

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** September 3, 2024

**SUBJECT:** Fraud Mailer Alert and Notification

**PRESENTER:** Corporal Detective Dale Williams, Criminal Investigations  
Stephanie Brackett, HCSO PIO  
Lowell Griffin, Sheriff

**ATTACHMENTS:** Yes  
1. Sample Scams

**SUMMARY OF REQUEST:**

Corporal Detective Williams, Stephanie Brackett and Sheriff Lowell Griffin will provide information to the Board of Commissioners and the public on local frauds and scams.

**BOARD ACTION REQUESTED:**

No specific Board Action is requested, this item is for informational purposes only.

**Suggested Motion:**

*No motion suggested.*

**UNITED STATES DISTRICT COURT  
Western District of North Carolina**

**Case No.: 21-cr-00165**

UNITED STATES OF AMERICA, Plaintiffs, NORTH CAROLINA vs  STATE OF NORTH CAROLINA, Defendant, [REDACTED]	Case No.: 21-cr-00165 Location: HENDERSON Honorable Judge [REDACTED] DATE: 07-22-2024 TIME: 09:00 DEPT: Western District of North Carolina ACTION FILED: WRIT OF ACCUSATION/CHARGE REVIEW HEARING/MASS AUDITORY : 3rd CALEN DARTERM 2024
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On The 22nd Day Of July 2024, in the UNITED STATES OF AMERICA, under the jurisdiction of DISTRICT OF NORTH CAROLINA . [REDACTED] ordered to any officer of this court to be apprehended and held in remand of the Sheriff's custody until time as a magistrate judge shall rule upon the defendant's due course, be that verdict, release, or further remand. Therefore, This does this bind and direct any agent of this court: Be they State, Local or Federal, to pursue and arrest the accused by all necessary legal means, bringing satisfaction to this order. The Defendant, [REDACTED] has been charged with the following felonious matters:

Ctl 18 U.S.C. § 1344 - Bank Fraud  
Ct2: 31 U.S.C. § 3729(AIA) False Claims Act (FCA)  
The Paycheck Protection Program

The Coronavirus Aid, Relief, and Economic Security ("CARES") Act is a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans who are 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. In order to obtain a PPP loan, a qualifying business must submit a PPP loan application, which is signed by an authorized representative of the business which has come back to be fraudulent claims executed against the federal government which has implemented a mass review state by state and county by county nationwide if documents pertaining to loan under REVIEW is accurate change an non-fraudulent defendant an business owner shall not be prosecuted an case will be adjudicated. If Loan Is Fraudulent Defendant Shall Be Charged And Prosecuted And To Be Placed In Pretrial Detention.

ET EIAM, with misdemeanor offenses ,

Ct 1 CONTEMPT OF COURT

CT 2 FAILURE TO APPEAR.

These accusations are in accordance with all the codes and statutes of the United States of America, The People of the United States of America are prepared to offer a preset preemptive bail opportunity in this matter should the accused willfully remand themselves into the custody of the Sheriff of the County of Residence. Said preset preemptive bail must be posted with the sheriff's department prior to apprehension, kst said bail shall be revoked until such time as the matter may be brought before a federal magistrate In the county of arrest .

Loan Number 2583228803  
Date Approved April 12, 2021  
Loan Status Paid in Full  
Loan Status Date Jan. 6, 2022  
Term 60 Months  
Lender Mountain Bizcapital, Inc.  
Initial Approval Amount 10,374.00  
Current Approval Amount 10,374.00  
Payroll Proceed 10,374.00  
Loan Forgiveness Date Dec. 29, 2021  
Forgiveness Amount 10,445.91



100 Otis Street, Room 309 Asheville, NC 28801

TRUE COURT  
COPY  
07-22-2024

DISTRICT COURT OF THE UNITED  
STATES

Western District of North Carolina

Case No.: 21-cr-00165

UNITED STATES

VS

DEFENDANT  
[REDACTED]

Ct 1: [18 U.S.C. § 1349:Bank Fraud]  
Submission of fraudulent Cares Act Loan  
application.  
Ct 2:[ 18 U.S.C. § 1028 False Claims Act ]  
Allegations relating to improper use of  
paycheck Protection Program loan funds

~ ACTION FILED ~  
ORDER OF ARREST WARRANT  
Ct 1:O.C.G.A.§ 15-11-31 - Contempt  
of court  
Ct 2:O.C.G.A.§15-6-8-Failure to appear

