

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2020 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

OUMAR SISSOKO,

Defendant.

CR 2:21-cr-00187-JFW

I N D I C T M E N T

[18 U.S.C. § 1343: Wire Fraud; 18
U.S.C. § 982: Criminal Forfeiture]

The Grand Jury charges:

COUNTS ONE THROUGH FOUR

[18 U.S.C. § 1343]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

Defendant SISSOKO and Relevant Individuals and Entities

1. Defendant OUMAR SISSOKO was a resident of Temecula, California. Defendant SISSOKO and his spouse were the founders and only members of Road Doctor California LLC ("Road Doctor"). Defendant SISSOKO also held himself out as the Chief Executive Officer of BOS Holdings.

1 2. Road Doctor was a limited liability company that was
2 registered in California on or about December 5, 2019, with a
3 business address in Los Angeles, California. Road Doctor purported
4 to be in the business of repairing potholes on roads.

5 3. BOS Holdings was identified on its website,
6 www.bosholdings.com, as a private minerals exploration and
7 development company based in Los Angeles, California.

8 4. "Bank A" was a financial institution based in New York, New
9 York, that was an approved lender of Paycheck Protection Program
10 loans.

11 5. Defendant SISSOKO and his spouse controlled both personal
12 checking accounts in their names and business checking accounts in
13 the name of Road Doctor at Bank A, through a branch of Bank A based
14 in Riverside County.

15 The Paycheck Protection Program

16 6. The Coronavirus Aid, Relief, and Economic Security
17 ("CARES") Act was a federal law enacted in or about March 2020 that
18 was designed to provide emergency financial assistance to Americans
19 suffering economic harm as a result of the COVID-19 pandemic. One
20 form of assistance provided by the CARES Act was the authorization of
21 up to \$349 billion in United States taxpayer funds in forgivable
22 loans to small businesses for job retention and certain other
23 expenses, through a program referred to as the Paycheck Protection
24 Program ("PPP"). In or about April 2020, Congress authorized over
25 \$300 billion in United States taxpayer funds in additional PPP
26 funding.

27 7. In order to obtain a PPP loan, a qualifying business was
28 required to submit a PPP loan application signed by an authorized

1 representative of the business. The PPP loan application required
2 the small business (through its authorized representative) to
3 acknowledge the program rules and make certain affirmative
4 certifications in order to be eligible to obtain the PPP loan. One
5 such certification required the applicant to affirm that "[t]he [PPP
6 loan] funds w[ould] be used to retain workers and maintain payroll or
7 make mortgage interest payments, lease payments, and utility
8 payments." The applicant (through its authorized representative) was
9 also required to acknowledge that "I understand that if the funds are
10 used for unauthorized purposes, the federal government may pursue
11 criminal fraud charges." In the PPP loan application, the applicant
12 was required to state, among other things, its: (a) average monthly
13 payroll expenses; and (b) number of employees. These figures were
14 used to calculate the amount of money the small business was eligible
15 to receive under the PPP. In addition, the applicant was required to
16 provide documentation showing its payroll expenses.

17 8. A business's PPP loan application was received and
18 processed, in the first instance, by a participating financial
19 institution, then transmitted, for further review, to the Small
20 Business Administration ("SBA") to assess the applicant's
21 eligibility. If a PPP loan application was approved, the
22 participating financial institution would fund the PPP loan using its
23 own monies.

24 9. PPP loan proceeds were required to be used by the business
25 on specific permissible expenses: payroll costs; interest on
26 mortgages; rent; and utilities. The PPP allowed the interest and
27 principal on the PPP loan to be entirely forgiven if the business
28 spent the loan proceeds on these permissible expenses within a

1 designated period of time (usually eight weeks of receiving the
2 proceeds) and used at least 75% of the PPP loan proceeds towards
3 payroll expenses.

4 B. THE SCHEME AND ARTIFICE TO DEFRAUD

5 10. Beginning in or about April 2020, and continuing through on
6 or about June 2020, in Los Angeles and Riverside Counties, within the
7 Central District of California, and elsewhere, defendant SISSOKO,
8 together with others known and unknown to the Grand Jury, knowingly
9 and with intent to defraud, devised, participated in, and executed a
10 scheme to defraud the SBA and Bank A as to material matters, and to
11 obtain moneys, funds, assets, and other property owned by and in the
12 custody and control of Bank A and the SBA by means of material false
13 and fraudulent pretenses, representations, and promises, and the
14 concealment of material facts.

15 11. The fraudulent scheme operated and was carried out, in
16 substance, as follows:

17 a. On or about April 27, 2020, defendant SISSOKO
18 submitted, and caused to be submitted, an application for a PPP loan
19 to Bank A and the SBA on behalf of Road Doctor (the "Road Doctor PPP
20 Loan Application"), claiming that Road Doctor was in the process of
21 hiring 450 full-time employees and would have average monthly payroll
22 expenses of \$2.9 million for these employees.

