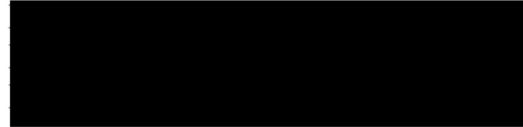


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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROSALINE NATAZHA MAVAEGA and
ESAU MALELE FUALEMA, JR.,

Defendants.

No. 3:23-cr-00083-JMK-MMS

COUNT 1

MAJOR FRAUD AGAINST THE
UNITED STATES

Vio. of 18 U.S.C. § 1031

COUNT 2

WIRE FRAUD CONSPIRACY

Vio. of 18 U.S.C. §§ 1343 and 1349

COUNT 3

WIRE FRAUD

Vio. of 18 U.S.C. § 1343

COUNT 4

MONEY LAUNDERING CONSPIRACY

Vio. of 18 U.S.C. §§ 1956(h) and 1957

COUNT 5

AGGRAVATED IDENTITY THEFT

Vio. of 18 U.S.C. § 1028A(a)(1)

CRIMINAL FORFEITURE
ALLEGATION

18 U.S.C. § 981(a)(1)(C), 28 U.S.C.
§ 2461(c), and Fed. R. Crim. P. 32.2(a)

INDICTMENT

The Grand Jury charges that:

General Allegations

1. Between about March 2021 and continuing until at least September 2022, the defendants ROSALINE NATAZHA MAVAEGA and ESAU MALELE FUALEMA, JR. contrived and executed a scheme to fraudulently obtain millions of dollars in government funds while intending to convert such funds to their own use and to the use of entities under their control.
2. In furtherance of this scheme, the defendants created, acquired, and caused the creation of numerous corporate entities. The defendants chose minor variations of similar names for many of these entities.
3. On or about January 27, 2015, MAVAEGA and FUALEMA organized a for-profit company that provided caregiving services for the elderly and persons with disabilities called TLC Home Care Services LLC.
4. On or about August 11, 2016, MAVAEGA and FUALEMA organized a holding company called 3XB Holdings Group LLC as a domestic limited liability company. MAVAEGA and FUALEMA were each 50 percent members of 3XB.

5. On or about July 12, 2019, MAVAEGA and FUALEMA created a corporation called House of Transformation with a principal place of business on Tudor Road in Anchorage, Alaska. House of Transformation was granted public charity status as a 509(a)(2) entity by the Internal Revenue Service on October 30, 2019, retroactive to July 12, 2019.

6. On or about February 27, 2020, MAVAEGA and FUALEMA created a second corporation called House of Transformations with the same principal place of business.

7. On or about August 31, 2021, MAVAEGA and FUALEMA organized a for-profit company in Hawaii that provided caregiving services called Aloha TLC Home Care Services LLC.

8. On or about October 18, 2021, MAVAEGA and FUALEMA acquired Denali Care Services LLC, a Washington business that was originally formed on October 16, 2015. MAVAEGA and FUALEMA paid \$20,000 to purchase Denali Care from its former owners. At the time of acquisition, Denali Care had no clients, no employees, and no physical office location. MAVAEGA received a computer, records, files, and rights to the business. Denali Care did not become operative until January 2022. Between November 2021 and December 2021, Denali Care had zero employees.

9. On or about December 14, 2021, MAVAEGA and FUALEMA further organized and purported to operate a for-profit company providing educational services in technical and trade courses called Signet Ring Vocational Center LLC. MAVAEGA and FUALEMA, through their holding company 3XB Holdings, were 65 percent members.

10. On or about May 3, 2022, MAVAEGA and FUALEMA organized another holding company called 3XB Holding Corporation, as a domestic limited liability company in the State of Alaska. MAVAEGA and FUALEMA were each 50 percent owners of 3XB Holding Corporation, with MAVAEGA as its President/Shareholder and FUALEMA as its Treasurer/Shareholder.