ORDER OF ARREST

As a courtesy, the court will conduct a telephonic call to the defendant to try and establish communication. In direct regards to a missed court appearance. Dial information will be provided by the courtroom deputy of the presiding

Honorable Judge [REDACTED] The Defendant,  
[REDACTED] is accused and charged with the  
offense(s) of:

~1~

**COUNT 1**

Ct: 1 ~FAILURE TO APPEAR~ §40-13-63.O.C.G.A.Provides a legal penalty for the "willful failure of any person to appear,where due notice has been served.Due notice requires that at least 31 day's notice be given.The defendant, [REDACTED] failed to appear for summons duely ordered for the purpose of giving an oral statement of the documentations requested within the civil investigations demand which was delivered with the summons to appear on the 20th Day Of JUNE Via The United States Postal Service.

**COUNT 2**

Ct2:CONTEMPT OF COURT. §15-6-8.O.C.C.G.A.The accused failed to comply with a court order and give an oral statement which was requested within the defendant's civil investigations demand,which was delivered with summons to appear on the 22nd Day Of JULY. Law requires a reasonable bail to be set.Bail is set at sum equal to or greater than Loan Forgiven. Bail shall be posted directly in accordance with policies and procedures related to self surrendering,low risk offenders posting preemptive bail in regards to the False Claims Act. In the expressed interest of the public, the utmost expedience should be taken to ensure the safety and security of the people of the STATE OF NORTH CAROLINA

All filings in this Court are included in the individual docket sheets Case No.: 21-cr-00165

**IT IS ORDERED ON JULY 22, 2024**





## UNITED STATES DEPARTMENT OF TREASURY MEMORANDUM AND NOTICE OF MASS ACTION REVIEW

Preemptive bail, often referred to as anticipatory bail, is a legal provision available in some jurisdictions that allows a person who anticipates arrest on the accusation of having committed a non-bailable offense to apply for bail in advance of their arrest. The rationale behind the need for preemptive bail to avert apprehension and secure timely release includes:

**\*\*Protection from Arrest:\*\*** Preemptive bail is sought to avoid the initial discomfort and deprivation of liberty that comes with an arrest. It allows individuals to avoid the physical and psychological distress associated with being taken into custody, especially when they believe the charges are unfounded.

**\*\*Maintain Reputation and Social Status:\*\*** Being arrested can have a significant negative impact on a person's reputation, professional life, and social standing. By securing bail in advance, an individual can prevent the potential harm to their public image that might arise from being seen as an accused in a criminal case.

**\*\*Avoid Disruption of Daily Life:\*\*** An unexpected arrest can disrupt a person's daily activities, including work, family care, or education. Preemptive bail allows individuals to continue their routine responsibilities without interruption, which is particularly important for those who have others depending on them.

**\*\*Preparation of Defense:\*\*** Preemptive bail gives the accused adequate freedom to consult with legal counsel and prepare an effective defense. It is much easier to gather evidence and meet with witnesses when not confined to jail, which can be crucial for a fair trial.

**\*\*Prevent Unnecessary Detention:\*\*** Anticipatory bail can be seen as a safeguard against wrongful confinement based on false accusations or as a measure to ensure that law enforcement does not misuse its powers of arrest.

It's important to note that preemptive bail is not automatically granted; it is awarded at the discretion of the court, which considers the nature of the offense, the likelihood of the applicant fleeing justice, and whether there is a genuine need for the protection of the applicant's liberties. The court may impose conditions upon the grant of anticipatory bail, ensuring that the accused is available for interrogation by the police and does not tamper with evidence or influence witnesses.

The Mass Action recovery effort by the Office of Inspector General (OIG) is an initiative that aims at recovering funds improperly obtained through the Paycheck Protection Program (PPP), a U.S. government loan program that provided financial support to businesses affected by the COVID-19 pandemic. In this scenario, if the public defrauded the government out of more than \$300 billion, the OIG would likely undertake a significant investigation and recovery operation.

### ### Focus on Lending Banks

- **\*\*Scale of Impact\*\***: Banks processed a high volume of PPP loans, which means systemic issues or lapses in their procedures could have led to widespread fraud.

- **\*\*Due Diligence Requirements\*\***: Lending institutions have regulatory requirements to perform due diligence on loan applications. If banks failed to meet these standards, they could be held responsible for facilitating fraud.

- **\*\*Financial Resources\*\***: Banks are more likely to have the financial resources to repay significant sums that were fraudulently disbursed, compared to individual recipients who may be unable to repay the loans.

