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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

UNITED STATES OF AMERICA

v.

VINCE AKINS,

Defendant.

CRIMINAL NO.

RDB-24-255

**(Willful Failure to Account for or Pay Over
Tax, 26 U.S.C. § 7202; Bank Fraud, 18
U.S.C. § 1344; Money Laundering, 18
U.S.C. § 1957; Failure to File Tax Return,
26 U.S.C. § 7203)**

INDICTMENT

The Grand Jury for the District of Maryland charges that:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise stated:

AKINS and Related Entities

1. Defendant **VINCE AKINS** (“AKINS”) was a resident of Ellicott City, Maryland. **AKINS** owned and operated several transportation companies over the years that provided services to various federal government agencies. From 2019 through the date of this Indictment, only one of these companies was operating.
2. Avia Solutions LLC (“Avia Solutions”) was a transportation company that operated approximately from 2019 to the date of the Indictment. Beginning in or around 2019, Avia Solutions was awarded a federal government contract with the Department of Veterans Affairs to transport veterans to and from medical appointments. Avia Solutions employed between five and eleven people at various times.
3. Queens Limo Corp (“Queens Limo”) was a transportation company that was registered in 2012 and operated until approximately 2018.

4. AVS Mobility, Inc. (“AVS Mobility”) was a transportation company that operated from approximately 2015 to 2018.

5. VGA Systems Corp. (“VGA Systems”) was registered by **AKINS** in approximately 2001, but had no business activity in 2019 or 2020.

6. Royal Systems Transportation Inc. was a transportation company that was registered in approximately 2013 and forfeited in approximately 2015 but had no business activity. In approximately 2020, **AKINS** applied for and obtained an Employer Identification Number for Royal Systems Trans Inc. (“Royal Systems”), but filed no tax forms for this entity. There was no record of Royal Systems being registered in the State of Maryland.

7. **AKINS** was the Director and sole owner of Avia Solutions, Queens Limo, AVS Mobility, VGA Systems, and Royal Systems.

8. Bank A, its name known to the grand jury, and which was headquartered in Olney, Maryland, was a bank with deposits that were insured by the Federal Deposit Insurance Corporation, was engaged in interstate commerce, and constituted a “financial institution” within the meaning of 18 U.S.C. § 20.

9. Banks B and C, their names known to the grand jury, were banks located in Lagos, Nigeria.

Interactions with the Internal Revenue Service

10. The Internal Revenue Service (“IRS”) was and is an agency of the United States Department of the Treasury. The IRS was and is responsible for administering the tax laws of the United States and collecting taxes owed to the United States.

11. Pursuant to the provisions of the Internal Revenue Code (IRC) and its associated regulations, employers were required to withhold amounts from their employees’ gross pay,

including federal income taxes and Federal Insurance Contribution Act (“FICA”) taxes. FICA taxes consist of Social Security and Medicare taxes that were used to finance the operations of those government social insurance programs. These income and FICA taxes withheld from employees will be collectively referred to in this Indictment as “trust fund taxes” because employers hold the withheld amounts in trust until they pay these funds over to the United States. Employers were required to pay over these withheld trust fund amounts to the IRS on a quarterly basis (every three months), making these payments no later than the last day of following month after the end of each quarter.

12. In addition to the trust fund taxes that must be withheld from their employees’ paychecks, employers were separately required to make FICA contributions from their own funds that match the amounts of the Social Security and Medicare taxes that were withheld from their employees’ pay. These matching employer contributions were also required to be paid over to the IRS no later than the last day of the following month after the end of each quarter. Collectively, these funds that employers were required to pay over quarterly to the IRS are commonly referred to as “employment taxes,” which consist of the individual income, Social Security and Medicare taxes withheld from their employees’ paychecks and the matching FICA taxes that are separately required to be contributed by the employer.

