AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

SEALED

for the

Eastern District of California

FILED
Aug 29, 2025
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America
v.
JOEY WAYNE MACKEY

Defendant(s)

Case No. 1:25-mj-00099-BAM

CRIMINAL COMPLAINT BY RELIABLE ELECTRONIC OR TELEPHONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2020 through April 10, 2023 in the county of Tulare in the Eastern District of California, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1344	Bank Fraud
	Penalty: Up to 30 years imprisonment, Up to $1,000,000 fine, Up to a 5-year term of supervised release, $100 special assessment

This criminal complaint is based on these facts:

See affidavit of Federal Bureau of Investigation Special Agent Hamilton Hiatt, attached hereto and incorporated herein.

☑ Continued on the attached sheet.

Complainant's signature

Hamilon Hiatt, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 8/29/25

Judge's signature

City and state: Fresno, California

Hon. Barbara A. McAuliffe, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOEY WAYNE MACKEY, Defendant.	CASE NO. AFFIDAVIT OF FBI SPECIAL AGENT HAMILTON HIATT

I, Hamilton Hiatt, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT'S BACKGROUND

1. I make this affidavit in support of a criminal complaint charging Joey Wayne Mackey (hereinafter referred to as "MACKEY") with a violation of Title 18 of the United States Code, Section 1344, bank fraud.

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been since March 2020. I am currently assigned to the Sacramento Division, Fresno Resident Agency. As a Special Agent of the FBI, I am currently investigating, or have previously investigated, federal criminal violations related to Loan Fraud (including Paycheck Protection Program fraud), Securities Fraud, Health Care Fraud, Mail Fraud, Wire Fraud, Identity Theft, Embezzlement, Corporate Fraud, Bankruptcy Fraud, Federal Transportation Crimes, Intellectual Property Rights Crimes, and Money Laundering. As part of these investigations, I have had in-depth exposure to various industries including tech, construction, start-ups, equity funds, hard-money lending, commercial loans, real estate, and foodservice. I have gained experience through training at the FBI Academy and field work related to conducting these types of investigations. I was also employed as a financial analyst for approximately seven years prior to joining the FBI.

3. The facts in this affidavit come from my personal observations, my training and

experience, and information obtained from other agents, law enforcement officers and witnesses involved in the case. This affidavit is meant to show that there is probable cause for the requested complaint. It does not set forth all my knowledge about this case.

4. This case involves approximately $4 million in fraudulently obtained Paycheck Protection Program ("PPP") loan funds improperly used to acquire revenue-generating real estate through multiple transactions designed to conceal the misuse of those PPP loan funds. While I have attempted to be as precise as possible in quantifying the relevant transactions, some figures set forth in this affidavit are approximations.

II. APPLICABLE LAW

5. Title 18, United States Code, Section 1344 (bank fraud) states that anyone who knowingly executes, or attempts to execute, a scheme to defraud a financial institution or to obtain money, funds, credits, assets, securities, or property from a financial institution using false or fraudulent pretenses, representations, or promises, shall face imprisonment of up to thirty years and fines of up to $1 million.

III. STATEMENT OF PROBABLE CAUSE

A. THE CARES ACT

6. In March of 2020, the Coronavirus Aid, Relief, and Economic Security Act ("CARES") Act was passed by the United States Congress and signed into law. Under the provisions of the CARES Act, $2.2 trillion dollars in economic stimulus was designated to ameliorate the economic impact of the COVID-19 pandemic.

7. One source of relief provided by the CARES Act was the Paycheck Protection Program ("PPP"), which authorized the distribution of forgivable loans to small businesses for job retention and certain other expenses. To obtain a PPP loan, the qualifying small business was required to submit a PPP loan application signed by a representative of the business. That representative was required to acknowledge and certify the program rules and affirm the business was eligible to obtain the PPP loan.

8. PPP eligibility included the following: (1) the business was in operation on February 15, 2020; (2) the business had employees for whom the borrower paid salaries and payroll taxes or paid independent contractors; (3) an affirmation that "all proceeds of the loan will be used to retain workers

and maintain payroll or make mortgage interest payments, lease payments, and utility payments;" and (4) an affirmation that "if the funds are knowingly used for unauthorized purposes, the federal government may hold Borrower and/or Borrower's authorized representative legally liable, such as for charges of fraud."

9. In the PPP application, the Borrower was required to provide, among other things, the business's average monthly payroll expenses. These figures were used to calculate the amount of money the business was eligible to receive under the PPP. Under the PPP, the business was eligible for 2.5 times the amount of their average monthly payroll. The business was required to use the proceeds on permissible expenses such as payroll costs, interest on mortgages, rent, and utilities.

10. Once a PPP loan application was submitted it would be processed by a participating lender. If the PPP loan application was approved, the participating lender would issue funds in the amount approved by the PPP loan application. These funds were provided using the participating lenders own monies but were guaranteed by the Small Business Administration ("SBA"). While processing the loan, data from the application, including information about the borrower, the total amount of the loan and the listed employees, were transmitted by the lender to the SBA.

11. The terms of the PPP loan allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on the permissible expenses, as described above, within a designated period and used a defined portion of the PPP loan proceeds on payroll expenses.

12. The applying business is also required to provide email, phone, and mail contact information to the SBA. This information is provided by the business on the statement and is required so that the SBA and the business can communicate regarding the PPP loan.

B. SUMMARY OF BUSINESSES CONTROLLED BY MACKEY

13. Joey Wayne Mackey (hereinafter referred to as "MACKEY") is the President and CEO of Forcum-Mackey Construction, Inc. (hereinafter referred to as "FMC"). FMC identifies itself in corporate filings as an S corporation and general contractor with its principal place of business located at 15695 Jasmine Avenue, Ivanhoe, CA 93235. FMC manages large-scale construction projects including many public projects for cities and school districts. MACKEY became President of FMC in

approximately 2017 or 2018. SUBJECT 1, a close family member of MACKEY's, retains ownership of FMC, but has retired from all financial-related aspects of the business. Currently, SUBJECT 1 occasionally assists with project management. At all relevant times, MACKEY exercised control over FMC's finances.

14. MACKEY is also the President and sole owner of JWM, Inc. (hereinafter referred to as "JWM"). JWM identifies itself in corporate filings as an S corporation with its principal place of business located at MACKEY's personal residence located at 501 North Gilmer Court, Visalia, CA 93291. JWM is a construction design and build consulting business in which MACKEY is the sole employee. At all relevant times, I believe that JWM served as a corporate alter ego for MACKEY.