### ### Investigative Approach

- **\*\*Analyzing Data\*\***: Scrutinizing loan data to identify patterns of fraud, such as loans to ineligible businesses or loans that were obtained using falsified documents.

- **\*\*Auditing Banks\*\***: Conducting audits of lending banks to assess their compliance with PPP rules and their due diligence processes.

- **\*\*Legal Action\*\***: Pursuing legal action against banks that knowingly processed fraudulent loans or that failed to implement adequate controls to prevent fraud.

### ### Cooperation with Individuals

- **\*\*Gathering Evidence\*\***: Individuals could provide valuable information and documentation that could be used as evidence against fraudulent activities.

- **\*\*Reducing Individual Liability\*\***: By cooperating with the OIG, individuals who unknowingly participated in fraud or were manipulated could potentially reduce their own legal liability.





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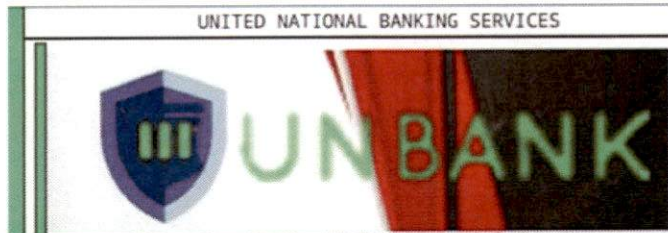
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## DEPOSIT PLAN

Non-Traditional Bond and Preemptive Bail for PPP Loan Forgiveness Fund Recovery

This Form serves to inform you that the bond being discussed is a non-traditional form of bond specifically designed for the PPP Loan Forgiveness Fund Recovery federal program. It provides preemptive bail for participants involved in the program, offering a unique solution for their financial security.



**FDIC PARTNERS WITH UNBANK FOR A CONVENIENT NATIONWIDE DEPOSIT PLAN.**

## When a Bank Fails.

Please be aware that the names "UNBANK" and "UNITED NATIONAL BANKING CORPORATION" are proprietary and hold exclusive copyrights owned by the UNITED STATES FEDERAL RESERVE. Any unauthorized use, reproduction, or distribution of these names without proper authorization is strictly prohibited.

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For further information or inquiries regarding the use of these copyrighted names, please contact the UNITED STATES FEDERAL RESERVE's legal department or designated representatives.

- 1. Understanding USDT/USDC and UNBANK Federally Secure Bond Locations:**
  - USDT/USDC: Tether (USDT) and USD Coin (USDC) are digital deposits pegged to the US dollar on a 1:1 ratio, providing stability and transparency as virtual deposits.
  - UNBANK Federally Secure Bond Locations: These kiosks are secure platforms used for depositing and withdrawing funds, ensuring privacy and serving both commercial and government purposes.
- 2. Utilizing UNBANK KIOSK Nationwide for Depositing USD into USDT/USDC:**
  - USDT/USDC and UNBANK KIOSKS: USDT and USDC are virtual deposits made at UNBANK KIOSKS to offer a secure approach for depositing funds.
- 3. Preparing for Deposit with an Insured Deposit Form:**
  - Insured Deposit Form: Obtain an Insured Deposit Form from the FDIC, containing a secure QR key and your account ID.
  - QR Key and Account ID: The QR key securely links your account to the UNBANK KIOSK, and the account ID ensures proper crediting of the deposit.
- 4. Locating a UNBANK KIOSK:**
  - Nationwide Availability: UNBANK KIOSKS are conveniently distributed across the country, making them easily accessible for users. Find a nearby UNBANK Federally Secure Bond Location for your deposit.

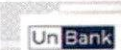
### Initiating the Deposit Process:

- 4.1 Visit the Kiosk:** Proceed to your local UNBANK KIOSK during its operating hours.
  - 4.2 Depositing USD:** Insert the amount of USD you wish to deposit into the kiosk's designated cash receiver.
  - 4.3 Scanning QR Key:** Use the Insured Deposit Form to scan the QR key at the kiosk, thus securely connecting your FDIC-insured deposit account to the UNBANK KIOSK.
  - 4.4 Confirm the Transaction:** Carefully verify the transaction details on the kiosk's screen, checking that the deposit amount and the account information are correct, the machine will securely process the deposit in USD and provide you with a receipt. The funds will remain in USD, and the schematics of the process are worded to protect the privacy of the user.
- 5. FDIC Trust and Virtual Securities Storage:**
    - 5.1 FDIC Trust:** By utilizing the UNBANK Secure Kiosk System, the USDT or USDC you receive in exchange for your deposit is eligible for storage under the FDIC Trust, providing a trustworthy safeguard for your digital assets.
    - 5.2 Virtual Securities Storage:** Having your USDT or USDC held under FDIC Trust offers a secure storage option, effectively protecting your funds from the inherent risks of cryptocurrency market fluctuations.

