

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**SUPERSEDING INDICTMENT FOR FALSE STATEMENTS,  
WIRE FRAUD AND THEFT OF GOVERNMENT FUNDS**

UNITED STATES OF AMERICA

\* CRIMINAL DOCKET NO. 08-164

v.

\* SECTION: "R"(1)

BARBARA SIMMONS DOWL  
a/k/a Barbara Simmons  
a/k/a Barbara Lee Dowl  
a/k/a Barbara Dowl

\* VIOLATION: 18 U.S.C. § 641  
18 U.S.C. § 1343  
\* 18 U.S.C. § 1001  
18 U.S.C. § 2

\* \* \*

The Grand Jury charges that:

**COUNT 1 - THEFT OF GOVERNMENT FUNDS**

**A. AT ALL TIMES MATERIAL HEREIN:**

1. On or about March 6, 1992, the defendant, **BARBARA SIMMONS DOWL**, a/k/a Barbara Simmons, a/k/a Barbara Lee Dowl, a/k/a Barbara Dowl, hereinafter referred to as **BARBARA SIMMONS DOWL**, and her husband purchased property at 8633 Zimple Street, New Orleans, Louisiana.

2. From on or about 1993 to on or about 2004 the Dowls failed to pay the property taxes owed on the property at 8633 Zimple Street, New Orleans, Louisiana, resulting in the City of New Orleans taking possession and ownership of the property.

3. On or about August 14, 2001, the defendant divorced her husband, Nathaniel Dowl, Jr.

4. On or about July 6, 2004, the City of New Orleans sold the property at 8633 Zimple Street, New Orleans, Louisiana to Robinson Ventures, L.L.C.

5. On or about July 14, 2004, the defendant and her ex-husband filed a "Petition to Annul Sale of Property" declaring that the City of New Orleans had sold the property to Robinson Ventures, L.L.C on July 6, 2004 and asking the Court to annul the sale.

6. On August 29, 2005, Hurricane Katrina made landfall in Louisiana causing widespread damage to the City of New Orleans.

7. After Hurricane Katrina devastated the City of New Orleans, the Federal Emergency Management Agency (FEMA) immediately provided disaster assistance to individuals affected by the storm including emergency assistance funding. Also, immediate low interest disaster loans from the United States Small Business Administration were made available to rebuild homes and businesses devastated by Hurricane Katrina.

8. The United States Small Business Administration (SBA) was an agency of the United States of America providing disaster assistance loans to Hurricane Katrina victims. The SBA was administered and funded by the United States of America.

9. On or about October 27, 2005, the defendant, **BARBARA SIMMONS DOWL**, prepared a SBA disaster assistance loan application wherein she stated she owned the property located at 8633

Zimple Street, New Orleans, Louisiana on August 29, 2005 and it was her primary residence on August 29, 2005.

10. On or about January 31, 2006, the defendant, **BARBARA SIMMONS DOWL**, met with a representative of the SBA at 8633 Zimple Street, New Orleans, Louisiana to inspect the premises for hurricane damage.

11. On or about March 23, 2006, in the Eastern District of Louisiana, the defendant, **BARBARA SIMMONS DOWL**, met with a representative of the SBA to execute various loan documents including a Loan Authorization Agreement (LAA) whereby the SBA agreed to loan the defendant \$105,000. The LAA required that the defendant own the property, that loan proceeds were spent to repair or replace the structure on the property, that any unused proceeds be returned to the SBA no later than one (1) year after disbursement, and that title to the property was not in question or dispute.

12. On or about April 26, 2006, in the Notarial Archives Records Office of the City of New Orleans, a deed was filed stating that on April 25, 2006, the City of New Orleans sold 8633 Zimple Street, New Orleans, Louisiana to Barbara Simmons Dowl.

**B. THE THEFT OF GOVERNMENT FUNDS FROM  
THE UNITED STATES SMALL BUSINESS ADMINISTRATION**

From on or about October 2005, to on or about October 2006, in the Eastern District of Louisiana and elsewhere, the defendant, **BARBARA SIMMONS DOWL**, did knowingly steal, purloin and convert money of the United States Small Business Administration (SBA), a department

and agency of the United States, namely, SBA disaster loan disbursement payments in the amount of \$75,000 to which she was not entitled; all in violation of Title 18, United States Code, Section 641.

