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2020 JUN -4 PM 4: 54
CLERK US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. *8:20-cr-188-T-23-SPF*

GHASAN AWAD,
AHMAD AL SALEH, and
BASSAM AL SALEH

18 U.S.C. § 371
18 U.S.C. § 1343
7 U.S.C. § 2024
18 U.S.C. § 1001

INDICTMENT

The Grand Jury charges:

COUNT ONE
(Conspiracy)

A. Introduction

At times material to this Indictment:

The Defendants and Related Entities

1. During 2012, the defendant, GHASAN AWAD, and another person (“Person 1”) shared ownership of a small grocery store named Express MeatMarket (“EMM”), located at 3100 5th Avenue South, St. Petersburg, Florida. EMM sold food, beverages, tobacco products, and other sundry items.

2. In or around March 2012, Person 1 filed a Food and Nutrition Service application (a “FNS Form-252”) with the U.S. Department of Agriculture Food and Nutrition Service (“FNS”) seeking authorization to add

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AWAD as a listed owner of EMM. This application also sought to allow AWAD and Person 1, as owners of EMM, to participate as approved retailers in the Supplemental Nutrition Assistance Program (“SNAP”). The FNS Form-252 was approved as to AWAD and Person-1 and EMM continued to function as a SNAP retailer.

3. In or around November 2014, the U.S. Department of Agriculture (“USDA”) permanently disqualified both defendant AWAD and Person 1 from participating in SNAP due to SNAP violations at EMM.

4. In or around July 2015, defendant AHMAD AL SALEH, with the assistance of defendant BASSAM AL SALEH, filed and caused to be filed, a FNS Form-252 with the USDA listing himself, AHMAD AL SALEH, as the sole owner and officer of Express Family Meat Market (“EFMM”), a retail grocery store located at 3100 5th Avenue South in St. Petersburg, Florida, the same address previously used by GHASAN AWAD for EMM. AHMAD AL SALEH’s FNS Form-252 was approved and EFMM began to participate in SNAP.

5. Defendant GHASAN AWAD worked as an EFMM employee since at least in or around July 2015.

6. EFMM maintained a business account at JP Morgan Chase Bank in Tampa, Florida, which was the account used by EFMM to receive daily SNAP redemption funds.

7. BASSAM AL SALEH was a Tampa-based accountant who, among other conduct, prepared tax returns and other financial documents on behalf of EFMM.

The Supplemental Nutrition Assistance Program, or SNAP

8. SNAP, a program formerly known as the Food Stamp Program, was a program established and funded by the United States Government to alleviate hunger and malnutrition among low and middle-income families by increasing their food-purchasing power and ability.

9. The USDA was a department within the executive branch of the United States Government. The USDA administered SNAP through the FNS, an agency within the USDA.

10. FNS administered the authorization and revocation procedures for retail food establishments participating in the redemption of SNAP benefits. In order for the owner(s) of a retail business (such as a grocery or convenience store) to participate in SNAP, a business's owner(s) had to submit a FNS Form-252. The USDA provided training materials as to the rules and regulations of SNAP to the retail business owner(s) to educate the storeowners or managers on the proper

procedures for the acceptance and redemption of SNAP benefits. The retail business owner(s) were responsible for training their own store employees regarding the proper procedures for the program.

11. USDA regulations mandated that a retail business participating in SNAP could not redeem SNAP benefits for the purchase of ineligible food items. Such prohibited items included alcoholic beverages, tobacco products, pet food, household supplies, vitamins, prepared foods, and hot foods. According to regulations, SNAP benefits could not, under any circumstances, be purchased or sold in exchange for cash, a practice commonly known as “discounting,” “cash-back,” or “trafficking.”

12. Individual SNAP recipients received an electronic benefits transfer card (“EBT card”), which functioned like a debit card. Each SNAP recipient’s card electronically received on a monthly basis the amount of SNAP benefits to which that recipient was entitled.

13. Like other debit cards, the EBT card had a magnetic strip on the back encoded with information identifying the SNAP recipient and the recipient’s account. When a SNAP customer/recipient used the EBT card to pay for food purchases, a store cashier would first calculate the subtotal of the SNAP-eligible items to be purchased. The customer would then swipe the customer’s EBT card through a card reader or point-of-sale (POS) terminal to begin the transaction.