15. MACKEY is also the President of Mack Aviation, LLC (hereinafter referred to as "MACK AVIATION"). Mack Aviation identifies itself in corporate filings as a single-member limited liability corporation with its principal place of business located at 9534 Airport Drive, Visalia, CA 93277. MACK AVIATION owns, operates, and charters aircraft, in addition to owning a private plane hangar for small planes and jets at 9534 Airport Drive, Visalia, CA 93277. The hangar rents space for clients to store their aircraft. As part of the hangar service, MACK AVIATION provides supplemental support for the aircraft such as re-fueling services. MACKEY controls MACK AVIATION through his ownership and control of JWM, which is listed on corporate filings as the sole managing member for MACK AVIATION. This structure enables MACKEY to move funds between JWM and MACK AVIATION bank accounts with relative ease. The corporate entity's registered address with the California Secretary of State is listed as 501 North Gilmer Court, Visalia, CA 93291, which is MACKEY's residence. This business has no reported employees.

16. MACKEY has stated in a voluntary interview with me on April 1, 2023, that his personal residence at 501 North Gilmer Court, Visalia, CA 93291 contains an approximately 2,000 square foot home office, which he has referred to as his "satellite office."

C. <u>MACKEY OBTAINED PPP LOANS WITH FALSE EMPLOYEE NUMBERS</u>

17. During the COVID-19 pandemic, FMC, JWM, and MACK AVIATION each applied for and received PPP loans. Bank 1 funded and serviced each of the loans. Bank 1 was a Visalia, CA, financial institution insured by the Federal Deposit Insurance Corporation or was otherwise a financial

institution as defined by 18 U.S.C. § 20 at all relevant times. Bank 1 has since been acquired by another financial institution.

18. Investigators served grand jury subpoenas for bank records from Bank 1 for transactions involving FMC, JWM, MACK AVIATION, and various involved family members of MACKEY. All references to Bank 1 records herein refer to bank records obtained through the grand jury subpoenas.

Forcum-Mackey Construction, Inc.

19. On April 1, 2020, MACKEY submitted a PPP loan application that he prepared but was signed by SUBJECT 1, for FMC for a PPP loan of $3,176,000. In a voluntary interview with investigators on April 10, 2023, MACKEY stated that SUBJECT 1 had no involvement in the PPP loan application and that MACKEY was wholly responsible for the application. The loan application listed the number of employees on FMC's payroll as 60, with a stated average monthly payroll of $1,270,579. To obtain that number, the FMC application listed its monthly "Payroll" as $139,315 and their monthly "Subcontractors Payroll Cost" as $1,085,090. On April 9, 2020, Bank 1 funded the loan through a direct deposit into FMC's payroll account at Bank 1 ending in 0675 in the full requested amount.

20. In reality, FMC had far fewer than 60 employees on their payroll when MACKEY submitted the FMC PPP loan application. FMC's sole payroll account with Bank 1 ending in 0675 showed that FMC's total employee payroll for March 2020 was $69,828.40 paid to only 17 employees. Between May 2019 and March 2020, no single month had more than 18 employees receiving payroll.

21. Additionally, FMC fraudulently claimed that they incurred a "Payroll Cost" for subcontractors. In reality, FMC's end clients incurred the cost of paying FMC's subcontractors. For instance, on July 31, 2025, I interviewed representatives of Client 1, a bonded municipal agency whose business represented more than half of FMC's 2020 business revenue. Client 1 explained that in 2019 they retained FMC following a bidding process against other general contractors to modernize municipal buildings under Client 1's control. MACKEY served as FMC's point of contact with Client 1. As part of this process, FMC specifically conveyed to Client 1 the total cost of the project, including not just how much FMC would charge for the project, but the cost it would take to pay each subcontractor working on the modernization project. Client 1 then obtained approval to pay FMC approximately $28 million to cover not just the cost of paying FMC to serve as the general contractor, but also the cost of paying each

subcontractor. Client 1, a bonded municipal client, paid FMC and the subcontractors that $28 million over time in regular monthly payments according to an agreed upon schedule. Client 1 would directly deposit these monthly payments into FMC's general account with Bank 1 ending in 0667, including throughout 2020, with the understanding that what the subcontractors were owed was covered by Client 1's payments. Upon my review of FMC's PPP loan application, I observed that subcontractors who worked on Client 1's modernization project and were paid pursuant to that project in funds passing through FMC were claimed on FMC's April 1, 2020, PPP loan application among "Subcontractors Payroll Cost."

22. I also observed that subpoenaed records of FMC's general account ending in 0667 are consistent with Client 1's description of how it paid the cost of subcontractors through FMC. For example, on or about June 2, 2020, Client 1 paid $579,476.00 into FMC's general account, pursuant to its agreed upon payment schedule with FMC. In the immediately subsequent days and weeks, I observed multiple payments to subcontractors listed as both subcontractors working on Client 1's project and subcontractors that had been claimed as "Subcontractors Payroll Cost" on FMC's PPP loan application.

23. Based on statements made by Client 1's representatives, I concluded that FMC did not incur any actual cost from paying the subcontractors, functioning more as a go-between for the subcontractor payments from Client 1. I also believe that because MACKEY was FMC's president and point of contact with Client 1 in 2019, he was aware when he submitted FMC's PPP loan application that FMC did not actually incur costs from paying the subcontractors listed on their application.

24. Accordingly, under the CARES Act, I calculated that FMC could have only received a PPP loan amount of $174,571 at most, which is $3,001,429 less than the $3,176,000 in PPP funds FMC actually received.

JWM, Inc.

25. On April 1, 2020, MACKEY also signed and submitted a PPP loan application that he prepared on behalf for JWM for a PPP loan of $622,300. The number of jobs listed on the initial application was 3, with a stated average monthly payroll of $248,905. On the application, MACKEY initialed next to the statement, "The funds will be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments; I understand that if the funds are used for

unauthorized purposes, the federal government may pursue criminal fraud charges." On April 9, 2020, Bank 1 funded the loan through a direct deposit into JWM's account at Bank 1 ending in 0659 in the full requested amount.

26. In reality, JWM's only employee on payroll in 2020 was MACKEY. In regular quarterly filings, specifically Forms DE 9 and DE 9C, with the State of California's Employment Development Department ("EDD") on behalf of JWM for the entire year of 2020, MACKEY admitted that he was the only employee and JWM only incurred an average monthly payroll cost of $8,333.33. The State of California requires all employers to file a Quarterly Contribution Return and Report of Wages (Form DE 9) Quarterly Contribution Return and Report of Wages (Continuation) (Form DE 9C). These forms reconcile reported wages and paid taxes for each quarter. Form DE 9 includes an attestation that the filing must sign, stating, "I declare that the above, to the best of my knowledge and belief, is true and correct."

