

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

24-CV-1225

THE ADJOINING REAL PROPERTIES AND  
PREMISES WITH ITS BUILDINGS,  
IMPROVEMENTS, FIXTURES, ATTACHMENTS  
AND EASEMENTS LOCATED AT 327 HYDE  
PARK BOULEVARD, NIAGARA FALLS, NEW  
YORK AND 3322 CHURCH AVENUE, NIAGARA  
FALLS, NEW YORK THAT IS, ALL THAT TRACT  
OR PARCEL OF LAND, SITUATED IN THE CITY  
OF NIAGARA FALLS, COUNTY OF NIAGARA,  
STATE OF NEW YORK, AND MORE  
PARTICULARLY DESCRIBED IN A CERTAIN  
DEED RECORDED IN THE NIAGARA COUNTY  
CLERK'S OFFICE UNDER INSTRUMENT  
NUMBER 2022-17644,

Defendant *in rem*.

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**VERIFIED COMPLAINT FOR FORFEITURE**

The United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York and Elizabeth M. Palma, Assistant United States Attorney, of counsel, for its Verified Complaint herein alleges as follows in accordance with Title 18, United States Code, Section 985 and Rule G(2) Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions:

**NATURE OF ACTION**

1. This is a civil forfeiture action *in rem* pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C), and/or Title 21, United States Code, Section 881(a)(7).

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28, United States Code, Section 1345 and over an action for forfeiture pursuant to Title 28, United States Code, Section 1355(a). This Court has *in rem* jurisdiction pursuant to Title 28, United States Code, Section 1355(b) because the acts or omissions giving rise to the forfeiture occurred in the Western District of New York. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395 because the defendant real property is found within the Western District of New York.

**THE DEFENDANT *IN REM***

3. The defendant *in rem* is the adjoining real properties and premises with its buildings, improvements, fixtures, attachments and easements located at 327 Hyde Park Boulevard, Niagara Falls, New York and 3322 Church Avenue, Niagara Falls, New York that is, all that tract or parcel of land, situated in the City of Niagara Falls, County of Niagara, State of New York, and more particularly described in a certain deed recorded in the Niagara County Clerk's Office under Instrument Number 2022-17644, further described in the attached Exhibit A (hereinafter, the "Defendant Real Property").

4. The Defendant Real Property is titled in the name of “DREAM HOMES PROPERTY MANAGEMENT, LLC”.

**RELEVANT STATUTORY AUTHORITY**

**Title 18, United States Code, Section 1343** provides in relevant part:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined, imprisoned or both.

**Title 18, United States Code, Section 1956(c)(7)(A)**, provides in relevant part that the term “specified unlawful activity” includes offenses listed in Title 18, United States Code, Section 1961(1)(B).

**Title 18, United States Code, Section 1961(1)(B)**, lists Title 18, United States Code, Section 1343 (wire fraud), as an offense that constitutes “specified unlawful activity.”

**Title 18, United States Code, Section 1957** provides in relevant part:

Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

**Title 21, United States Code, Section 841(a)(1)** provides in relevant part:

[I]t shall be unlawful for any person knowingly or intentionally (1) to manufacture, distribute, or dispense, a controlled substance; or (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

**Title 21, United States Code, Section 856(a)(1)** provides:

Except as authorized by this subchapter, it shall be unlawful to:  
(1) knowingly, open, lease, rent, use, or maintain any place whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance[.]

### **RELEVANT FORFEITURE AUTHORITY**

**Title 18, United States Code, Sections 981(a)(1)(A) and (C)** provide in relevant part, the following is subject to forfeiture:

(A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section . . . 1957, of this title, or any property traceable to such property; or . . .

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of...any offense constituting “specified unlawful activity” (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense;

**Title 21, United States Code, Section 881(a)(7)** provides that the following is subject to forfeiture:

(7) All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this subchapter.

### **REVELANT ENTITIES**

5. DREAM HOMES PROPERTY MANAGEMENT, LLC is an active domestic limited liability company (“LLC”). According to the New York State Department of State, Division of Corporations (“NYS DOS DOC”), public records show that DREAM HOMES PROPERTY MANAGEMENT, LLC was established in Niagara County, in the

state of New York, on or about December 31, 2013. Rashawn Salmon (“SALMON”) is the sole member and president of DREAM HOMES PROPERTY MANAGEMENT, LLC.

