. EIDL funds can be used for payroll  
14 expenses, sick leave, production costs, and business obligations, such as debts, rent, and  
15 mortgage payments.

16       4.     A qualifying business applying for an EIDL must submit an application to  
17 the SBA and provide information about its operations, such as the number of employees,  
18 gross revenues for the 12-month period preceding the disaster, and cost of goods sold in  
19 the 12-month period preceding the disaster. The applicant must also certify that all of the  
20 information in the application is true and correct to the best of the applicant's knowledge.

21       5.     Applicants submit EIDL applications directly to the SBA for processing.  
22 SBA directly disburses funds issued under an EIDL to an account identified by the  
23 applicant. Since July 11, 2020, when an applicant submits an EIDL application online,  
24 SBA receives it at a server outside the State of Washington. Therefore, every EIDL  
25 application submitted online from Washington State since July 11, 2020, results in an  
26 interstate wire communication that originates in Washington State and travels to another  
27 state.

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1           6.       **CARES Act Unemployment Benefits.** The CARES Act also funded and  
2 authorized each state to administer new unemployment benefits. These benefits included:  
3 (1) Federal Pandemic Unemployment Compensation, which provided a benefit of \$600  
4 per week per unemployed worker in addition to existing benefits; (2) Pandemic  
5 Unemployment Assistance, which extended benefits to self-employed persons,  
6 independent contractors, and others; and (3) Pandemic Emergency Unemployment  
7 Assistance, which extended benefits for an additional 13 weeks after regular  
8 unemployment benefits were exhausted.

9           7.       CARES Act unemployment benefits are funded by the United States  
10 government through the Department of Labor and administered at the state level by state  
11 agencies known as state workforce agencies (SWAs). ESD is the SWA for the State of  
12 Washington and headquartered in Olympia, Washington.

13           8.       **ESD's Unemployment Tax and Benefit System.** Applicants for  
14 unemployment benefits may submit and manage their applications using ESD's  
15 Unemployment Tax and Benefit (UTAB) system via an online portal called eServices.  
16 The UTAB system is hosted at the State Data Center in Olympia, Washington.

17           9.       UTAB requires an applicant to provide his or her PII, including name, date  
18 of birth, and Social Security number. If ESD confirms that the information matches the  
19 PII of a person in ESD's records, ESD will pay out benefits via wire (ACH) transfer to a  
20 bank or financial account identified by the applicant. An applicant may also request that  
21 the benefits be loaded onto a KeyBank-issued debit card and mailed to an address  
22 provided by the applicant.

23           10.      When ESD disburses unemployment benefits, ESD sends an interstate wire  
24 communication from Olympia, Washington, to a KeyBank processing center, directing  
25 KeyBank to make the benefit payment. KeyBank does not have any processing centers  
26 within Washington State. Therefore, every ESD benefits payment results in an interstate  
27 wire communication that originates in Washington and travels to another state.  
28

1           11.    **Disaster Declarations.** CARES Act unemployment benefits and EIDLs  
2 related to COVID-19 relief are authorized, transferred, disbursed, and paid in connection  
3 with a nationwide emergency declared by Presidential Proclamation 9994 (effective as of  
4 March 1, 2020) and a Presidential declaration of a major disaster for the State of  
5 Washington concerning the COVID-19 pandemic that was issued on March 22, 2020.

6 **B.    The Conspiracy**

7           12.    Beginning at a time unknown, but no later than March 14, 2020, and  
8 continuing through at least January 1, 2021, in King, Snohomish, and Thurston Counties,  
9 within the Western District of Washington, and elsewhere, BRIAN ALAN SPARKS and  
10 GAIL AUTUMN LUNA, and others known and unknown to the Grand Jury, did  
11 conspire, confederate and agree, together and with each other, to commit the offenses of  
12 mail and wire fraud in violation of Title 18, United States Code, Sections 1341 and 1343.