27. Additionally, JWM indicated on its Forms DE 9 and DE 9C that it did not pay any payroll between April and June of 2020. On October 19, 2020, JWM's Forms DE 9 and DE 9C indicated that the company paid wages for MACKEY and seven other family members from July to September 2020. But later on October 19, 2020, JWM submitted an amended Form DE 9 and DE 9C to state that the only employee was MACKEY. I believe this almost immediate amendment to the DE 9 and DE 9C for JWM means that the only wages paid by JWM were to MACKEY.

28. Accordingly, under the CARES Act, JWM could have only received a PPP loan amount of $20,833, which is $601,466 less than the $622,300 in PPP funds JWM actually received.

Mack Aviation, LLC

29. On June 1, 2020, MACKEY signed and submitted a PPP loan application that he prepared on behalf of MACK AVIATION for a PPP loan of $284,250. The number of jobs listed on the initial application was 8, with a stated average monthly payroll of $113,700. On the application, MACKEY initialed next to the statement, "The funds will be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments; I understand that if the funds are used for unauthorized purposes, the federal government may pursue criminal fraud charges." On June 3, 2020, Bank 1 funded the loan through a direct deposit into MACK AVIATION's account at

Bank 1 ending in 0641 in the full requested amount.

30. In reality, MACK AVIATION had no payroll and no employees in 2020. In regular quarterly filings, specifically Form DE 9 and DE 9C, with the State of California's EDD on behalf of MACK AVIATION for the entire year of 2020, MACKEY admitted that MACK AVIATION paid no payroll and had no employees.

31. MACK AVIATION indicated on its Forms DE 9 and DE 9C that it did not pay any payroll between April and June 2020 and between October to December 2020. On October 20, 2020, MACK AVIATION's Forms DE 9 and DE 9C indicated that the company paid wages for MACKEY and five other family members from July to September 2020. But later on October 20, 2020, JWM submitted an amended Form DE 9 and DE 9C to state that it actually paid no wages during that time. I believe this almost immediate amendment to the DE 9 and DE 9C for MACK AVIATION means that no wages were actually paid by MACK AVIATION between August and October 2020.

32. Accordingly, under the CARES Act, MACK AVIATION should not have received any of the $284,250 that it received in PPP funding.

33. The total PPP funds lent to MACKEY controlled entities amounted to $4,082,550, of which at least $3,887,145.67 could not be even facially justified as intended for any bona fide employee. As described further below, MACKEY eventually engaged in numerous bank transactions among accounts at Bank 1 that he controlled to conceal the source of those funds as from PPP loans and to prepare the funds for criminal improper uses under the CARES Act. MACKEY's subsequent laundering of PPP funds is also evidence that MACKEY never intended to use any of the PPP funds from any of these entities to actually pay employee payrolls, or even subcontractors, as he claimed to Bank 1 in the PPP loan applications for FMC, JWM, and MACK AVIATION.

34. On December 18, 2024, I telephonically interviewed Special Agent Angel Huling of the Small Business Administration's Office of the Inspector General on the subject of the JWM and MACK AVIATION LOANS. According to Special Agent Huling, with knowledge that MACK AVIATION had no recorded wages in all of 2019 and the first half of 2020, the maximum that MACKEY could have received for MACK AVIATION would have been $20,833 as the sole proprietor. As to JWM, even assuming that the company had 3 employees as noted on the initial application, the most MACKEY

could have received for JWM was a loan of $103,333. Based on my interview with Special Agent Huling, I understand that if the SBA had known that MACK AVIATION had no employees or that JWM did not have an average monthly payroll of $248,905, SBA would not have approved the PPP loans to MACK AVIATION and JWM requested by MACKEY. Based on Special Agent Huling's answers on JWM and MACK AVIATION, I infer that SBA would also not have given FMC the full amount it requested if it learned that FMC was untruthful about its monthly payroll costs or numbers of employees.

35. Additionally, on August 28, 2025, I spoke telephonically with the former SBA Division Manager of Bank 1 at the time of the MACKEY PPP loans. He stated that Bank 1's understanding was that the subcontractors were their own entities who could apply for their own PPP loans. If MACKEY had been honest about the structure of the relationship with its subcontractors and presented itself as an entity forwarding the subcontractors their payments from their end clients, rather than as if they were just additional employees, they would have excluded the subcontractors from the PPP loan calculation.

D. MACKEY LAUNDERED PPP FUNDS THROUGH FAMILY MEMBER BANK ACCOUNTS HE PERSONALLY CONTROLLED THROUGH FRAUDULENT PAYROLL DISBURSEMENTS

36. Instead of using PPP funds disbursed by Bank 1 to FMC, JWM, and MACK AVIATION to pay employees on payroll or keeping those funds in designated payroll accounts, MACKEY caused those PPP funds to flow through numerous bank accounts that he directly or indirectly controlled in transactions that were not genuine payroll disbursements or transactions in advance of genuine payroll disbursements.

37. Based on my review of transaction records for FMC's bank accounts and personal bank accounts at Bank 1 under MACKEY's control, I believe that MACKEY engaged in a scheme of fraudulent payroll transactions between May and October 2020 designed to transfer the awarded PPP funds in FMC's payroll account out of that account so they could be used for an improper purpose, all the while making it appear that the PPP funds were legitimately used for employee payroll.

38. By April 2020, MACKEY was in a relationship with V.R., who had two minor children of her own from a prior relationship: CHILD 1 who was 9 years old and CHILD 2 who was 7 and then 8 years old at all relevant times. MACKEY also had two minor children from a prior marriage: CHILD 3

who was 11 years old and CHILD 4 who was 9 years old at all relevant times. In a subsequent interview with investigators, V.R. confirmed that she was the primary day-to-day caretaker of all four of the minor children.

39. On July 6, 2020, on MACKEY's instructions, V.R. opened an account at Bank 1. Specifically, this bank account was under V.R.'s name but "In Trust for Joey Mackey," had an account number ending in 3307, and listed MACKEY as the account's 100% beneficiary. On July 9, 2020, again on MACKEY's instructions, V.R. opened California Uniform Transfers to Minors Act bank accounts at Bank 1 on behalf of her minor children, CHILD 1 and CHILD 2, for which V.R. served as the custodian of these accounts ending in 3331 and 3349 respectively. Because V.R. opened the Bank 1 accounts for herself and her children all at MACKEY's instruction, I believe MACKEY at all times, through instructions to V.R., controlled the activity in each of those accounts. Both CHILD 3 and CHILD 4 already had bank accounts at Bank 1, ending in 1963 and 1971 respectively, that MACKEY created for them in May 2019 that he directly controlled as their parental representative. I believe that MACKEY also controlled all activity in these accounts as the authorized parental representative. As described further below, MACKEY used the Bank 1 accounts for V.R., CHILD 1, CHILD 2, CHILD 3, and CHILD 4, in addition to existing bank accounts belonging to MACKEY, SUBJECT 1 with Bank 1 account ending in 7539, and another close family member (hereinafter referred to as "SUBJECT 2") at Bank 1 account ending in 9808 to carry out fraudulent payroll transactions.