This step initiated an electronic wire transmission to third-party servers located outside of Florida that the USDA had contracted with to process EBT transaction information. The customer/recipient then entered the customer's secret PIN number into a keypad and the sale would be authorized by a return electronic interstate wire transmission if sufficient funds were available. When using the EBT card method, each transaction was for the exact dollar amount of the SNAP-eligible items. Customers could not receive any cash or change back at the end of the transaction.

B. The Conspiracy

14. From at least in or about June 2015, and continuing through in or about October 2019, in the Middle District of Florida, and elsewhere, the defendants,

GHASAN AWAD,
AHMAD AL SALEH, and
BASSAM AL SALEH,

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others, known and unknown to the Grand Jury, to:

a. defraud the United States by impeding, impairing, obstructing, and defeating by deceit, craft, and trickery, the lawful governmental functions of the USDA and FNS in the administration and oversight of SNAP; and

b. commit an offense against the United States, namely: to knowingly and willfully make materially false, fictitious, and fraudulent statements and representations in matters within the jurisdiction of the executive branch of the Government of the United States, in violation of 18 U.S.C. § 1001.

C. The Manner and Means of the Conspiracy

15. The manner and means by which the conspirators sought to accomplish the objects of the conspiracy included, among others, the following:

a. It was part of the conspiracy that one or more conspirators would and did apply with and on behalf of conspirator AHMAD AL SALEH to the USDA to seek authorization as the purported new owner of the grocery store re-named EFMM (located at 3100 5th Avenue South, St. Petersburg, Florida) for EFMM to participate in SNAP and to redeem SNAP benefits;

b. It was further a part of the conspiracy that conspirators would and did present, and cause to be presented, to the USDA false, fraudulent, and fictitious documents and statements, including a false and fraudulent FNS Form-252, to participate as a SNAP retailer;

c. It was further a part of the conspiracy that conspirators would and did execute, and cause to be executed, documents purporting to transfer ownership of the grocery store EMM to a supposed new store named EFMM with AHMAD AL SALEH as the owner, so that conspirator AWAD could

continue to work at the store and to operate and make decisions concerning the store's operations while the store remained a SNAP retail location;

d. It was further a part of the conspiracy that, through the submission to the government of false and fraudulent representations and documents, the conspirators would and did trick and induce the USDA to approve a FNS Form-252 and grant AHMAD AL SALEH and his store, EFMM, eligibility to redeem SNAP benefits that customers presented at and submitted through EFMM, and to transfer those funds to EFMM's bank account;

e. It was further a part of the conspiracy that conspirator AWAD made minimal periodic payments to conspirator AHMAD AL SALEH for filing a FNS Form-252 on behalf of EFMM and to falsely and fraudulently represent therein that:

i. AHMAD AL SALEH was the owner of said business and that no other owner or manager of EFMM had ever been involved in any prior SNAP violations; and

ii. no other owners, managers, or employees of said store who had previously been disqualified from SNAP were working at the store "in any capacity," were "financially involved with the store," or had any "operational interest" in EFMM;

f. It was further a part of the conspiracy that conspirator AWAD would and did make decisions concerning the operations of EFMM, was financially involved with EFMM, and would and did present and submit, and cause to be presented and submitted, to the USDA, SNAP transactional information representing that such transactions were conducted and processed at EFMM in accordance with the law and applicable regulations for SNAP; and

g. It was further a part of the conspiracy that the conspirators would and did engage in multiple meetings, perform acts, and make statements, to promote and achieve the objects of the conspiracy and to hide and conceal the purposes of the conspiracy and the acts committed in furtherance thereof.