13           13.    That is, SPARKS and LUNA, together with others known and unknown,  
14 with intent to defraud, knowingly devised a scheme and artifice to defraud, and to obtain  
15 money and property, by means of materially false and fraudulent pretenses,  
16 representations, and promises. To execute and attempt to execute the scheme and artifice  
17 to defraud, SPARKS and LUNA, and others known and unknown to the Grand Jury,  
18 knowingly caused to be delivered by mail according to the direction thereon, bank debit  
19 cards; and caused to be transmitted, by wire communication in interstate and foreign  
20 commerce, writings, signs, signals, pictures, and sounds.

21           14.    The object of the conspiracy was to use the stolen PII of residents of  
22 Washington State and other states to fraudulently obtain government benefits, namely,  
23 pandemic-related EIDL funds and unemployment benefits.

24 **C.    Manner and Means**

25           The following conduct was part of the conspiracy:

26           15.    The defendants SPARKS and LUNA, and their co-conspirators, unlawfully  
27 obtained and possessed stolen PII, to include names, dates of birth, and Social Security  
28 numbers of residents of Washington State and other states.

1           16. Using the stolen PII, the defendants and their co-conspirators opened bank  
2 accounts, obtained debit and credit cards, created counterfeit driver's licenses, or  
3 obtained fraudulent driver's licenses from the Washington Department of Licensing. In  
4 furtherance of their conspiracy to defraud, the defendants and their co-conspirators  
5 maintained over a dozen phone numbers on as many cell phones, each of which were  
6 labeled with the phone number and names of stolen identities. The defendants also  
7 maintained detailed ledgers and electronic files of stolen PII, credit card numbers, and  
8 financial transactions associated with each stolen identity.

9           17. When opening bank accounts using other peoples' stolen PII, SPARKS and  
10 LUNA listed, as the account addresses, several addresses in the Western District of  
11 Washington, including addresses in Seattle, Des Moines, Federal Way, Auburn, and  
12 Lynnwood. SPARKS and LUNA caused the financial institutions to mail fraudulent  
13 identity and financial documents to those addresses by U.S. Mail. SPARKS and LUNA  
14 also used these same addresses on counterfeit and fraudulent driver's licenses.

15           18. Using the stolen PII and fraudulent identity documents, SPARKS and  
16 LUNA and their co-conspirators accessed SBA's website and submitted, by interstate  
17 wire transmission, fraudulent EIDL applications to SBA. In the loan applications,  
18 defendants requested that the loan proceeds be paid to the bank accounts that the  
19 defendants and their co-conspirators had fraudulently opened using stolen PII. After  
20 SBA paid out the loan proceeds, the defendants and their co-conspirators accessed the  
21 funds using the debit cards associated with the fraudulent bank accounts. The defendants  
22 and their co-conspirators also transferred funds between and among the fraudulent bank  
23 accounts.

24           19. SPARKS and LUNA and their co-conspirators also used the stolen PII and  
25 fraudulent identity documents to submit fraudulent unemployment benefit claims to ESD,  
26 which ESD then paid out by means of interstate wire communications. For the fraudulent  
27 unemployment claims, SPARKS and LUNA and their co-conspirators used many of the  
28 same stolen identities that they used to file EIDL loan applications. In some instances,



1 the defendants and their co-conspirators directed the benefits to be paid to KeyBank debit  
2 cards that were then mailed by U.S. Mail to addresses within the Western District of  
3 Washington. The defendants or their co-conspirators then retrieved the cards from  
4 mailboxes that they could access. In other instances, the benefits were paid to bank  
5 accounts that the defendants fraudulently opened in furtherance of the conspiracy, and the  
6 defendants accessed the funds using the debit cards associated with those accounts. On  
7 many occasions, the defendants withdrew funds from those accounts from automated  
8 teller machines (ATMs) in Seattle and elsewhere within the Western District of  
9 Washington.

10 All in violation of Title 18, United States Code, Section 1349.

11 **COUNTS 2-6**

12 **(Mail Fraud)**

13  
14 20. Paragraphs 1-19 of this Indictment are incorporated by reference as if fully  
15 set forth herein.