FMC Fraudulent Payroll Transactions

40. On April 9, 2020, Bank 1 directly disbursed $3,176,000 into FMC's payroll account ending in 0675 in reliance on the PPP loan application MACKEY submitted on FMC's behalf on April 1, 2020.

41. Beginning on July 9, 2020 (the same day MACKEY and V.R. opened accounts for CHILD 1 and CHILD 2), the Bank 1 accounts for V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2 each began receiving "payroll" payments out of FMC's payroll accounts for the first time. These payments were each in identical amounts of $7,612.50 per transaction and were paid on July 9, July 21, August 4, August 19, and September 4 to all accounts. On September 15, 2020, SUBJECT 2's bank account received another payment of $7,612.50. Then, on September 16, 2020, bank accounts for

V.R., CHILD 1, CHILD 2, and CHILD 3, each received FMC payroll account payments of precisely $4,099.20 each, except for CHILD 4's account which received $4,245.07. Finally, on October 1, 2020, SUBJECT 2's bank account received a final payment of $4,099.20. In total, each account received $42,161.70 during this scheme, with the exception of CHILD 4's account which received $42,307.57. $253,116.07 ultimately left FMC's payroll account in this fashion.

42. I believe all FMC payroll payments to V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2 are fraudulent, as none of these individuals have ever worked in construction, and four of them are minor children under the age of 12. Furthermore, each of the $7,612.50 payroll payments (identical for each payee) exceed nearly two-fold what MACKEY and SUBJECT 1 were making per payroll payment as FMC's owners ($4,245.07 and $3,950.65 respectively). The very limited time period of payroll payments to MACKEY's partner, close family members, and minor children of between July and October 2020 also lead me to believe all payments were part of a coordinated scheme to accomplish a limited objective in moving the PPP funds by October 2020, which will be discussed in greater detail below. Additionally, V.R. explained during a voluntary telephonic interview with investigators on April 19, 2023, that neither she nor any of the minor children (all of whom she took care of on a daily basis) performed any work for any MACKEY company.

43. In addition the fraudulent payroll transactions, the FMC payroll account engaged in atypical large dollar amount transactions of funds. On June 2, 2020, FMC transferred $1,750,000.00 out of its payroll account ending in 0675 into its general account ending in 0667. Then, on September 30, 2020, FMC transferred $650,000 out of its payroll account ending in 0675 into its general account ending in 0667. Based on my review of typical activity in FMC's payroll account, both of these transfers were unusual and indicative of laundering funds. Money only ever previously exited FMC's payroll account as payments to individual employees. I observed that FMC's general account ending in 0675 typically transfers $80,000 into the payroll account each month to cover payroll costs, with no transfers the other way around. As discussed below, the funds underlying both of these transactions were ultimately used in the purchases of revenue-generating real estate.

44. Altogether, $2,653,116.07 of the $3,176,000 that FMC obtained through its PPP loan improperly exited FMC's payroll account through fraudulent payroll payments to family accounts

controlled by MACKEY and in large value transactions uncharacteristic for FMC's payroll account activity.

JWM Fraudulent Payroll Transactions

45. On April 9, 2020, Bank 1 directly disbursed $622,300 into JWM's account at Bank 1 ending in 0659 in reliance on the PPP loan application MACKEY submitted on JWM's behalf on April 1, 2020. As described with FMC above, MACKEY fraudulently transferred the awarded PPP funds to the accounts (that he controlled) of family members who were not actual JWM employees.

46. Beginning on July 8 and July 9, the Bank 1 accounts for MACKEY, V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 1 each began receiving "payroll" payments out of JWM's account. On July 8 or 9, July 21, August 4, and August 19, 2020, accounts for each of the aforementioned individuals received payments of precisely $7,612.50. Then, between September 4, $11,711.61 passes from JWM's account into the accounts of V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 1 each. These $7,612.50 payments are precisely the same payment amounts and dates for the payments that V.R. and the minor children received from FMC for the same time period.

47. Then, on September 4, 2020, $11,711.61 passed from JWM's account into the accounts of V.R., CHILD 1, CHILD 2, CHILD 3, and CHILD 4 each. Then on September 15, 2020, SUBJECT 1's account also received a $11,710.91 payment from JWM.

48. On October 1, 2020, SUBJECT 2's bank account received a single payment of $42,161.61 from JWM, almost precisely the same amount that V.R., CHILD 1, CHILD 2, CHILD 3, and CHILD 4 each accumulated in total from JWM payroll payments by October 1, 2020. That same day, SUBJECT 1's bank account received a single payment of $235,516 from JWM.

49. Because MACKEY ultimately admitted in filings with the State of California's EDD that V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2 were not actual JWM employees, I believe all "payroll" payments to these individuals are fraudulent and an attempt to disguise planned misuse of the PPP funds awarded to JWM. I also believe that each $7,612.50 payroll payment to MACKEY's Bank 1 account is not genuine payroll and is instead part of the same scheme involving the other accounts. First, the amount MACKEY receives into his account is precisely the same

dollar amount as each fraudulent "payroll" payment to the other accounts. But secondly, JWM's account transaction records show that MACKEY does not typically get paid by JWM through a series of regular bi-monthly payroll payments. Instead, evidence produced by MACKEY's Certified Public Accountant pursuant to a grand jury subpoena shows that MACKEY typically only gets paid by JWM in a single transaction at the end of the calendar year pursuant to an email from that same CPA to FMC to write a single large dollar check to JWM.

50. In total, $283,419.66 of the $622,300 that JWM obtained through its PPP loan improperly exited JWM's account as fraudulent payroll into family accounts controlled by MACKEY and in coordinated transactions not consistent with JWM's prior payroll account activity and MACKEY's admissions about being JWM's sole employee. As will be described further below, the remaining $338,880.34 in JWM's account following MACKEY's fraudulent payroll scheme was used in the acquisition of revenue-generating real estate.

MACK AVIATION Fraudulent Payroll Transactions

51. On June 3, 2020, Bank 1 directly disbursed $284,250 into MACK AVIATION's account at Bank 1 ending in 0641 in reliance on the PPP loan application MACKEY submitted on MACK AVIATION's behalf on June 1, 2020. As described with FMC and JWM above, MACKEY fraudulently transferred the awarded PPP funds to the accounts (that he controlled) of family members who were not actual MACK AVIATION employees.