### **OVERVIEW OF THE ECONOMIC INJURY DISASTER LOAN PROGRAM**

6. The United States Small Business Administration (“SBA”) is a United States government agency that provides support to entrepreneurs and small businesses. The SBA was created in 1953 as an independent agency of the federal government to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our nation. The SBA aids and assists small businesses in the economic recovery of communities after disasters. Among the services historically provided by the SBA to assist entrepreneurs and small businesses has been the ability under Title 15, United States Code, Sections 636(b), (d) and (f), and 657n, to grant loans to qualifying businesses suffering from the effects of declared disasters.

7. On or about March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was enacted into federal law to provide emergency financial assistance to millions of Americans who were suffering the economic effects caused by the COVID-19 pandemic. One of the provisions included in the CARES Act was funding provided to the SBA for the Economic Injury Disaster Loan (“EIDL”) program. The EIDL program was designed to provide economic relief to small businesses, defined as businesses employing five hundred (500) or fewer employees that were experiencing a temporary loss of revenue due to COVID-19. The EIDL program provided low interest loans to pay for expenses that could have been met had the pandemic not occurred, including payroll, paid

sick leave for employees, increased production costs due to supply chain disruptions, and business obligations such as debts, rent, and mortgage payments. The maximum loan amount under this EIDL program was originally \$150,000.00, however the SBA announced that the maximum EIDL amount was to be increased to \$500,000.00 beginning the week of April 6, 2021. The EIDL loans had an interest rate of 3.75% and could have a maturity of up to thirty (30) years.

8. To obtain an EIDL, a qualifying business had to submit a loan application signed by an authorized representative for the business. As part of the application process, the authorized representative was required to acknowledge the rules and conditions of the EIDL program and make certain affirmative certifications. EIDL loans were processed and funded directly by the SBA. Information posted on the SBA website<sup>1</sup> describes how EIDL proceeds could and could not be used:

- Working capital and normal expenses such as the continuation of health care benefits, rent, utilities, and fixed debt payments.
- ***EIDL funds cannot be used for expanding facilities, buying fixed assets, repairing physical damages, refinancing debt, paying out dividends or bonuses, or paying back loans to stockholders or principals (emphasis added).***

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<sup>1</sup> <https://www.sba.gov/funding-programs/disaster-assistance/economic-injury-disaster-loans>

**FACTUAL BASIS FOR FORFEITURE**

**SALMON's EIDL Application**

9. On or about December 22, 2021, the SBA received application number 3325865704 in the name of Rashawn SALMON, which had been submitted to the SBA over the internet by means of interstate wire communications *via* IP address 72.43.19.106, seeking a loan in the amount of \$146,800.00.

10. The application listed SALMON as the 100 percent owner of a sole proprietorship involved in property management and realty, doing business at 9680 Niagara Falls Boulevard, Unit 523, Niagara Falls, New York, 14304.

11. On or about February 2, 2022, the Loan Authorization and Agreement was electronically signed with the name Rashawn SALMON.

12. This agreement contained certifications that all representations in the EIDL application were “true, correct and complete and are offered to induce SBA to make this Loan [.]” and contained warnings of penalties for misapplication of proceeds and false statements or misrepresentations to the SBA, including potential criminal violations.

13. Additionally, this agreement states that the borrower will “use all proceeds of this Loan solely as working capital to alleviate economic injury caused by disaster.”

14. The SBA approved SALMON’s application and the EIDL was funded.

15. On or about February 8, 2022, a wire transfer in the amount of \$146,700.00 was transmitted from the SBA into Bank of America account number ending in 0792, held in the name of Rashawn SALMON.

**Purchase of the Defendant Real Property**

16. On or about September 6, 2022, a cashier's check in the amount of \$141,022.09 was disbursed from Bank of America account ending in 0792 and made payable to 8001 Buffalo Ave., Inc., for the purchase of the Defendant Real Property.