D. Overt Acts

16. In furtherance of the conspiracy and to accomplish the objects of the conspiracy, the conspirators committed, and caused to be committed, the following overt acts, within the Middle District of Florida, and elsewhere:

a. On or around June 15, 2015, conspirator BASSAM AL SALEH assisted conspirator AHMAD AL SALEH in filing an affidavit with the USDA in which AHMAD AL SALEH falsely and fraudulently stated and represented that no EFMM owner or manager had ever participated in or been disqualified from SNAP, and falsely and fraudulently stated and represented that

no EFMM owner, manager, or employee had previously been disqualified from participation in SNAP;

b. In or around September 2015, conspirator AHMAD AL SALEH, with the assistance of conspirator BASSAM AL SALEH, filed with the USDA a copy of a bill of sale, signed by conspirators AHMAD AL SALEH and GHASAN AWAD, and witnessed by conspirator BASSAM AL SALEH, purporting to represent the terms of the sale of EFMM by GHASAN AWAD to AHMAD AL SALEH; and

c. In or around September 2015, one or more conspirators filed, or caused to be filed, with the USDA copies of receipts purporting to reflect the down payment and installment payments made by conspirator AHMAD AL SALEH to GHASAN AWAD in connection with the purported purchase and sale of EFMM.

All in violation of 18 U.S.C. § 371.

COUNTS TWO THROUGH FOUR
(Wire Fraud)

A. The Introduction

1. The Grand Jury re-alleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

B. The Criminal Scheme

2. From at least in or about June 2015 and continuing thereafter up to and including July 2019, in the Middle District of Florida, and elsewhere, the defendant,

GHASAN AWAD,

knowingly and intentionally devised, and intended to devise, a scheme and artifice to defraud and for obtaining money and property from the USDA and the FNS in connection with SNAP benefits, by means of false and fraudulent pretenses, representations, and promises relating to material facts.

C. The Manner and Means of the Scheme

3. The Grand Jury re-alleges and incorporates by reference Part C of Count One of this Indictment as though fully set forth herein.

D. Acts of Execution of the Scheme

4. On or about the dates set forth below in each count, at St. Petersburg, in the Middle District of Florida, the defendant,

GHASAN AWAD,

for the purpose of executing the aforesaid scheme and artifice, did knowingly and intentionally transmit and cause to be transmitted in interstate and foreign commerce by means of wire and radio communications, certain writings, signs, and signals, that is, electronic claims for redemption of SNAP benefits relating to

the EBT card account numbers set forth below in the amounts set forth below, which claims were sent from EFMM at St. Petersburg, Florida, to servers located outside of Florida:

Count	Date of Offense	Customer EBT Card Account No.	Amount of Claim for Redemption
TWO	07/02/19	x5166	\$117.58
THREE	07/12/19	x5166	\$117.65
FOUR	07/16/19	x5166	\$100.99

In violation of 18 U.S.C. § 1343.

COUNTS FIVE THROUGH SEVEN
(SNAP Benefits Violations)

1. The Grand Jury re-alleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.
2. On or about the dates as set forth below in each Count, at St. Petersburg, Florida, in the Middle District of Florida, and elsewhere, defendant AWAD, as set forth below in each count, knowingly used, transferred, acquired, and possessed SNAP benefits having a value of \$100 or more, as specifically set forth below in each count, in a manner contrary to the provisions of 7 U.S.C. Chapter 51 and 7 C.F.R. Part 271 *et seq.*, in that, defendant AWAD knowingly and willfully purchased SNAP benefits from EFMM customers possessing EBT cards as described below in each count, in exchange for cash:

Count	Date of Offense	SNAP Benefits Purchased	Customer EBT Card Account No.
FIVE	07/02/19	\$117.58	x5166
SIX	07/12/19	\$117.65	x5166
SEVEN	07/16/19	\$100.99	x5166

In violation of 7 U.S.C. § 2024(b)(1) and 18 U.S.C. § 2.