16 21. Beginning at a time unknown, but no later than on or about March 14,  
17 2020, until at least on or about January 1, 2021, BRIAN ALAN SPARKS and GAIL  
18 AUTUMN LUNA, and others known and unknown to the Grand Jury, with the intent to  
19 defraud, devised and willfully participated in, with knowledge of its fraudulent nature a  
20 scheme and artifice to defraud and obtain money by materially false and fraudulent  
21 pretenses, representations, and promises, as further described below.

22 22. The essence of the scheme was to use the stolen PII of residents of  
23 Washington State and other states to fraudulently obtain government benefits, namely,  
24 pandemic-related EIDL funds and unemployment benefits.

25 23. The manner and means of the scheme and artifice to defraud included the  
26 conduct set forth in Paragraphs 15 through 19 of Count 1.

27 24. On or about the dates set forth below, in King and Snohomish Counties,  
28 within the Western District of Washington, and elsewhere, for the purpose of executing

1 or attempting to execute the above-described scheme and artifice to defraud and deceive,  
 2 SPARKS and LUNA, and others known and unknown to the Grand Jury, knowingly  
 3 caused to be delivered by mail according to the direction thereon bank debit cards, each  
 4 mailing of which constitutes a separate count of this Indictment. Each of these debit  
 5 cards was associated with an account used to receive proceeds of a fraudulent EIDL loan  
 6 application or claim for unemployment benefits, and each card was used to access the  
 7 proceeds of the fraud. Each of the following offenses was committed in furtherance of,  
 8 and was a foreseeable part of, the conspiracy charged in Count 1 of this Indictment.

Count	Approximate Date of Mailing	Applicant Initials	Mailing
2	06/17/20	S.F.	KeyBank debit card to Lynnwood, Washington via U.S. Postal Service
3	07/13/20	R.B.	KeyBank debit card to Seattle, Washington via U.S. Postal Service
4	08/01/20	B.P.	Stride Bank Chime debit card to Des Moines, Washington via U.S. Postal Service
5	08/06/20	D.S.	Comerica debit card to Des Moines, Washington via U.S. Postal Service
6	08/06/20	S.S.	Stride Bank Chime debit card to Auburn, Washington via U.S. Postal Service

All in violation of Title 18, United States Code, Sections 1341 and 2.

**COUNTS 7-12**

**(Wire Fraud)**

25. Paragraphs 1-24 of this Indictment are incorporated by reference as if fully set forth herein.

26. Beginning at a time unknown, but no later than March 14, 2020, and continuing through at least January 1, 2021, BRIAN ALAN SPARKS and GAIL AUTUMN LUNA, and others known and unknown to the Grand Jury, with intent to

1 defraud, knowingly devised a scheme and artifice to defraud, and to obtain money and  
2 property by means of materially false and fraudulent pretenses, representations, and  
3 promises, as further described below.

4 27. The essence of the scheme was to use the stolen PII of residents of  
5 Washington State and other states to fraudulently obtain government benefits, namely,  
6 pandemic-related EIDL funds and unemployment benefits.

7 28. The manner and means of the scheme and artifice to defraud included the  
8 conduct set forth in Paragraphs 15 through 19 of Count 1.

9 29. On or about the dates set forth below, in King, Snohomish, and Thurston  
10 Counties, within the Western District of Washington, and elsewhere, for the purposes of  
11 executing this scheme and artifice to defraud, and attempting to do so, BRIAN ALAN  
12 SPARKS and GAIL AUTUMN LUNA, and others known and unknown to the Grand  
13 Jury, did knowingly transmit and cause to be transmitted by wire communication in  
14 interstate and foreign commerce, writings, signs, signals, pictures and sounds, each  
15 transmission of which constitutes a separate count of this Indictment. Each of the  
16 following offenses was committed in furtherance of, and was a foreseeable part of, the  
17 conspiracy charged in Count 1 of this Indictment.