13. One month after the conclusion of each calendar quarter, employers were required to file a tax return known as an Employer’s Quarterly Federal Tax Return or Form 941 (“Form 941”). On the Form 941, the employer was required to set forth the total amount of the income taxes withheld from its employees’ pay, the employees’ and employer’s share of Social Security and Medicare taxes, and the resulting amount of taxes due, as well as the total tax deposits.

14. For the purposes of the federal tax laws, a “responsible person” was an individual in a business who was responsible for collecting, accounting for, and paying over the employment taxes withheld from out of their employees’ pay. An individual was considered a “responsible person” if he or she had the authority required to exercise significant control over the employer’s financial affairs, regardless of whether the individual exercised such control in fact.

15. The Trust Fund Recovery Penalty (“TFRP”) was a penalty provided for by the IRC that could be imposed against any person who was required by law to collect, account for, and pay over to the IRS taxes held in trust but who willfully failed to perform any of these activities, or who willfully attempted to evade or defeat any such tax or its payment.

16. **AKINS** exercised significant control over the financial affairs of Avia Solutions by, among other acts, exercising signatory authority over Avia Solution’s business bank accounts; hiring, firing, and supervising employees; authorizing payroll; depositing and withdrawing funds from the bank accounts; signing IRS forms on behalf of Avia Solutions; executing contracts on behalf of Avia Solutions; and acting as point of contact with the Department of Veterans Affairs. **AKINS** therefore was a responsible person required to collect trust fund taxes, account for the employment taxes by filing Forms 941 with the IRS, and pay the trust fund taxes collected from Avia Solutions employees to the IRS.

17. From the fourth quarter of 2019 through the fourth quarter of 2022, Avia Solutions failed to pay trust fund taxes collected from its employees.

18. In each quarter of the tax years 2019 through 2022 for which Avia Solutions owed trust fund taxes to the IRS that it failed to pay, in whole or in part, Avia Solutions had substantially greater receipts than the amount of these tax liabilities, which **AKINS** could have

used to pay the trust fund taxes owed. Moreover, during this same time, **AKINS** used some of the business receipts to pay for personal expenditures, including luxury vehicles, rent on his personal residence, and private school tuition for his child.

19. **AKINS** also failed to file Forms 941 for Avia Solutions for the second quarter of 2020 onward; failed to file Employer's Annual Federal Unemployment Tax Returns ("Forms 940") for Avia Solutions for tax years 2019 onward, and failed to file his own U.S. Individual Income Tax Returns ("Forms 1040") for tax year 2020 onwards.

20. As a result of **AKINS**'s failure to file tax returns in prior years, the IRS filed substitutes for returns ("SFRs") for him, Queens Limo, and AVS Mobility.

21. Also, as a result of failing to pay employment taxes in prior quarters for AVS Mobility, the IRS assessed a TFRP against **AKINS**.

22. In total, the IRS assessed taxes, interest, and penalties against **AKINS** of approximately \$1.8 million, relating to tax years 2008 through 2017.

Paycheck Protection Program Loan Fraud

23. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act was a federal law enacted in March 2020 to provide emergency financial assistance to Americans suffering from the economic consequences of COVID-19.

24. The CARES Act authorized forgivable loans to small businesses for employee retention and certain business expenses through a program called the Paycheck Protection Program ("PPP"). The PPP authorized qualifying small businesses and other organizations to receive loans guaranteed by the Small Business Administration ("SBA"). Each recipient business was required to use PPP loan proceeds on payroll costs, mortgage interest, rent, and utilities.

Loan forgiveness of the PPP loan principal was possible if the loans were spent on qualifying expenses.

25. Loans under the PPP were provided by banks and other financial institutions (hereinafter referred to as “participating lenders”).

26. Entities applying for PPP loans were required to provide documentation, such as filed federal tax documents, showing payroll expenses and substantiating that each borrowing entity was in operation on or before February 15, 2020.

