

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. Atlanta

MAY 9 2017

James N. Hatten, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

STEVEN WAKEFIELD

Criminal Information

No. 1:17-CR-146

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE
18 U.S.C. § 1344
(Bank Fraud)

1. Beginning in or about 2011 and continuing until on or about October 2014, in the Northern District of Georgia and elsewhere, the defendant, STEVEN WAKEFIELD, knowingly executed and attempted to execute a scheme and artifice to defraud Fidelity Bank, a financial institution as defined in Title 18, United States Code, Section 20, and to obtain moneys and funds owned by and under the custody and control of Fidelity Bank, by means of materially false and fraudulent pretenses, representations, and promises, and by the omission of material facts.

Background

At all times relevant to this Indictment:

2. Defendant STEVEN WAKEFIELD was a certified public accountant licensed in Georgia and Alabama. WAKEFIELD owned Legacy Business Partners ("Legacy") based in Alpharetta, Georgia that provided accounting services to small and medium sized business.

3. In or about 2008, H & A Consulting (H&A) hired WAKEFIELD through Legacy to serve as H&A's contract Chief Financial Officer. WAKEFIELD's duties at H&A included oversight of the accounting activities of customer billing, vendor payments, payroll processing and accounts receivable collections; and included preparing payroll, compiling monthly financial statements and completing the borrowing base certificates (BBC) for H&A's line of credit with Fidelity Bank ("Fidelity) and other financial institutions.

4. Between in or about 2011 and 2014, WAKEFIELD prepared fraudulent BBCs that fraudulently induced Fidelity to increase H&A's line of credit from approximately \$3.5 million to approximately \$6 million. In addition, the fraudulent information contained in the BBCs prepared by WAKEFIELD caused Fidelity to advance additional line of credit funds to H&A. These additional line of credit funds allowed H&A to pay its bills, including WAKEFIELD's compensation and to make distributions.

Manner and Means of the Scheme to Defraud

STEVEN WAKEFIELD's scheme and artifice to defraud operated as follows:

5. On or about, June 27, 2014, WAKEFIELD emailed his calculations of the BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$6.2 million. Based on the fraudulent accounts receivable balance listed in the BBC, Fidelity advanced \$193,671.95 in additional funds from H&A's line of credit.

6. On or about, July 14, 2014, WAKEFIELD emailed his calculations of the

BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$6.2 million dollars. Based on the fraudulent accounts receivable balance listed in the BBC, Fidelity advanced \$141,861.48 in additional funds from H&A's line of credit.

7. On or about, July 25, 2014, WAKEFIELD emailed his calculations of the BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$6.4 million dollars. Based on the fraudulent accounts receivable balance listed in the BBC, Fidelity advanced \$314,790.72 in additional funds from H&A's line of credit.

8. On or about, August 8, 2014, WAKEFIELD emailed his calculations of the BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$6.5 million dollars. Based on the fraudulent accounts receivable balance listed in the BBC, Fidelity advanced \$219,608.56 in additional funds from H&A's line of credit.

9. On or about, August 22, 2014, WAKEFIELD emailed his calculations of the BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$6.8 million dollars. Based on the fraudulent accounts receivable balance listed in the BBC, Fidelity advanced \$467,660.11 in additional funds from H&A's line of credit.

10. On or about, September 5, 2014, WAKEFIELD emailed his calculations of the BBC to Fidelity, which fraudulently listed H&A's accounts receivable balance as approximately \$7.1 million dollars. Based on the fraudulent accounts

receivable balance listed in the BBC, Fidelity advanced \$244,226.73 in additional funds from H&A's line of credit.

Execution of the Defendant's Scheme to Defraud

11. On or about, June 27, 2014, for the purpose of executing and attempting to execute the scheme and artifice to defraud, and to obtain moneys and funds owned by and under the custody and control of Fidelity Bank, the defendant, STEVEN WAKEFIELD, caused a borrowing base certificate to be submitted to Fidelity Bank that contained fraudulent accounts receivable information.

All in violation of Title 18, United States Code, Section 1344.

FORFEITURE PROVISION

12. Upon conviction of the Count of this Information, the defendant, STEVEN WAKEFIELD, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation(s), including but not limited to, a sum of money in United States currency equal to the amount of proceeds obtained as a result of the offense.

13. If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

JOHN A. HORN

United States Attorney

A handwritten signature in black ink, appearing to read "Jeffrey A. Brown", is written over a horizontal dotted line. The signature is stylized and cursive.

JEFFREY A. BROWN

Assistant United States Attorney

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