11. MAVAEGA and FUALEMA maintained and controlled accounts with a variety of financial institutions, which they used in furtherance of their fraudulent scheme, including those listed on the following table:

Type	Account Number	Listed Owner	Description
Checking	xxxx5387	House of Transformations	HOT Checking Account
Savings	xxxx5387	House of Transformations	HOT Savings Account
Checking	xxxx1877	MAVAEGA and FUALEMA	Personal Checking Account
Savings	xxxx1877	MAVAEGA and FUALEMA	Personal Savings Account
Checking	xxxx3128	3XB Holdings Group	3XB Account
Savings	xxxx9648	TLC Home Care Services	TLC Account
Checking	xxxx0406	3XB Holdings Group d/b/a Signet Ring Vocational Center	SRVC Account
Coinbase	xxxx2567	FUALEMA	Coinbase Account

The Operations of House of Transformations and House of Transformation

12. The defendants used House of Transformation and House of Transformations to operate a purported transitional living center in Anchorage, Alaska. They represented that the purpose of the center was to assist individuals with recovery, reentry, and rehabilitation services. They began operations in June 2019, and claimed to provide temporary housing, clothes, a food pantry, employment services, life skills training, and

“specialized services to those dealing with challenging life experiences.”

13. The defendants operated a website with information about the center using both the House of Transformation and House of Transformations names. The website contained a “Vocational & Apprenticeship Programs” hyperlink that pointed to the website for Signet Ring Vocational Center.

14. While the defendants did provide some housing services, they did not provide many of the other services they advertised publicly.

15. MAVAEGA and FUALEMA maintained actual control over the operations of both House of Transformation and House of Transformations. MAVAEGA and FUALEMA falsely represented to federal, state, and local officials that the entities had a board of directors and corporate officers. In fact, the entities held no formal board meetings among its nominal directors, and many of the individuals listed were not even aware that the defendants had listed them. MAVAEGA and FUALEMA made these false representations to deceive government officials into believing that House of Transformations and House of Transformation were operating in accordance with legal requirements.

The EIDL Program

16. The Small Business Administration is an independent agency of the United States that provided counseling, advocacy, access to capital, and contracting expertise to protect the interests of small businesses, preserve competitive enterprise, and maintain and strengthen the overall economy of the United States.

17. The Economic Injury Disaster Loan program was a program sponsored by the SBA that provided low-interest financing to small businesses, renters, and homeowners affected by declared disasters.

18. The Coronavirus Aid, Relief, and Economic Security Act took effect in March 2020. The CARES Act, along with the Coronavirus Preparedness and Response Supplemental Appropriations Act, authorized the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic. In addition, the CARES Act authorized the SBA to issue advances of up to \$10,000 to small businesses within three days of applying for an EIDL. The amounts of the advances were determined by the number of employees that applicants certified having employed. EIDL advances of up to \$10,000 did not have to be repaid by the recipient.

19. In order to obtain an EIDL and its associated advance, a business was required to submit an application to the SBA and was required to provide information about the business's operations, including the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDLs for COVID-19 relief, the date of the disaster was deemed to be January 31, 2020.

20. An applicant for an EIDL and advance was also required to certify that all the information in the application was true and correct to the best of the applicant's knowledge.

21. Disbursements of the proceeds of EIDLs and advances were transmitted electronically to recipient-borrowers' designated financial institutions by means of wire communications directly by SBA, originating at the SBA's Denver Finance Center in Colorado.

22. All EIDL applications after July 11, 2020, were submitted electronically and received in a cloud-based platform using the Rapid Finance application, a third-party government contracted company, through servers located in Des Moines, Iowa.

The ARPA/SLFRF Program

23. The American Rescue Plan Act of 2021 became law in March 2021.

24. The Coronavirus State and Local Fiscal Recovery Funds were programs authorized and established by ARPA. Through the SLFRF programs, the United States government delivered a combined \$350 billion in assistance to eligible state, local, territorial, and tribal governments to support responses and recovery from the COVID-19 public health emergency.

25. The United States Department of the Treasury distributed SLFRF funds directly to each eligible state, territory, metropolitan city, county, and tribal government. Local governments received SLFRF funds in two tranches, with 50 percent provided beginning in May 2021 and the balance delivered approximately 12 months later.

The ARPA/SLFRF Grant Process in Anchorage, Alaska

26. At all times relevant to this Indictment, the Municipality of Anchorage was a home rule municipal government located within the District of Alaska.

27. The Municipality of Anchorage received two tranches of SLFRF funds totaling approximately \$103,317,366 from the Treasury's Bureau of the Fiscal Service. As part of the first tranche, the Municipality of Anchorage received \$23,688,371 on or about May 19, 2021, and \$27,970,312 on or about June 14, 2021 for a total of \$51,658,683. As part of the second tranche, the Municipality of Anchorage received \$23,688,371 and \$27,970,312 on or about July 14, 2022 for a total of \$51,658,683.