27. The SBA calculated the amount of PPP funding for a particular loan based on the number of employees an applicant had and its average monthly payroll costs.

28. Bank A was a participating lender under the PPP.

29. On or about June 8, 2020, **AKINS** submitted a PPP loan application for AVS Mobility seeking \$99,555. The application falsely reported that AVS Mobility had 17 employees and an average monthly payroll of \$39,822. In support of the loan application, **AKINS** submitted a false 2019 Form 940, Employer’s Annual Federal Unemployment Tax Return (“Form 940”), for AVS Mobility. On or about June 17, 2020, the SBA direct-deposited the requested PPP loan funds into Avia Solutions payroll bank account ending in 6001, maintained at Bank A.

30. Also on or about June 8, 2020, **AKINS** submitted a PPP loan application to Bank A on behalf of Queens Limo seeking \$112,265. The application falsely reported that Queens Limo had 13 employees and an average monthly payroll of \$44,906. In support of the loan application, **AKINS** submitted false documentation, including a 2019 Form 940 and a first quarter 2020 Form 941 for Queens Limo. On or about June 17, 2020, the SBA direct-deposited

the PPP loan funds into Avia Solutions payroll bank account ending in 6001, maintained at Bank A.

31. Also on or about June 8, 2020, **AKINS** submitted a PPP loan application to Bank A on behalf of VGA Systems seeking \$85,200. The application falsely reported that VGA Systems had 14 employees and an average monthly payroll of \$34,100. In support of the loan application, **AKINS** submitted a false 2019 Form 940 for VGA Systems. On or about June 17, 2020, the SBA direct-deposited the PPP funding into Avia Solutions expense bank account ending in 6002, maintained at Bank A.

32. On or by June 30, 2020, **AKINS** submitted a PPP loan application to Sandy Spring Bank on behalf of Royal Systems seeking \$90,200. The application reported Royal Systems had 11 employees and an average monthly payroll of \$40,200. In support of the loan application, **AKINS** submitted false documentation, including a false 2019 Form 940 and a false first quarter 2020 Form 941 for Royal Systems. **AKINS** also included fabricated copies of a signed commercial lease agreement and rental statements for Royal Systems with the application. On or about July 2, 2020, the SBA direct-deposited the PPP loan funds into Avia Solutions bank account ending in 9101, maintained at Bank A.

**COUNTS ONE THROUGH FOUR
(Bank Fraud)**

33. The allegations of paragraphs 1 through 32 are realleged and incorporated as if set out in full herein.

34. On or about the dates identified in the table below, in the District of Maryland and elsewhere, the defendant,

VINCE AKINS,

did knowingly and intentionally execute and attempt to execute a scheme to defraud a financial institution, and to obtain money and property owned by, and under the custody and control of, such financial institution, by means of material false or fraudulent pretenses, representations or promises, namely by submitting a PPP loan application and related documents on behalf of the below-identified entity to Bank A containing false and fraudulent representations concerning the number of employees and amount of payroll of identified entity.

Count	Entity	Date of Submission
1	AVS Mobility	June 8, 2020
2	Queens Limo	June 8, 2020
3	VGA Systems	June 8, 2020
4	Royal Systems	June 30, 2020

18 U.S.C. § 1344

COUNTS FIVE THROUGH SIX
(Conducting Transaction in Criminally Derived Proceeds)

35. The allegations in paragraphs 1 through 32 are realleged and incorporated as if set out in full herein.

36. On or about the dates identified below, in the District of Maryland and elsewhere, the defendant,

VINCE AKINS

knowingly engaged in a monetary transaction by, through, or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, as described below, such property having been derived from specified unlawful activity, that is, bank fraud in violation of 18 U.S.C. § 1344.