52. Beginning on July 9, the Bank 1 accounts for MACKEY, V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 1 each began receiving "payroll" payments out of MACK AVIATION's account. On July 9, July 21, August 4, and August 19, 2020, accounts for each of the aforementioned individuals received payments of precisely $7,612.50. These $7,612.50 payments are precisely the same payment amounts and dates for the payments that V.R. and the minor children received from both FMC and JWM for the same time period.

53. On September 4, 2020, as identically with JWM, $11,711.61 passes from JWM's account into the accounts of V.R., CHILD 2, CHILD 3, and CHILD 4 each, except for CHILD 1's account which received $11,710.91.

54. On October 1, 2020, SUBJECT 2's bank account received a single payment of

$42,161.61 from MACK AVIATION, precisely the same amount that V.R., CHILD 2, CHILD 3, and CHILD 4 each accumulated in total from MACK AVIATION payroll payments by October 1, 2020.

55. Because MACKEY ultimately admitted in filings with the State of California's EDD that JWM had no employees in 2020, I believe all "payroll" payments to V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2 are fraudulent and an attempt to disguise planned misuse of the PPP funds awarded to JWM.

56. In total, $210,807.35 of the $284,250 that MACK AVIATION obtained through its PPP loan improperly exited MACK AVIATION's account as fraudulent payroll into family accounts controlled by MACKEY and in coordinated transactions with other fraudulent payroll payments for other MACKEY-controlled entities.

E. MACKEY PURCHASED REAL ESTATE WITH LAUNDERED PPP FUNDS

57. By October 1, 2020, MACKEY had completed his series of fraudulent payroll transactions moving the PPP funds awarded to FMC, JWM, and MACK AVIATION to family member bank accounts he controlled either directly, through influence exerted over V.R., or influence exerted over or collusion with SUBJECT 1 and SUBJECT 2. MACKEY then proceeded to use the PPP funds used in the fraudulent payroll scheme for commercial real estate transactions, which are criminally improper uses of PPP funds under the CARES Act.

Use of PPP Funds to Pay Off Construction Loan on MACK AVIATION Hangar

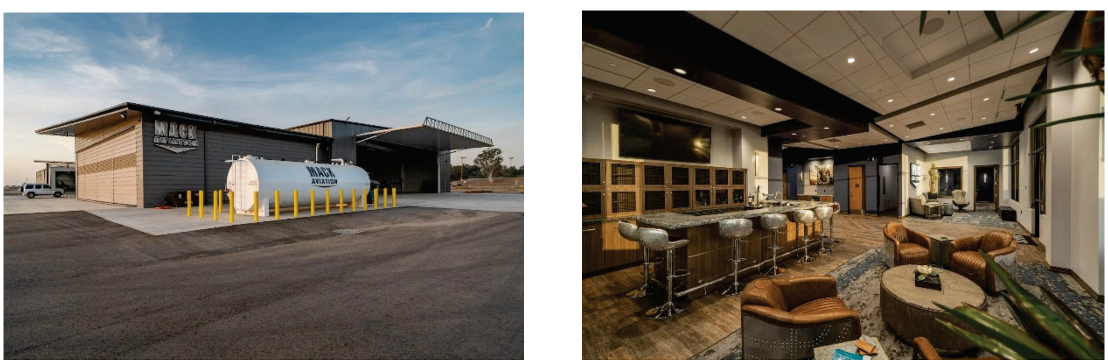
58. By October 1, 2020, each of the bank accounts for V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2 had accumulated significant funds from fraudulent payroll payments from FMC, JWM, and MACK AVIATION as described above. Specifically, the accounts had at least the following amounts in funds originating from the PPP loans to MACKEY businesses:

Account	**Amounts as of October 1, 2020, from Transfers of PPP Funds Through Fraudulent Payroll**
V.R. Account Ending in 3307	$42,161.70 from FMC $42,161.61 from JWM $42,161.61 from MACK AVIATION **Total: $126,484.92**
CHILD 1 Account Ending in 3331	$42,161.70 from FMC $42,161.61 from JWM $42,160.91 from MACK AVIATION **Total: $126,484.22**
CHILD 2 Account Ending in 3349	$42,161.70 from FMC $42,161.61 from JWM $42,161.61 from MACK AVIATION **Total: $126,484.92**
CHILD 3 Account Ending in 1963	$42,161.70 from FMC $42,161.61 from JWM $42,161.61 from MACK AVIATION **Total: $126,484.92**
CHILD 4 Account Ending in 1975	$42,307.57 from FMC $42,161.61 from JWM $42,161.61 from MACK AVIATION **Total: $126,630.79**
SUBJECT 1 Account Ending in 7539	$650,000 from FMC (From General Account) $277,677.61 from JWM **Total: $927,677.61**
SUBJECT 2 Account Ending in 9808	$42,161.70 from FMC $42,161.61 from JWM $42,161.61 from MACK AVIATION **Total: $126,484.92**

59. On October 1, 2020, MACKEY caused the bank accounts for V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2 to each transfer $120,000 to MACK AVIATION's account ending in 0641. He also caused SUBECT 1's bank account to transfer $920,180.07 to the same MACK AVIATION account. These transfers to MACK AVIATION reflect almost the full amounts paid into the accounts of V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2 through fraudulent payroll or, in SUBJECT 1's case, other unusual transactions involving payroll accounts. Altogether, these transactions added $1,640,180.07 into MACK AVIATION's account on October 1, 2020.

60. Later that same day, October 1, 2020, MACKEY caused MACK AVIATION to wire $1,640,321.08 to Bank 1 as a payoff payment for a variable rate commercial construction loan serviced by Bank 1 for an aircraft hangar at Visalia Municipal Airport, located at 9534 Airport Drive, Visalia, CA, built for MACK AVIATION's operations. With the construction loan paid, MACK AVIATION – and by extension MACKEY – owned the hangar in full as an asset.

<u>FIGURE 1: Photos of MACK AVIATION Hangar at Visalia Municipal Airport from Google Maps Profile of MACK AVIATION</u>



61. Because the amount of the hangar construction loan payoff amount is almost precisely the amount of PPP funds fraudulently passed through the FMC, JWM, and MACK AVIATION payroll schemes described above that poured into MACK AVIATION on October 1, 2020, I believe that the payoff of the hangar construction loan was the purpose behind the series of fraudulent payroll transactions and the purpose for which MACKEY instructed V.R. to create additional bank accounts for

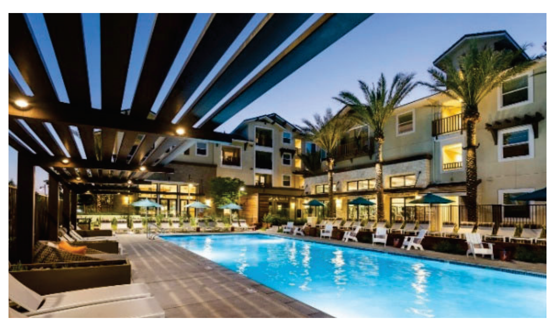
herself and her minor children in early July 2020. Additionally, V.R. asked Bank 1 to close the accounts for CHILD 1 and CHILD 2 on October 14, 2020, saying that they were no longer needed. I know that from my training and experience that the use of PPP funds to pay off commercial loans and acquire full title to associated assets is not a permissible use of PPP funds. I also believe that MACKEY was aware that the loan payoff was an impermissible use of PPP funds because he went to great lengths to conceal the final accumulation of the PPP funds at MACK AVIATION through a series of fraudulent payroll transactions.