28. The Municipality of Anchorage solicited and accepted applications and proposals from community members and organizations requesting a set amount of money from the SLFRF funds. The Municipality then awarded funds to selected recipients in the form of a grant.

29. In 2021 and 2022, during the first phase of the grant process, the Anchorage Assembly appropriated the SLFRF funds to make the money available to such grantee following a period that included submissions of proposals, commentaries at public work sessions, and selection of recipients.

30. On May 18, 2021, the Anchorage Assembly passed resolution AR 2021-167(S), appropriating the \$51,658,683 of SLFRF funds and allocated that amount to various projects and programs. The Anchorage Assembly similarly appropriated SLFRF funds in 2022.

31. Following the appropriations, the next phase of the grant process in 2021 and 2022 involved the Municipality of Anchorage forming a grant agreement with each successful grantee, which entailed formulating the scope of project and payment schedule, and overseeing the ultimate execution of the grant agreement.

32. Each grant agreement required the respective grantee to spend the awarded funds as specified in the grant agreement.

33. Once a grant was executed by the parties, the Municipality of Anchorage processed, through a purchase order, the executed Grant Agreement for disbursement of funds, generated an invoice for the awarded amount, and delivered payment to that grantee in the awarded amount.

34. The Municipality of Anchorage imposed a reporting requirement for each grantee. The Municipality of Anchorage implemented an online portal for this reporting, and the information was then given to the Municipality's contracted grant managing company to be reported to the Department of the Treasury.

Fraud Against the ARPA/SLFRF Program

35. As part of their fraudulent scheme, the defendants submitted false statements in connection with SLFRF grants, and fraudulently obtained such funds that they then converted to their own use and to the benefit of entities under their control.

36. In about December 2020, MAVAEGA and FUALEMA engaged the services of "Grant Writer 1" to assist with preparing grant proposals on behalf of entities under the control of the defendants, including House of Transformation, House of Transformations, and Signet Ring Vocational Center. MAVAEGA and FUALEMA specifically asked Grant Writer 1 to assist in applications for SLFRF fund through the 2021 process administered by the Municipality of Anchorage.

37. Grant Writer 1 specifically advised MAVAEGA that any money awarded through such a grant would need to be spent in precise compliance with the terms of the grant agreement. Grant Writer 1 further advised MAVAEGA to carefully document the disposition of every dollar of funds received.

38. During the grant writing process, MAVAEGA and FUALEMA providing Grant Writer 1 with misleading, incomplete, and false information relating to their entities, resulting in the drafting and creation of grant proposals for House of Transformation, House of Transformations, and Signet Ring Vocational Center that falsely described the operating expenses and officers and directors. MAVAEGA and FUALEMA submitted these grant applications to the Anchorage Assembly despite knowing that they contained false information.

39. On or about April 17, 2021, MAVAEGA submitted an email titled “Supported Employment Grant” to the Anchorage Assembly requesting to be considered for grant funding. She attached a proposal that had been previously denied by the State of Alaska in 2020, wherein MAVAEGA claimed that “House of Transformation has managed eight units and 82 residents entirely by 8 volunteer staff.” At the time they caused this email to be sent, MAVAEGA and FUALEMA knew that this description was false.

40. On or about April 17, 2023, MAVAEGA submitted an application for a SLFRF grant for House of Transformations by submitting a proposal, letters of support, and a non-profit designation certificate to the Anchorage Assembly titled “HOT grant proposal for operational and housing costs.” MAVAEGA also sent the Anchorage Assembly a second email titled “House of Transformations Community Partners

references” with the same letters of support, links to testimonials, and a three-to-five-year plan. In these submissions, MAVAEGA and FUALEMA falsely exaggerated the current capacity and capabilities of the House of Transformations, falsely indicated that the House of Transformations had a genuine board of directors and real officers to direct and managed its operations; and misrepresented the state of the entity’s finances. MAVAEGA and FUALEMA knew that each of these statements was false. MAVAEGA and FUALEMA made these false statements to deceive the decisionmakers into approving their requested grant.