Count	Date	Description
5	June 17, 2020	Wire of \$129,120 from a bank account ending in 6001 at Bank A to a bank account at Bank B, from Avia Solutions Payroll to an entity known to the grand jury, purportedly as a “business investment.”
6	June 18, 2020	Wire of \$21,940 from a bank account ending in 6001 at Bank A to an account at Bank C, from Avia Solutions Payroll to another individual known to the grand jury, purportedly as a “loan to brother.”

18 U.S.C. § 1957(a)

COUNTS SEVEN THROUGH NINETEEN
(Willful Failure to Account For and Pay Over Trust Fund Taxes)

37. The allegations of paragraphs 1 through 22 are realleged and incorporated as if set out in full herein.

38. AKINS was a person required to collect, account for on quarterly Forms 941, and pay over to the IRS on behalf of Avia Solutions the trust fund taxes imposed on its employees by the IRC.

39. On or about the dates listed in the table below, for each of the calendar quarters listed, in the District of Maryland, the defendant,

VINCE AKINS,

did willfully fail to account for and pay over trust fund taxes in the approximate amounts listed below, which were due and owing to the IRS on behalf of the employees of Avia Solutions.

Count	Quarter	Filing Due Date	Trust Fund Taxes Due and Owing
7	4th Quarter 2019	January 31, 2020	\$5,893.75
8	1st Quarter 2020	April 30, 2020	\$6,815.79
9	2nd Quarter 2020	July 31, 2020	\$1,641.12
10	3rd Quarter 2020	October 31, 2020	\$1,369.37
11	4th Quarter 2020	January 31, 2021	\$1,884.38
12	1st Quarter 2021	April 30, 2021	\$2,388.03
13	2nd Quarter 2021	July 31, 2021	\$2,396.53
14	3rd Quarter 2021	October 31, 2021	\$3,682.25
15	4th Quarter 2021	January 31, 2022	\$3,586.29
16	1st Quarter 2022	April 30, 2022	\$2,793.72
17	2nd Quarter 2022	July 31, 2022	\$3,785.13
18	3rd Quarter 2022	October 31, 2022	\$3,461.35
19	4th Quarter 2022	January 31, 2023	\$3,753.00
TOTAL:			\$43,450.71

26 U.S.C. § 7202.

COUNT TWENTY
(Willful Failure to File Tax Return)

40. The allegations of paragraphs 1 through 32 are realleged and incorporated as if set out in full herein.

41. During the calendar year 2020,

VINCE AKINS,

had and received gross income in excess of \$24,800. By reason of such gross income, he was required by law, following the close of calendar year 2020, and on or before July 15, 2021, to make an income tax return to the IRS, stating specifically the items of his gross income and any deductions and credits to which he was entitled. Knowing and believing all of the foregoing, he did willfully fail, on or about July 15, 2021, in the District of Maryland, to make an income tax return.

26 U.S.C. § 7203.

FORFEITURE ALLEGATIONS

The Grand Jury for the District of Maryland further finds that:

42. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to defendant **VINCE AKINS** that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), in the event of the defendant's conviction on Counts One through Four of this Indictment.

Bank Fraud Forfeiture

43. Upon conviction of the offense set forth in Counts One through Four of this Indictment, the defendant,

VINCE AKINS,

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, real or personal, which constitutes or is derived from proceeds traceable to the offense, including a money judgment in the amount of proceeds the defendant obtained, directly or indirectly, as a result of such violation.

Property Subject to Forfeiture

41. The property to be forfeited includes, but is not limited to, the following:
- a. a money judgment in the amount of proceeds the defendant obtained as a result of the bank fraud.

Substitute Assets

42. If, as a result of any act or omission of the defendant, any such 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 divided 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)(1) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

18 U.S.C. § 981(a)(1)(C)

21 U.S.C. § 853(p)

28 U.S.C. § 2461(c)


JOSEPH D.G. Castro *for*

David A. Hubbert
Deputy Assistant Attorney General
Department of Justice, Tax Division

A TRUE BILL:

SIGNATURE REDACTED

~~For person~~

Date: 08.28.24