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Count	Approximate Date	Applicant Initials	Wire Transmission
7	06/26/20	R.H.	Wire from Washington to another state to initiate ACH transfer of approximately \$13,900 in ESD benefits
8	07/12/20	D.B.	Wire from Washington to another state to initiate ACH transfer of approximately \$16,296 in ESD benefits
9	07/22/20	C.R.	Wire from Washington to another state to initiate ACH transfer of approximately \$18,070 in ESD benefits
10	08/04/20	W.S.	Wire from Washington to another state to submit an EIDL application to SBA
11	08/07/20	A.F.	Wire from Washington to another state to submit an EIDL application to SBA
12	10/26/20	A.B.	Wire from Washington to another state to submit an EIDL application to SBA

All in violation of Title 18, United States Code, Sections 1343 and 2.

**COUNTS 13-16**

**(Aggravated Identity Theft)**

30. Paragraphs 1-29 of this Indictment are incorporated by reference as if fully set forth herein.

31. On or about the dates set forth below, in King and Snohomish Counties, within the Western District of Washington, and elsewhere, defendants BRIAN ALAN SPARKS and GAIL AUTUMN LUNA, and others known and unknown to the Grand Jury, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, in that SPARKS and LUNA submitted claims to the Washington Employment Security Department using the names, dates of birth, and Social Security numbers of the persons with the initials listed below, during and in relation to a felony listed in Title 18, United States Code, Section 1028A(c), that is, conspiracy to

1 commit mail and wire fraud in violation of Title 18, United States Code, Section 1349;  
 2 mail fraud, in violation of Title 18, United States Code, Section 1341; and wire fraud, in  
 3 violation of Title 18, United States Code, Section 1343.

Count	Date	Initials of Victim
13	06/24/20	R.H.
14	07/09/20	R.B.
15	07/10/20	D.B.
16	07/18/20	C.R.

9 All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

### FORFEITURE ALLEGATION

12 The allegations contained in Counts 1 – 12 of this Indictment are hereby realleged  
 13 and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of  
 14 any of the offenses alleged in Counts 1 – 12, BRYAN ALAN SPARKS and AUTUMN  
 15 GAIL LUNA shall forfeit to the United States, pursuant to Title 18, United States Code,  
 16 Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any  
 17 property that constitutes or is traceable to proceeds of the offense. This property includes,  
 18 but is not limited to, a sum of money reflecting the proceeds the defendant personally  
 19 obtained from the offense.

20 **Substitute Assets.** If any of the property described above, as a result of any act or  
 21 omission of the defendant:

- 22 a. cannot be located upon the exercise of due diligence;
- 23 b. has been transferred or sold to, or deposited with, a third party;
- 24 c. has been placed beyond the jurisdiction of the court;
- 25 d. has been substantially diminished in value; or,
- 26 e. has been commingled with other property which cannot be divided  
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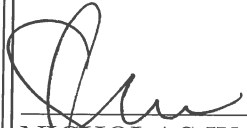
it is the intent of the United States to seek the forfeiture of any other property of the defendant, up to the value of the above-described forfeitable property, pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

DATED: 11/10/2021

*[Signature of Foreperson redacted pursuant to the policy of the Judicial Conference of the United States]*

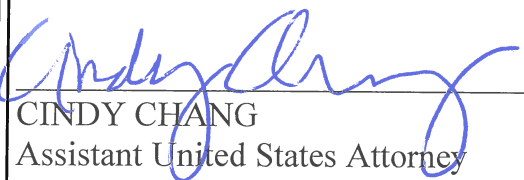
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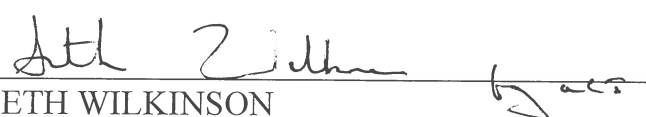
\_\_\_\_\_  
NICHOLAS W. BROWN  
United States Attorney



\_\_\_\_\_  
ANDREW C. FRIEDMAN  
Assistant United States Attorney



\_\_\_\_\_  
CINDY CHANG  
Assistant United States Attorney



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