17. The funds drawn upon the check to 8001 Buffalo Ave., Inc. included more than \$10,000.00 of the funds SALMON received from the SBA as a result of SALMON's approved EIDL application.

18. On or about September 6, 2022, DREAM HOMES PROPERTY MANAGEMENT, LLC purchased the Defendant Real Property from 8001 Buffalo Ave., Inc., in the amount of \$150,000.00, as reflected in Exhibit A.

19. A check of public records on or about December 11, 2024, indicates DREAM HOMES PROPERTY MANAGEMENT, LLC as the current owner of the Defendant Real Property.



**Federal Search Warrant Executed at 327 Hyde Park Boulevard, Niagara Falls, New York and SALMON's residence**

20. On or about August 27, 2024, a federal search warrant was issued by the Honorable Michael J. Roemer, United States Magistrate Judge, which authorized the search of 327 Hyde Park Boulevard, Niagara Falls, New York, and SALMON's residence.

21. On or about August 28, 2024, the Federal Bureau of Investigation Buffalo executed the search warrant at 327 Hyde Park Boulevard in Niagara Falls, New York and SALMON's residence.

22. Among other items, suspected drugs in the form of a white powder substance were seized from 327 Hyde Park Boulevard, Niagara Falls, New York.

23. Lab reports from the Drug Enforcement Administration Northeast Laboratory dated September 26, 2024 and October 10, 2024, reported the suspected drugs were:

- a. approximately 1008.2 grams of fentanyl, a listed Schedule II controlled substance; and
- b. approximately 873.7 grams of fluorofentanyl, a listed Schedule I controlled substance and an analogue of fentanyl.

**SALMON's Post *Miranda* Statements**

24. On or about August 28, 2024, SALMON was detained during the execution of the search warrant at his residence and advised of his *Miranda* Rights. SALMON waived his rights in writing and agreed to speak with law enforcement.

25. In this interview with law enforcement, SALMON admitted he received over \$100,000.00 in United States dollars from a government business loan two (2) years prior.

26. SALMON also admitted he purchased the Defendant Real Property with monies received from the EIDL he obtained from the SBA.

### **CONCLUSION AND REQUEST FOR RELIEF**

27. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the law enforcement officers involved, there is a reasonable belief that the Defendant Real Property is: (1) property, real or personal, which constitutes or is derived from proceeds traceable to a violation of...any offense constituting “specified unlawful activity,” such as wire fraud in violation of Title 18, United States Code, Section 1343; (2) property real or personal, involved in a monetary transaction of more than \$10,000 of proceeds derived from a specified unlawful activity (Title, 18, United States Code, Section 1957), or any property traceable to such property; and/or (3) all real property, including any right, title, and interest, in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, violations of Title 21, United States Code, Sections 841(a) and 856(a)(1), and therefore, is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C), and/or Title 21 United States Code, Section 881(a)(7).

WHEREFORE, the United States of America respectfully requests that:

- (1) a Notice of Complaint for Forfeiture against the Defendant Real Property be issued for the Defendant Real Property;
- (2) notice of this action be given to all persons known or thought to have an interest in or right against the Defendant Real Property;
- (3) a judgment be entered declaring the Defendant Real Property condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and
- (5) the Court grant such other and further relief as deemed just and proper.

DATED: December 11, 2024  
Buffalo, New York.

TRINI E. ROSS  
United States Attorney  
Western District of New York

By: /s/ Elizabeth M. Palma  
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STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:  
CITY OF BUFFALO )

Special Agent Curtis R. Middlebrooks, being duly sworn, deposes and says:

I am a Special Agent with the Federal Bureau of Investigation (“FBI”), in Buffalo New York, in the Western District of New York. I am familiar with the facts and circumstances surrounding the Defendant Real Property. The facts alleged in the Verified Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of the FBI and provided to the officials of the United States Attorney’s Office.

/s/Curtis R. Middlebrooks

Curtis R. Middlebrooks  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 11<sup>th</sup> of December 2024.

/s/Cheryl Lotempio  
CHERYL LOTEMPIO

Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 6-30-2026