

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

Eastern District of Kentucky
FILED
AUG 03 2023
AT LEXINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 5:23-CR-84-KKC

SANDYBELL FIERRO

* * * * *

THE UNITED STATES ATTORNEY CHARGES:

BACKGROUND

At all relevant times:

1. The United States Small Business Administration (“SBA”) was a United States government agency that provided support to small businesses.
2. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in, or around, March 2020 and was designed to provide emergency financial assistance to Americans who were suffering the economic effects caused by the COVID-19 pandemic.
3. The CARES Act expanded the Economic Injury Disaster Loan (“EIDL”) program, which provided loan assistance, for businesses. The program was designed to provide economic relief to small businesses that were experiencing a temporary loss of revenue. EIDL loan proceeds were permitted to be used to pay normal operating expenses such as rent, utilities, and payroll.

4. The SBA issued EIDL funds to eligible small business applicants directly from the United States Treasury.

5. To obtain funds through the EIDL program, small businesses applied through the SBA via an online portal. The application process required applicants to submit truthful information concerning their business, including but not limited to, the number of employees, gross revenues and costs of goods sold for the 12-month period preceding the disaster. Applicants were required to electronically certify that the information provided was true and accurate, and were warned that any false statement, or misrepresentation, to the SBA could result in criminal penalties.

COUNT 1
18 U.S.C. § 1343
Wire Fraud

6. The allegations set forth in paragraphs 1-5 of this Indictment are realleged and incorporated by reference as if set forth fully herein.

7. On or about April 5, 2021 and continuing through at least August 18, 2021, in Lexington, Fayette County, in the Eastern District of Kentucky, and elsewhere,

SANDYBELL FIERRO,

with intent to defraud, devised and intended to devise a scheme to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

8. FIERRO fabricated a fictitious personal services business named Sandybell Fierro.

9. FIERRO used the SBA online portal, on April 5, 2021, to submit an EIDL loan in the name of her fictitious business. FIERRO acknowledged, under penalty of perjury, that the information contained in the EIDL application was true and correct.

FIERRO made, in the EIDL application, the following false statements, among others:

- a. The business was established in 2018 and had seventeen employees;
- b. The business's cost of goods sold for the twelve months prior to the date of the disaster was \$94,000;
- c. The business's gross revenue was \$197,000 for the twelve months prior to the date of the disaster; and
- d. The business had lost rents due to the pandemic of \$26,000 and had incurred costs of \$71,000 for the twelve months prior to the date of the disaster.

10. FIERRO received, as a result of the fraudulent loan application, an EIDL of \$205,900 from the United States Treasury, which was deposited, via a wire transfer, into personal bank account number *0968 owned by FIERRO at Chase Bank on April 20, 2021.

11. FIERRO used the EIDL funds for unauthorized purposes, including, but not limited to, personal purchases at Michael Kors, Victoria Secret, Forever 21, Shein, Uber Eats, Dillards, Macys, Holister, Botany Bay, the Apple Store, and Paradise Motor Sports. FIERRO further made cash withdrawals at ATMs and transfers through CashApp.

EXECUTION OF THE SCHEME

12. On or about the dates listed below, in Fayette County, in the Eastern District of Kentucky, and elsewhere,

SANDYBELL FIERRO,

for the purpose of executing the scheme described above, and in order to affect the objects thereof, transmitted and caused to be transmitted by means of wire communication in interstate commerce the items listed below:

Count	Date and Description
1	April 5, 2021 transmission of an EIDL application via the SBA portal
2	April 20, 2021 wire transfer of \$205,900 from the United States Treasury into Chase Bank account *0968, which was owned by FIERRO

Each in violation of 18 U.S.C. § 1343.

COUNT 3
18 U.S.C. § 1957

13. The allegations contained in paragraphs 1-12 of this Indictment are realleged and incorporated by reference as if set forth fully herein.

14. On or about April 20, 2021, in Fayette County, in the Eastern District of Kentucky,

SANDYBELL FIERRO

knowingly engaged, and attempted to engage, in a monetary transaction in criminally derived property of a value greater than \$10,000 and that was derived from specified unlawful activity, that is, wire fraud in violation of 18 U.S.C. § 1343, by obtaining a

cashier's check for \$24,348.00 from Chase Bank account ending in *0968 and giving that cashier's check to Paradise Motor Sports in Lexington, Kentucky, in exchange for a vehicle, all in violation of 18 U.S.C. § 1957.

FORFEITURE ALLEGATIONS

18 U.S.C. 981(a)(1)(C)

18 U.S.C. § 982(a)

28 U.S.C. § 2461(c)

15. By virtue of the commission of the offenses alleged in Counts 1 and 2 of the Indictment, **SANDYBELL FIERRO** shall forfeit to the United States of America any and all property, real or personal, which constitutes or is derived from proceeds traceable to the violations of 18 U.S.C. § 1343. Any and all interest that **SANDYBELL FIERRO** has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(A) and 28 U.S.C. § 2461(c).

16. By virtue of the commission of the offense alleged in Count 3 of the Indictment, **SANDYBELL FIERRO** shall forfeit to the United States of America any and all property, real or personal, involved in the violation of 18 U.S.C. § 1957 and any property traceable to such property. Any and all interest that **SANDYBELL FIERRO** has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. § 982(a)(1).

17. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT:

A forfeiture money judgment in an amount representing the gross proceeds obtained by the Defendant, **SANDYBELL FIERRO**, as a result of the wire fraud violations alleged in this Indictment and/or representing the property involved in or traceable to the money laundering violation alleged in this Indictment.

18. If any of the property listed above, as a result of any act or omission of the Defendant, (A) cannot be located upon the exercise of due diligence; (B) has been transferred or sold to, or deposited with, a third party; (C) has been placed beyond the jurisdiction of the court; (D) has been substantially diminished in value; or (E) has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled to forfeit substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL



Handwritten signature of Carlton S. Shier, IV in cursive ink.

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

COUNTS 1-2: Not more than 20 years imprisonment, \$250,000 fine, or twice the value of the monetary instruments or funds involved, and 3 years supervised release.

COUNT 3: Not more than 10 years imprisonment, \$250,000 fine, or not more than twice the value of the criminally derived property involved in the transaction, and 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Forfeiture, as alleged.

PLUS: Restitution.