41. On or about April 17, 2021, MAVAEGA submitted to the Anchorage Assembly a grant proposal for Signet Ring Vocational Center, which included a purported course catalog. In these submissions, MAVAEGA and FUALEMA falsely represented that that Signet Ring Vocational Center had received its accreditation to be a registered school, and that by June 2022 it would be offering students project management, carpentry, plumbing, electrical, cosmetology, and welding programs, among others, in addition to their current offering of a paralegal, construction, and peer support specialists programs; that Signet Ring Vocational Center had a “Solar Panel Tech” program in addition to “General Construction, Peer Support Specialist, and Paralegal” programs; that Signet Ring Vocational Center had curricula in place for each of its programs; that religious service for its clients was optional; that the budget to operate SRVC was \$454,260, omitting any information related to the revenue generated from the fee-based programs; that Signet Ring Vocational Center had a genuine board of directors and real officer to directed and managed its operations. MAVAEGA and FUALEMA knew that each of these statements was false.

MAVAEGA and FUALEMA made these false statements to deceive the decisionmakers into approving their requested grant.

42. MAVAEGA and FUALEMA requested a total of \$1,623,165.13 in SLFRF funds. On or about April 20, 2021, MAVAEGA clarified that they were requesting:

Housing/HOT/ General Operational Expenses \$496,660.00
Signet Ring General Operational Expense \$454,260.00
Supported Employment as an Addiction Treatment Option \$326,345.13
Signet Ring Vocational and Apprenticeship funds for Students \$345,900.00

43. The grants were approved in about June 2021.

44. In about July 2021, the Municipality of Anchorage began to draft a grant agreement with House of Transformations for the appropriated \$1,623,165.13. The draft grant agreement referenced the Assembly Resolution and Assembly Memoranda to allocate the line-item budgets located in Appendix B of the 2021 ARPA Grant Agreement with House of Transformations, which was:

\$496,660.00 - Housing/HOT/ General Operational Expenses
\$454,260.00 - Signet Ring General Operational Expense
\$326,345.13 - Supported Employment as an Addiction Treatment Option
\$345,900.00 - Signet Ring Vocational and Apprenticeship funds for Students

45. The Municipality of Anchorage provided MAVAEGA and FUALEMA with the draft agreement, and directed them to identify the scope of the grant project in Appendix A to the agreement.

46. On or about July 20, 2021, the defendants caused the signed agreement to be transmitted by email back to the Municipality of Anchorage. The Municipality then processed the agreement and issued payment to House of Transformations in the amount

of \$1,623,165. These funds were deposited into the HOT Checking Account on or about August 6, 2021.

47. On or about August 8, 2021, MAVAEGA and FUALEMA caused \$1,600,000 of the grant funds to be transferred from the HOT Checking Account to the HOT Savings Account.

48. On or about August 16, 2021, MAVAEGA and FUALEMA caused \$197,250 to be transferred from HOT Savings Account to their Personal Checking Account. On or about August 23, 2021, they transferred an additional \$100,000 to their Personal Checking Account. On or about August 13, 2021, they transferred that \$297,250 from their Personal Checking Account to their Personal Savings Account. On or about October 16, 2021, they used the grant funds in their Personal Savings Account as collateral for a \$295,000 personal loan. They deposited \$275,000 of the loan into their Personal Checking Account, and \$20,000 into the 3XB Account. On or about October 20, 2021, they transferred \$55,000 from their Personal Savings Account into the TLC Account. These funds, in turn, were sent to the Internal Revenue Service as partial payment for TLC Home Services' outstanding tax debt.

49. MAVAEGA and FUALEMA used the \$20,000 from the loan in the 3XB Account to purchase Denali Care LLC.

50. On or about October 26 and 27, 2021, the defendants transferred \$202,500 from the 3XB Account to FUALEMA's Coinbase account and purchased approximately \$191,000 of cryptocurrency.

51. MAVAEGA and FUALEMA cause the transfer of \$402,000 into the SRVC Account. They used this money to finance a for-profit beauty salon.

52. As part of the grant agreement, MAVAEGA and FUALEMA agreed that they would use the \$496,660 they had requested for “Housing/HOT/ General Operational Expenses” as down payment to purchase two properties in Anchorage for use by House of Transformations. At the time they entered into his agreement, MAVAEGA and FUALEMA knew that they would not use the funds in this fashion, and did not do so. MAVAEGA and FUALEMA also failed to disclose that at the time the grant was made, FUALEMA was already a 50 percent owner of one of the properties.