COUNT EIGHT
(False Statement)

1. The Grand Jury re-alleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or around June 15, 2015, in the Middle District of Florida, and elsewhere, the defendants,

AHMAD AL SALEH and
BASSAM AL SALEH,

did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation, in a matter within the jurisdiction of the executive branch of the Government of the United States, in that, the defendants falsely and fraudulently represented to the USDA, a department of the executive branch of the United States: (1) that AHMAD AL SALEH was the owner of EFMM; (2) that no owner, manager, or employee of EFMM who was or had been disqualified from the USDA's SNAP or WIC programs was working in any capacity in that store; (3) that no person who was a manager of that store who had been permanently disqualified from the USDA's SNAP or WIC programs

was financially involved in or had any operational interest in that store; (4) that defendant AHMAD AL SALEH had made a down payment to defendant GHASAN AWAD of \$5,000 to purchase ownership of EFMM; and (5) that defendant AHMAD AL SALEH had provided truthful and complete information to the USDA and its Food and Nutrition Service in a USDA Form FNS-252 and other documents provided to the USDA in connection with registering as the owner/manager of EFMM, when in truth and in fact, as the defendants then and there well knew, those statements and representations were false, fictitious, and fraudulent.

In violation of 18 U.S.C. §§ 1001 and 2.

COUNT NINE
(False Statement)

1. The Grand Jury re-alleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about September 3, 2015, in the Middle District of Florida, and elsewhere, the defendants,

AHMAD AL SALEH and
BASSAM AL SALEH,

did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation, in a matter within the jurisdiction of the executive branch of the Government of the United States, in that, the defendants falsely and

fraudulently represented to the USDA, a department of the executive branch of the United States, that the bill of sale that they had submitted to the USDA represented the true terms of the purchase of EFMM by defendant AHMAD AL SALEH, when, in truth and in fact, as the defendants then and there well knew, the bill of sale submitted by the defendants to the USDA did not represent their true terms of the purchase of EFMM by defendant AHMAD AL SALEH.

All in violation of 18 U.S.C. §§ 1001 and 2.

COUNT TEN
(False Statement)

1. The Grand Jury re-alleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about September 28, 2015, in the Middle District of Florida, and elsewhere, the defendants,

AHMAD AL SALEH and
BASSAM AL SALEH,

did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation, in a matter within the jurisdiction of the executive branch of the Government of the United States, in that, the defendants falsely and fraudulently represented to the USDA, a department of the executive branch of the United States, that receipt forms submitted by the defendants to the USDA represented the payment of \$5,000 towards the purchase of EFMM and that other

receipt forms reflected payments that defendant AHMAD AL SALEH had made towards the purchase of that business from defendant GHASAN AWAD, when, in truth and in fact, as the defendants then and there well knew, those statements and representations were false, fictitious, and fraudulent.

All in violation of 18 U.S.C. §§ 1001 and 2.

FORFEITURES

1. The allegations contained in Counts One through Seven of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 7 U.S.C. § 2024(f)(2), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 1343, the defendant,
GHASAN AWAD,
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 violation.

3. Upon conviction of a violation 7 U.S.C. § 2024, the defendant,
GHASAN AWAD,
shall forfeit to the United States, pursuant to 7 U.S.C. § 2024(f) and 28 U.S.C. § 2461(c), all property, real or personal, used in a transaction or attempted

transaction, to commit, or to facilitate the commission of the charged violation, or proceeds traceable to such violation.

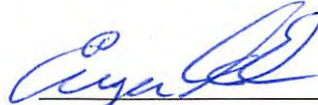
4. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of proceeds obtained from the offenses.

5. If any of the property described above, as a result of any act or omission of the defendants:

- 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,

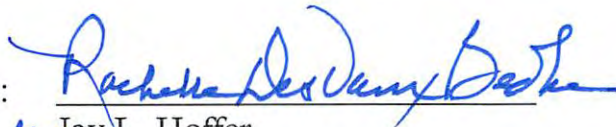
the United States of America shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).


A TRUE BILL,



Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 
for Jay L. Hoffer
Assistant United States Attorney

By: 
for Jay G. Trezevant
Assistant United States Attorney
Chief, Economic Crimes Section

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

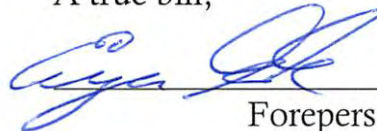
vs.

GHASAN AWAD,
AHMAD AL SALEH, and
BASSAM AL SALEH

INDICTMENT

Violations: 18 U.S.C. §§ 371, 1343, 1001; 7 U.S.C. § 2024

A true bill,



Foreperson

Filed in open court this 4th day

of June 2020.

Clerk

Bail \$ _____