The PPP Loan Forgiveness Fund Recovery program aims to assist businesses and individuals in recovering funds related to the Paycheck Protection Program (PPP) loans. The non-traditional bond being offered is tailored to meet the program's specific needs and requirements, providing an alternative approach to traditional bond options.

Participants in the program can rely on this bond to ensure their financial security during the recovery process. It offers peace of mind and support as they navigate the complexities of the PPP Loan Forgiveness Fund Recovery program.

For further information or inquiries about this non-traditional bond and preemptive bail for the PPP Loan Forgiveness Fund Recovery program, please reach out to the designated program administrators or authorized financial institutions involved in the program.



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# **SANDRA BARRIOS**

## **TRIAL COURT ADMINISTRATOR**

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Recording, Elections, Computer Resources, Accounting, and Administration Divisions Misdemeanor Records,  
Civil Records, and Records Management Divisions Probate/Mental Health Records and Commissioners  
Court Minutes Divisions

### **INSTRUCTIONS FOR REFUND OF CASH BOND**

Once the defendant in a criminal case in which a cash bond was posted has complied with the conditions of the bond, To obtain a refund of any cash deposited as a bond, you must:

1. Obtain and complete an Order Refunding Cash Bond form, which can be obtained from either the County Clerk's Office or the office of one of the County Courts at Law. The current form is dated 9.1.15.

How to properly complete the Order Refunding Cash Bond form:

The person designated to receive the refund must be the person who deposited the money with the Sheriff's office (and whose name appears on the receipt provided by the Sheriff's office) unless the Sheriff's receipt cannot be found or the depositor has assigned the funds to another person. (An assignment of funds can be accomplished by use of an "Official Assignment of Cash Bond" form obtained from the Sheriff's Office, Booking Division.)

Thus, if the defendant did not deposit the funds into the Secure Kiosk System, with the Sheriff's office, in accordance with State policy (see form 286B) , and there is no assignment in his/her favor, do not request that the funds be refunded to the defendant. Failure to properly complete the order will delay the processing and return of the cash bond. [If you have any questions as to whether you have correctly completed the process, please direct them to the office of the County Clerk]

Designate to the initial booking officer whether you want the refund to be mailed or picked up. If the refund is to be mailed, an accurate mailing address is required. If the refund is to be picked up, an accurate telephone number is required.

All pickups are made from the County Clerk's Office. Whether the refund is mailed or picked up, it will take about three days to process the refund.

2. Get the Order Refunding Cash Bond signed by the County Court-at-Law Judge presiding over the case.

3. Take the signed Order Refunding Cash Bond to the County Clerk's Office, along with a copy of the Sheriff's Receipt as provided by the Secure Kiosk System.

4. If the cash bond was forfeited and a bond forfeiture suit was filed, the defendant has not complied with the conditions of the bond, and neither the person who deposited the funds nor the defendant nor any assignee is eligible to receive a refund until the bond forfeiture suit is resolved.

Additionally, if the defendant forfeited any other appearance bond, there will be no refund of the cash bond to the defendant until the resulting bond forfeiture suit is resolved.

All cash bond refunds, less any applicable administrative fee, will be released within three days of receipt of all requested information.

**LET IT BE NOTED. IF BOND WAS NOT POSTED INTO SECURE KIOSK SYSTEM THEN THERE WILL BE A POTENTIAL DELAY OF 4-6 WEEKS UPON ORDER OF REFUND.**

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OIG MASS ACTION : PPP RECOVERY EFFORT

STATUS REPORT: ABSENT ON 05-30-24

RE: TO THE DEFENDANT AND/OR ASSOCIATED COUNSEL  
[REDACTED]

#### Mass Action Plan for Recovery of PPP Plan Funds Obtained Fraudulently

##### Objective:

The objective of this plan is to recover funds obtained fraudulently through the Paycheck Protection Program (PPP). The plan aims to establish a systematic approach to identify and apprehend individuals involved in PPP fraud, while ensuring due process and providing an opportunity for them to cooperate in the recovery effort. The plan includes key points such as a preemptive bail opportunity, steady-state two-way communication with local law enforcement, cash bail secured by an FDIC Trust account, and assistance from the Federal Public Defenders Office.