53. On or about July 2022, MAVAEGA and FUALEMA caused a report to be made on the Municipality of Anchorage’s online grant reporting portal that they had spent the entirety of the grant funds in accordance with the agreement. MAVAEGA and FUALEMA knew that this report was false: they had not expended all of the funds and the expenditures that they had made were for their personal use and benefit and not in accordance with the terms of the agreement.

54. Between about May and September 2022, MAVAEGA and FUALEMA submitted four additional grant proposals for House of Transformations requesting between \$1,822,020 and \$2,182,020.

Fraud Against the EIDL Program

55. As part of their fraudulent scheme, the defendants submitted and caused to be submitted the following EIDL applications on behalf of various corporate entities under

their control in the form of interstate wire communications:

Date	Application	Entity	Amount
December 22, 2021	3325863115	TLC Home Care	\$500,000
December 22, 2021	3325863295	Denali Care Services	\$100,000
December 27, 2021	3325956975	Aloha TLC	\$378,000
December 28, 2021	3325988762	House of Transformations	\$134,100
December 28, 2021	3325988664	Denali Care Services	\$197,300
December 29, 2021	3326021982	Denali Care Services	\$197,300
December 30, 2021	3326055593	Denali Care Services	\$197,300

56. The defendants knowingly and intentionally made false and material representations in connection with each of these applications.

57. With respect to the application on behalf of TLC Home Care, the defendants falsely represented that “Victim 1” was a business partner of MAVAEGA’s, while knowing that Victim 1 was not. The defendants used Victim 1’s identifying information and forged Victim 1’s signature, as well as the social security number of a second person, Victim 2, to deceive the SBA into believing that Victim 1 was associated with the business.

58. With respect to the Denali Care Services applications, the defendants falsely represented that the business had either 10 or 15 employees, while knowing that it had none. The defendants made these statements in an effort to deceive the SBA into granting an EIDL even though the business was defunct.

59. With respect to the Aloha TLC application, the defendants falsely used the name and identifying information (including social security number) of “Victim 3” as the applicant, falsely representing Victim 3 to be a manager of the business, while knowing that Victim 3 was not. The defendants used Victim 3’s identity and identifying information in an effort to deceive the SBA into believing that Victim 3 was associated with the

business.

60. With respect to the House of Transformations application, the defendants submitted a resolution and certificate purporting to demonstrate that an officers' meeting and been called and that a resolution had been voted upon December 29, 2021, while knowing that no such meeting had been held and no such vote been conducted. They further falsely identified an individual as a director while knowing that individual was not. They made this statement in an effort to deceive the SBA about the management and organization of House of Transformations.

COUNT 1

61. Paragraphs 1-60 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

62. Beginning no later than about April 2021 and continuing until at least September 2022, the precise dates being unknown to the Grand Jury, within the District of Alaska and elsewhere, the defendants, ROSALINE NATAZHA MAVAEWA and ESAU MALELE FUALEMA, JR., knowingly executed and attempted to execute a scheme and artifice with intent to defraud the United States and to obtain money and property by means of false and fraudulent pretenses, representations, or promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of federal assistance, the value of which was more than \$1,000,000 to wit: obtaining fraudulently more than \$1,000,000 Coronavirus State and Local Fiscal Recovery Funds, a part of the American Rescue Plan Act, and more than \$1,000,000 pursuant to the Economic Injury Disaster Loan

program of the United States Small Business Administration which they intended to and did convert to their own use and that of entities under their control rather than for the intended and authorized purpose.

All of which is in violation of 18 U.S.C. § 1031.

COUNT 2

63. Paragraphs 1-60 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

Beginning no later than about March 2021 and continuing until at least September 2022, the precise dates being unknown to the Grand Jury, within the District of Alaska and elsewhere, the defendants, ROSALINE NATAZHA MAVAEWA and ESAU MALELE FUALEMA, JR., knowingly and intentionally combined, conspired, confederated, and agreed together with each other and with other persons known and unknown to the Grand Jury to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and to transmit and cause to be transmitted writings, signs, signals, picture, and sound by means of wire in interstate and foreign commerce, including grant applications, agreements, proposals, reports, documents, and email communications in support of the same, and the electronic deposit and transfer of the money and property so fraudulently obtained.