Use of the PPP Funds to Invest in Luxury Apartment Complex

62. With the Visalia Municipal Airport hangar for MACK AVIATION fully secured through improper use of PPP funds, MACKEY used the hangar as collateral to secure a further $3 million loan from Bank 2, which Bank 2 disbursed to MACK AVIATION in May 2022, according to financial records subpoenaed from Bank 2. Bank 2's records showed that the purpose of the loan was "LEASEHOLD IMPROVEMENTS," that the borrower was MACKEY as the 100% owner of MACK AVIATION, and that the hangar MACK AVIATION posted as collateral was "currently owned free and clear with no debt on it." On September 8, 2022, MACKEY transferred $2.6 million from MACK AVIATION to JWM. On September 14, 2022, he transferred another $200,000 from MACK AVIATION to JWM. The approximately $2.8 million that is the subject of these transfers amount to nearly the full amount of the $3 million loan from Bank 2.

63. Also on September 14, 2022, MACKEY wired that same $2.8 million out of JWM to Property Management Company 1, which is a property management and investment firm, to acquire a 2% stake as a participating investor in a luxury apartment complex entity in San Diego called "The Residences" located at 1925 Avenida Escaya, Chula Vista, CA.

FIGURE 2: Photos of The Residences at 1925 Avenida Escaya, Chula Vista, CA



64. I know from my training and experience that the use of PPP funds to purchase investment stakes in revenue generating commercial real estate is not a permissible use of PPP funds. I also believe that MACKEY was aware that his investment in The Residences was an impermissible use of PPP funds because he tried to conceal the purchase of the real estate investment stake by buying using his JWM entity, instead of MACK AVIATION which actually obtained the $3 million loan (with a PPP-funded asset as collateral) used for the purchase.

Use of the PPP Funds to Purchase 1300 West Shaw Commercial Office Park

65. As noted above, on June 2, 2020, MACKEY moved $1,750,000 of the PPP funds from FMC's payroll account to FMC's general account. Then, on October 1, 2020, FMC moved $1,500,000 of that $1,750,000 into JWM's account. The day prior, on September 30, JWM had sent Orange Coast Title a $100,000 earnest deposit for purchase of the 1300 West Shaw commercial office park property in Fresno, CA. Next on October 15,2020, MACKEY wired $739,278.07 to close on the property, while also receiving a $1,313,400 loan from Bank 1 as a mortgage on the property. The loan funds on the next day, October 16, 2020. The full price MACKEY paid for the 1300 West Shaw property was $2,200,000, of which JWM put in $839,000 total.

FIGURE 3: Photo of 1300 West Shaw, Fresno, CA 93711

66. I believe MACKEY used PPP funds for JWM's transactions during the purchase of 1300 West Shaw. Outside of the $622,300 in PPP loans that JWM received which were eventually laundered through the above-described fraudulent payroll scheme, no other deposits into JWM in 2020 are large enough to support payments of $839,000 besides the $1,500,000 transfer of PPP funds from FMC. The timing of the large FMC transfer – the very day after MACKEY and JWM paid the earnest money

deposit on September 30, 2020 – also leads me to believe that the purpose of the transaction was to acquire 1300 West Shaw.

Use of the PPP Funds to Purchase Luxury Condominium Surrounding Golf Course

67. As noted above, on June 2, 2020, MACKEY moved $1,750,000 of the PPP funds from FMC's payroll account to FMC's general account. While MACKEY transferred $1,500,000 to JWM to purchase 1300 West Shaw, $250,000 of the initial PPP fund transfer remained in FMC's general account until later that year.

68. On October 9, 2020, $210,000 of the remaining $250,000 PPP funds in FMC's general account was transferred to a joint account for SUBJECT 1 and SUBJECT 2 ending in 9808, which was also the account belonging to SUBJECT 2 that MACKEY used in his fraudulent payroll scheme. Then on October 22, 2020, the account for SUBJECT 1 and SUBJECT 2 wired $406,825.17 to purchase a luxury condominium at 708 North Silvervale Drive at the Visalia Country Club. The purchase closed on October 27, 2020.

FIGURE 3: Photos of 708 North Silvervale, Visalia, CA 93291

69. Publicly available real estate information showed that the condominium sold for $580,000 on August 7, 2023.

70. I believe MACKEY used PPP funds for the purchase of 708 North Silvervale. The October 2020 timing of the purchase is in line with the other aforementioned coordinated real estate purchases by MACKEY with PPP funds. When the $210,000 exited FMC's general account on October 9, 2020, it entered an account for SUBJECT 2 that MACKEY had previously used in his highly

coordinated series of fraudulent payroll transactions. Because MACKEY was able to fund more than half the purchase with PPP funds, his profits from the sale of the property in 2023 likely gave him a profit of at least $383,174.83.

71. To confirm that all real estate purchases resulted from use of PPP funds, investigators relied on the Lowest Intermediate Balance Rule, whereby the accounts co-mingling their own funds with PPP funds are considered to have spent their own funds first, and only then considered to have begun spending funds not belonging to them. Based on this analysis, investigators observed that JWM and MACK AVIATION did not have sufficient funds prior to the infusion of PPP funds to carry out the real estate transactions and construction loan payoff. As JWM and MACK AVIATION received the funds for the real estate transactions from FMC's general account, investigator also applied the Lowest Intermediate Balance Rule analysis to that account. While mathematically FMC's general account at times had sufficient funds to cover the real estate transactions, that balance reflected payments from construction clients who paid FMC with the specific expectation that those funds would go to pay subcontractors on their projects. I observed that FMC consistently passed along payment for subcontractors after receiving payments from clients during all relevant times. Based on this, I concluded that FMC's general account lacked sufficient funds to support the JWM and MACK AVIATION real estate transactions without the improper transfer of PPP funds out of FMC's payroll account and without depriving multiple subcontractors their regularly scheduled pay.