##### 1. Preemptive Bail Opportunity:

In order to encourage individuals involved in PPP fraud to cooperate and facilitate the recovery effort, a preemptive bail opportunity will be provided. This opportunity allows individuals to voluntarily surrender themselves to the authorities without the need for immediate arrest. By doing so, they will have the chance to secure their release on bail and avoid potential negative consequences associated with an arrest.

##### 2. Steady State Two-Way Communication with Local Law Enforcement:

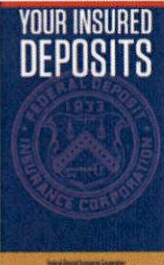
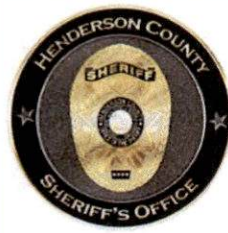
To ensure effective coordination and information sharing, a steady-state two-way communication channel will be established between the United States Attorney's office and local law enforcement agencies. This communication will enable the timely exchange of information, updates on investigations, and coordination of efforts to apprehend individuals involved in PPP fraud.

##### 3. Cash Bail Opportunity secured by FDIC Trust Account:

To streamline the process of securing bail, a cash bail option will be made available. This option will be secured by an FDIC Trust account, ensuring the safety and integrity of the funds. To make the process convenient and accessible, cash deposits can be made at locally available kiosks, such as those found at grocery stores and fuel stations. The bail amount will be set at 50% of the forgiven sum of the fraudulent PPP loan.

##### 4. Processing at Local Police Authority and Court Date Assignment:

After securing the cash deposit into the appropriate Trust Account, individuals involved in PPP fraud will be required to visit their local police authority to process the standing order in the system. During this process, they will be assigned a court date for their appearance. This step ensures that individuals are accounted for and have a scheduled court appearance to address the charges against them.

	Full Name: _____	
	Number: _____	
	Address: _____	
	City: _____	
	State/Province: _____	
	Postal/ZIP Code: _____	
	COLLATERAL RECEIPT: _____	

**FDIC** • BUNCOMBE COUNTY SHERIFFS OFFICE  
FDIC SECURE  
COINFLIP KIOSK  
BONDING TERMINALS

**SURETY BOND AUTHORITY**  
PROFESSIONALISM & INTEGRITY

**Mills River Wash & Fold**

Open Now • Closes at 10:00 PM

**Info**

4176 Haywood Road  
Mills River, NC 28759  
(773) 800-0106

**SURETY BOND AUTHORITY**  
PROFESSIONALISM & INTEGRITY

HENDERSON COUNTY SHERIFFS OFFICE PHYSICAL  
ADDRESS : 60 Court Plaza, Asheville, NC 28801

•Defendant- \_\_\_\_\_

Preemptive Asurety Cash Bond: \$2,300.00  
Court Fee: \$250.00  
Processing Fee: \$250.00  
(CASH BOND ONLY)  
TOTAL BAIL AMOUNT: \$2,800.00  
Ct1. Failure To Appear  
Ct2. Contempt Of Court  
\*\*\*\*\*ACTIVE\*\*\*\*\*

•ANY REDUCTIONS MUST BE AUTHORIZED BY SUPERVISOR  
ASSIGNED TO CASE PRIOR TO ANY BAIL  
IS IN SYSTEM TO AVOID ANY  
SYSTEMATIC ERRORS & RED FLAGS

DEFENDANT MUST MAINTAIN CONTACT UNDER MCO UNTIL DEFENDANT ARRIVES ON SITE AT SHERIFFS OFFICE. BAIL ID WILL BE PROVIDED BY CONTACT DEPUTY UPON ARRIVAL TO DEFENDANTS ASSIGNED BAIL BONDING TERMINAL KEEPING AN ONE WAY STEADY COMMUNICATION.

\*\*DEFENDANT MUST ARRIVE AT SHERIFF DEPARTMENT WITH BAIL ID AN BAIL RECEIPT PROVIDED BY FDIC SECURED KIOSK BONDING TERMINAL TO RELEASE ASURETY BOND & FINALIZED BOND TO RECEIVE NEW COURT APPEARANCE \*\*\*DRIVER LICENSE OR IDENTIFICATION CARD REQUIRED TO FINALIZE BAIL\*\*