All of which is in violation of 18 U.S.C. §§ 1343 and 1349.

COUNT 3

64. Paragraphs 1-60 of this Indictment are hereby realleged and incorporated as

if fully set forth herein.

65. Beginning no later than about March 2021 and continuing until at least September 2022, the precise dates being unknown to the Grand Jury, within the District of Alaska and elsewhere, the defendants, ROSALINE NATAZHA MAVAEWA and ESAU MALELE FUALEMA, JR., having devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises, transmitted and caused to be transmitted writings, signs, signals, picture, and sound by means of wire in interstate and foreign commerce, including but not limited to the following:

Approximate Date	Description
December 22, 2021	EIDL application number 3325863115
December 22, 2021	EIDL application number 3325863295
December 22, 2021	EIDL application number 3325956975
December 28, 2021	EIDL application number 3325988762
December 28, 2021	EIDL application number 3325988664
December 29, 2021	EIDL application number 3326021982
December 30, 2021	EIDL application number 3326055593
August 6, 2021	\$1,623,165 deposit into HOT Checking Account
August 10, 2021	\$200,000 transfer from HOT Savings Account to SRVC Account
August 16, 2021	\$197,250 transfer from HOT Savings Account to Personal Checking Account
August 23, 2021	\$100,000 transfer from HOT Savings Account to Personal Checking Account
February 2, 2022	\$30,000 transfer from HOT Savings Account to SRVC Account
February 16, 2022	\$40,000 transfer from HOT Savings Account to SRVC Account
February 25, 2022	\$15,000 transfer from HOT Savings Account to SRVC Account
March 10, 2022	\$25,000 transfer from HOT Savings Account to SRVC Account
March 22, 2022	\$35,000 transfer from HOT Savings Account to SRVC Account
April 22, 2022	\$20,000 transfer from HOT Savings Account to SRVC Account
May 5, 2022	\$30,000 transfer from HOT Savings Account to SRVC Account
May 20, 2022	\$7,000 transfer from HOT Savings Account to SRVC Account

All of which is in violation of 18 U.S.C. § 1343.

COUNT 4

66. Paragraphs 1-60 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

67. Beginning no later than about March 2021 and continuing until at least September 2022, the precise dates being unknown to the Grand Jury, within the District of Alaska and elsewhere, the defendants, ROSALINE NATAZHA MAVAEGA and ESAU MALELE FUALEMA, JR., knowingly and intentionally combined, conspired, confederated, and agreed together with each other and with other persons known and unknown to the Grand Jury to engage in monetary transactions in criminally derived property of a value greater than \$10,000, to wit: the proceeds of the wire fraud described in Count 3 of this Indictment.

All of which is in violation of 18 U.S.C. §§ 1956(h) and 1957.

COUNT 5

68. Paragraphs 1-60 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

69. Between about December 22, 2021, and about April 20, 2022, within the District of Alaska and elsewhere, the defendants, ROSALINE NATAZHA MAVAEGA and ESAU MALELE FUALEMA, JR., knowingly transferred, possessed, and used without lawful authority the means of identification of Victim 1, Victim 2, and Victim 3, to wit: their names, social security numbers, and signature, during and in relation to the felony offenses described in Counts 1-3 of this Indictment.

All of which is in violation of 18 U.S.C. § 1028A(a)(1).

CRIMINAL FORFEITURE ALLEGATION

70. The allegations contained in Counts 2-3 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

71. Upon conviction for the offenses in violation of 18 U.S.C. §§ 1343 and 1349 set forth in Counts 2-3 of this Indictment, the defendants, ROSALINE NATAZHA MAVAEGA and ESAU MALELE FUALEMA, JR., shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) any property constituting, or derived from, proceeds the person obtained directly or indirectly as the result of such violation, and any property traceable to such property, and any property, real or personal, that constitutes or is derived from any proceeds traceable to violations, including but not limited to the funds held in Global Credit Union account ending 1877.

72. If any of the property subject to forfeiture, 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 a money judgment or forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

All pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Fed. R. Crim. P.

32.2(a).

A TRUE BILL

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ James Klugman
JAMES KLUGMAN
Assistant U.S. Attorney
United States of America

s/ Kate Vogel for
S. LANE TUCKER
United States Attorney

DATE: 9/19/2023