F. MACKEY FILED FRAUDULENT PPP LOAN FORGIVENESS APPLICATIONS

72. Following MACKEY's real estate purchases with PPP loan funds, MACKEY applied for forgiveness of the FMC, JWM, and MACK AVIATION PPP loans. Under the CARES Act, if the PPP funds had been spent on permitted expenses, the loans were fully forgivable. As explained above, for FMC, JWM, and MACK AVIATION's uses of their PPP funds, their loans were not forgivable.

FMC Forgiveness Application

73. On July 8, 2021, MACKEY caused FMC to submit a forgiveness application for FMC's PPP loan to Bank 1 and SBA, signed by SUBJECT 1 instead of MACKEY. In the forgiveness application form, MACKEY claimed that between April 15 and October 9, 2020, FMC had spent $3,941,384.62 in payroll costs, exceeding the $3,176,500.00 in funds, to pay 60 employees. The

forgiveness application ultimately requested that $2,364,830.77 of FMC's PPP funds be forgiven. The forgiveness application certified that the amount requested for forgiveness was spent on eligible business costs like payroll to retain employees. In an accompanying letter, signed by SUBJECT 1, FMC claimed that it used the loan to "keep our W-2 employees working, along with subcontractors' employees working, by paying all payroll . . . with the PPP loan."

74. Based on my investigation of the real estate purchases made with FMC's PPP funds, I believe the statements made in FMC's forgiveness application form and letter about using the PPP funds legitimate purposes are false. Between April 15 and October 9, 2020, FMC only had at most 28 genuine employees on payroll, excluding the fraudulent payroll to V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2. Even counting the individuals from the fraudulent payroll scheme would at most make the number 34, far from the 60 claimed on the forgiveness application. Notably, none of these individuals remained on FMC's payroll after October 9, 2020, when MACKEY had set in motion the real estate purchases. Between April 15 and October 9, 2020, FMC's clients kept paying FMC for the work of their subcontractors, which FMC then passed along to the subcontractors as they typically do. There is no indication that any of the PPP funds were given to any subcontractors. In contrast, there is evidence that the PPP funds were used in traceable large dollar real estate transactions appear to have not been possible without the PPP funds, given the balances in FMC's payroll and general accounts, at least without disrupting usual payment operations out of that account.

75. SBA did not approve, but ultimately did not deny FMC's forgiveness application, and the loan balance remained until February 10, 2025. Instead, MACKEY signed a check on February 10, 2025, paying the full outstanding balance of the FMC PPP loan, just one week after receiving a pre-indictment plea offer from the U.S. Attorney's Office for the Eastern District of California. I believe this payment is evidence of MACKEY's self-awareness of the criminal risk from what he actually used FMC's PPP funds for.

JWM Forgiveness Application

76. On June 29, 2021, MACKEY signed and submitted a forgiveness application for JWM's PPP loan to Bank 1 and SBA. In the forgiveness application form, MACKEY claimed that between April 9 and September 23, 2020, JWM had spent $156,325.83 in payroll costs to pay 8 employees and

requested that this amount be forgiven. The forgiveness application certified that the amount requested for forgiveness was spent on eligible business costs like payroll to retain employees, with MACKEY initialing next to this certification in the application.

77. Based on my investigation of the real estate purchases made with JWM's PPP funds, I believe the statements made in JWM's forgiveness application form about using the PPP funds legitimate purposes are false. Between April 9 and September 23, 2020, MACKEY was the only legitimate employee on payroll, excluding the fraudulent payroll to V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2. MACKEY himself confirmed this with his EDD filings with the State of California for the same time period, in which he stated that he was the only employee.

78. SBA ultimately decided to fully deny JWM's loan forgiveness application. On March 2, 2022, SBA issued a PPP Request for Production of Documents and Information stating their intention to deny JWM's forgiveness application. SBA eventually found that JWM was ineligible for the PPP loan it received and denied forgiveness. Being unsuccessful in getting the loan balance forgiven, MACKEY paid the remaining balance of the JWM PPP loan back to Bank 1 on September 8, 2022.

MACK AVIATION Forgiveness Application

79. On or about December 23, 2021, MACKEY submitted a forgiveness application for MACK AVIATION's PPP loan to Bank 1 and SBA on Bank 1's online portal. In the forgiveness application form, MACKEY sought full forgiveness for the full amount of the PPP loan. Bank 1 denied the MACK AVIATION forgiveness application outright on the online portal, before a formal forgiveness application form could be generated, and noted that MACK AVIATION had "Zero employees." MACKEY himself confirmed that MACK AVIATION has zero employees with his EDD filings with the State of California for the same time period.

80. SBA then decided to fully deny MACK AVIATION's loan forgiveness application. On April 21, 2022, SBA issued a Paycheck Protection Progrm Final SBA Loan Review Decision denying MACK AVIATION's forgiveness application, finding that MACK AVIATION was ineligible for the PPP loan it received. Being unsuccessful in getting the loan balance forgiven, MACKEY paid the remaining balance of the MACK AVIATION PPP loan back to Bank 1 on September 8, 2022.

G. MACKEY LIED TO INVESTIGATORS ABOUT EMPLOYING HIS AND V.R.'s CHILDREN

81. On April 10, 2023, MACKEY participated in a voluntary telephonic interview with Federal Deposit Insurance Corporation Office of Inspector General ("FDIC-OIG") Special Agent Joshua Yim and me. Special Agent Yim and I were located in the State and Eastern District of California during this call. MACKEY stated he was somewhere in Orange County, in Southern California. Special Agent Yim and I identified ourselves as FDIC-OIG and FBI agents, respectively, and told MACKEY this interview was voluntary. MACKEY agreed to proceed with the interview.

82. During this interview, MACKEY confirmed that he was wholly responsible for the FMC PPP loan application, explaining that SUBJECT 1 was retired from all financial-related aspects of the business. MACKEY further explained that his controller, E.A., only assisted by pulling records for him.

83. MACKEY told Special Agent Yim and me that his and V.R.'s minor children did in fact work for MACK AVIATION and were paid specifically for scrubbing the MACK AVIATION hangar floors and re-fueling jets. MACKEY explained that this supposed work was a material fact underlying the PPP loan applications. MACKEY also said he could not recall what work the children did for FMC or JWM, but said he would have to check "timecards," with the implication being that there would be records evidencing legitimate work done by the children at these entities.

84. On April 19, 2023, Special Agent Yim and I interviewed V.R. telephonically. As with MACKEY, we identified ourselves and our respective federal agencies and explained the voluntary nature of this interview. V.R. agreed to proceed with the interview.