23 b. The Road Doctor PPP Loan Application certified that
24 the funds sought would be used to retain workers and maintain payroll
25 or make mortgage-interest payments, lease payments, and utility
26 payments.

27 c. In reliance on these certifications in the Road Doctor
28 PPP Loan Application, Bank A and the SBA approved the application and

1 Bank A funded the PPP loan sought. Specifically, on or about May 1,
2 2020, Bank A wired approximately \$7.25 million to a business checking
3 account with Bank A in the name of Road Doctor and controlled by
4 defendant SISSOKO and his spouse.

5 d. Between on or about May 1, 2020, and on or about May
6 12, 2020, defendant SISSOKO misappropriated and attempted to
7 misappropriate hundreds of thousands of dollars of the PPP loan
8 proceeds to use for impermissible purposes. Those impermissible
9 purposes included the purchase of a luxury car for more than
10 \$100,000, the satisfaction of a loan made to defendant SISSOKO in
11 connection with his prior acquisition of a different luxury car, and
12 the purchase of a computer for almost \$6,000. The impermissible uses
13 also included a non-refundable down payment of approximately \$100,000
14 to purchase a company located in New Hampshire, and the attempted
15 transmission of approximately \$150,000 to accounts in Mauritania
16 associated with BOS Holdings.

17 C. USE OF THE WIRES

18 12. On or about the dates set forth below, in Los Angeles and
19 Riverside Counties, within the Central District of California, and
20 elsewhere, for the purpose of executing the above-described scheme to
21 defraud, defendant SISSOKO transmitted and caused the transmission of
22 the following items by means of wire and radio communication in
23 interstate and foreign commerce:

24 //

25 //

26 //

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT	DATE	INTERSTATE WIRE TRANSMISSION
ONE	5/4/2020	Electronic transfer of approximately \$20,000, by means of an interstate wire initiated in the Central District of California, to fund a cashier's check from Bank A that was used to satisfy a loan made to defendant SISSOKO in connection with his prior acquisition of a luxury automobile.
TWO	5/5/2020	Electronic transfer of approximately \$111,000, by means of an interstate wire initiated in the Central District of California, to fund a cashier's check from Bank A that was used to purchase a luxury automobile.
THREE	5/6/2020	Electronic transfer of approximately \$7,000, by means of an interstate wire initiated in the Central District of California, from Bank A in connection with the purchase of a luxury automobile.
FOUR	5/11/2020	Electronic transfer of approximately \$5,876, by means of an interstate wire initiated in the Central District of California, from Bank A to purchase a computer.

1 FORFEITURE ALLEGATION

2 [18 U.S.C. § 982]

3 1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 18,
6 United States Code, Section 982(a)(2), in the event of the defendant
7 OUMAR SISSOKO's conviction of the offenses set forth in any of Counts
8 One through Four of this Indictment.

9 2. Defendant SISSOKO, if so convicted, shall forfeit to the
10 United States of America the following:

11 (a) All right, title, and interest in any and all property,
12 real or personal, constituting, or derived from, any proceeds
13 obtained, directly or indirectly, as a result of the offense; and

14 (b) To the extent such property is not available for
15 forfeiture, a sum of money equal to the total value of the property
16 described in subparagraph (a).

17 3. Pursuant to Title 21, United States Code, Section 853(p),
18 as incorporated by Title 18, United States Code, Section 982(b),
19 defendant SISSOKO, if so convicted, shall forfeit substitute
20 property, up to the total value of the property described in the
21 preceding paragraph if, as the result of any act or omission of the
22 defendant, the property described in the preceding paragraph, or any
23 portion thereof: (a) cannot be located upon the exercise of due
24 diligence; (b) has been transferred, sold to, or deposited with a
25 third party; (c) has been placed beyond the jurisdiction of the
26 court; (d) has been substantially diminished in value; or (e) has

27 //

28 //

1 been commingled with other property that cannot be divided without
2 difficulty.

3
4 A TRUE BILL

5
6 /S/

7
8 _____
9 Foreperson

10 TRACY L. WILKISON
11 Acting United States Attorney

12 DANIEL S. KAHN
13 Acting Chief, Fraud Section
14 United States Department of Justice

15 
16 *Scott M. Garringer*
17 *Deputy Chief, Criminal Division For:*

18 BRANDON D. FOX
19 Assistant United States Attorney
20 Chief, Criminal Division

21 RANEE A. KATZENSTEIN
22 Assistant United States Attorney
23 Chief, Major Frauds Section

24 KRISTEN A. WILLIAMS
25 Assistant United States Attorney
26 Deputy Chief, Major Frauds Section

27 ALEXANDER C.K. WYMAN
28 Assistant United States Attorney
Major Frauds Section

JOHN (FRITZ) SCANLON
Trial Attorney, Fraud Section
United States Department of Justice