85. V.R. stated that neither her children (CHILD 1 and CHILD 2) nor MACKEY's children (CHILD 3 and CHILD 4) ever performed any work for any of MACKEY's companies, never cleaned the MACK AVIATION hangar, never refueled jets, and never worked at any job sites. V.R. explained that while she was in a relationship with MACKEY, they lived together with their children at MACKEY's residence and did everything together. V.R. also stated that she was familiar with the PPP paperwork, and knew money was going into the accounts for the children but also stated that she never read any of the documentation and just signed whatever MACKEY told her to sign. V.R. stated that all she really knew about the accounts at Bank 1 for her and her children was just that their names were on

the accounts. V.R. stated she was just following MACKEY's instructions. She said the money going into them did not belong to her or her children and that she never believed that it did. She also stated that she never touched the money in those accounts for her own purposes and never intended to. V.R. also described MACKEY as "very controlling," both with her and others. Specifically, V.R. observed MACKEY treating SUBJECT 1 very disrespectfully. She added that it would not surprise her if SUBJECT 1 either did not know what MACKEY was doing with the PPP loans or if SUBJECT 1 was too afraid to confront MACKEY about the scheme.

86. V.R. stated that she and MACKEY only dated for about one year but that it was an unhealthy relationship, and they are not in contact any longer. During that time, V.R. and her children were financially dependent on MACKEY. MACKEY occasionally gave her instructions or asked her to sign certain things which she felt obligated to do, but which she typically had little understanding of.

87. On January 31, 2025, I spoke telephonically with the Operations Supervisor at Visalia Municipal Airport in a voluntary interview. The Operations Supervisor stated that he has worked at that airport for approximately five years and has never seen any children at the MACK AVIATION hangar. The Operations Supervisor also stated that no children or even adults should be refueling planes without proper training. He explained further that the training to refuel aircraft takes months to complete and that there is a serious liability risk and danger for someone without that training to try refueling jets.

88. On February 3, 2025, I spoke telephonically with the Hangar Manager at Aviation Company 1, an aviation service that owns the hangar opposite MACK AVIATION. The Hangar Manager stated that she has worked there for Aviation Company 1 for ten years, that MACK AVIATION's hangar was always clearly visible to her, and that she has never seen any young kids (including those between the ages of 8 and 11) working at the MACK AVIATION hangar. She added that the only children she has seen at the MACK AVIATION hangar have been parts of private parties boarding the aircraft.

89. Based on my interview of V.R. and Visalia Municipal Airport workers, I believe that MACKEY's statement to me that his children scrubbed the MACK AVIATION hangar floor and refueled jets was false. I also believe that MACKEY's implication that the children between the ages of 8 and 11 had timecards recording their work for FMC and JWM is also false. I further conclude from

MACKEY's false statements about what work the children performed that the children actually performed no verifiable work at all for any of the MACKEY companies.

H. MACKEY MANIPULATED ACCOUNTING RECORDS TO HIDE THE USE OF PPP FUNDS

90. MACKEY attempted to manipulate the ledgers at FMC and JWM to disguise the movement of PPP funds. Records obtained from MACKEY's CPA by subpoena show that on the FMC general ledger entry for October 1, 2020, the $1,500,000 transaction out of the FMC general account to JWM that supported the purchase of 1300 West Shaw was listed as an "Equipment Lease" to JWM. This is a disproportionally large equipment lease expense compared to all the other entries from that year (all other equipment lease expenses combined for 2020 added up to $30,649.13). However, that same transaction FMC listed as an "Equipment Lease" is instead listed as a credit for consulting services with the entry "F/M Check." Two months later, on December 31, 2020, the $1,500,000 payment is adjusted yet again and re-labeled as a Note Payable to FMC.

91. I believe that MACKEY, as president of both FMC and JWM, is responsible for both FMC and JWM recording the $1,500,000 payment in this fashion. I believe this payment re-labeling indicates that MACKEY was trying to obfuscate the source and purpose of the $1,500,000. The JWM account was also in a negative balance prior to receiving the $1,500,000. After the $1,500,000 deposit from FMC, MACKEY wired $739,278 to a title company for the purchase of commercial real estate property 1300 West Shaw Ave, as described above. The re-labeling and inconsistent labeling of the money transfers as leases or notes appears to be illegitimate and an attempt to disguise the source and use of the funds.

92. MACKEY attempted to at first disguise the accumulation of funds to pay off the MACK AVIATION hangar as purchases of equity by V.R., the minor children, SUBJECT 1, and SUBJECT 2 on the MACK AVIATION ledger, but then fraudulently replaced all of those transactions at the end of the year with a single transaction on the ledger disguising the same influx of funds as a loan paid by JWM to MACK AVIATION. Records from MACKEY's CPA also show that the October 1, 2020 financial transactions of $120,000 each from the accounts of V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2, and the $920,180.07 from SUBJECT 1 to MACK AVIATION, were

recorded on MACK AVIATION's general ledger on October 1, 2020 as transfers of equity to new partners, suggesting that the above mentioned individuals all purchased ownership of MACK AVIATION in the amounts 3.33% for V.R., CHILD 1, CHILD 2, CHILD 3, and CHILD 4 each, and 40.01% for SUBJECT 1 pursuant to his larger contribution of $920,180.07. Based on my tracing of the funds and discussions with V.R. and other witnesses as discussed earlier in this affidavit, I believe that these accounting entries are further attempts to hide the use of the PPP funds for illegal purposes and demonstrate the state of mind of the defendant at the time that these general ledger entries were made. Furthermore, the CPA records show that the journal entries were later reversed on December 31, 2020, effectively eliminating the entries from the ledger. Specifically, the $920,180.07 transfer equity to new partners for SUBJECT 1 was reversed along with each of the $120,000.00 transfers equity to new partners for V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, and SUBJECT 2. In their place instead to explain the funds received from V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2, a new ledger entry for the same amount of $1,640,180.07 total replaced all of the prior transactions as a Note Payable Shareholder. As the Shareholder in this case is JWM, the new replacement entry from December 2020 falsely stated that the influx of $1,640,180.07 came as a loan from JWM, rather than from a series of transactions from V.R., CHILD 1, CHILD 2, CHILD 3, CHILD 4, SUBJECT 1, and SUBJECT 2. Neither the equity nor loan explanations on the ledger were true. As described above, the $1,640,180.07 originated from PPP funds.

IV. CONCLUSION

1. I believe the above facts set forth probable cause to believe that Joey Wayne MACKEY is in violation of Title 18 of the United States Code, Section 1344, bank fraud. I request that an arrest warrant be issued for MACKEY for these offenses.

2. I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Hamilton Hiatt, Special Agent
Federal Bureau of Investigations

Affidavit submitted by email/PDF and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) on 8/29/25.

B. McAuliffe
HONORABLE BARBARA A. MCAULIFFE
UNITED STATES MAGISTRATE JUDGE

Approved as to form:
/s/ CALVIN LEE
CALVIN LEE
Assistant U.S. Attorney

RE complaint for JOEY WAYNE MACKEY