**COUNT 2 - FALSE STATEMENTS**

On or about January 31, 2006, in the Eastern District of Louisiana, the defendant, **BARBARA SIMMONS DOWL**, did knowingly and willfully make a false, fictitious and fraudulent statement and representation as to a material fact in a matter within the jurisdiction of the United States Small Business Administration, an agency and department of the United States of America, in that she falsely stated to a representative of the SBA inspecting the property at 8633 Zimple Street, New Orleans, Louisiana, that she was the owner of the property, when in truth and in fact the defendant, **BARBARA SIMMONS DOWL**, well knew, she had not owned 8633 Zimple Street, New Orleans, Louisiana since July 2004; all in violation of Title 18, United States Code, Section 1001.

**COUNT 3 - FALSE STATEMENTS**

On or about March 23, 2006, in the Eastern District of Louisiana, the defendant, **BARBARA SIMMONS DOWL**, did knowingly and willfully, make a false, fictitious, and fraudulent statement and representation as to a material fact in a matter within the jurisdiction of the United States Small Business Administration, an agency and department of the United States, in that she falsely represented in a Loan Authorization Agreement she was the owner of the property at 8633 Zimple Street, New Orleans, Louisiana and had title to the property at 8633 Zimple Street, New Orleans, Louisiana was not in question or dispute when in truth and in fact, as the defendant, **BARBARA SIMMONS DOWL**, well knew, she was not the owner of the property at 8633 Zimple Street, New Orleans, Louisiana since July 2004 and the defendant had

filed a lawsuit in July 2004 questioning and disputing title to the property; all in violation of Title 18, United States Code, Section 1001.

**COUNT 4 - WIRE FRAUD**

**C. THE SCHEME TO DEFRAUD THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE LOUISIANA ROAD HOME PROGRAM**

1. The allegations of Paragraphs A. 1 through A. 6 and A. 12 are hereby realleged and incorporated herein in their entirety by reference.

2. As a result of legislation passed by the Congress of the United States of America with the approval of the President of the United States, funds were appropriated to the Department of Housing and Urban Development for a Community Development Block Grant (CDBG) for Louisiana Hurricane Katrina victims. The purpose of the "CDBG" was to assist and aid owners of the property damaged or destroyed by Hurricane Katrina on August 29, 2005. The grant money was disbursed under a program known as the Louisiana Road Home Program (LRHP). The United States Department of Housing and Urban Development prepared the rules and regulations governing the disbursement of grant money throughout the State of Louisiana. The State of Louisiana through the Office of Community Development (OCD), Division of Administration, contracted with ICF International, Inc. to administer the Louisiana Road Home Program.

3. Two of the major requirements for receiving grant money from the Louisiana Road Home Program was the applicant must have been the owner of the damaged property on August 29, 2005, and the property was the primary residence of the applicant on August 29, 2005.

4. From or about October 2006 , to or about May 2007, the defendant, **BARBARA SIMMONS DOWL**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the Louisiana Road Home Program (LRHP) and the United States Department of Housing and Urban Development (HUD) and obtain Community Development Block Grant money in the amount of \$132,000 by means of false and fraudulent pretenses, representations and promises.

5. It was part of the scheme and artifice to defraud that between October 2006, and May 2007, the defendant verbally, in writing, and by personal appearance in the Eastern District of Louisiana and elsewhere, falsely and fraudulently represented to officials and agents of the Louisiana Road Home Program, she was the owner of 8633 Zimple Street, New Orleans, Louisiana, on August 29, 2005 and said address was her primary residence on August 29, 2005, and all information in her Louisiana Road Home Program application and other documents submitted by her or that she caused to be submitted on her behalf were true and correct when she knew these verbal and written representations were false and fraudulent.

6. It was further part of the scheme and artifice to defraud that on or about April 27, 2007, the defendant, **BARBARA SIMMONS DOWL**, did personally appear at the closing of her Louisiana Road Home Grant in the Eastern District of Louisiana where she falsely and fraudulently represented that she owned 8633 Zimple Street, New Orleans, Louisiana, on August 29, 2005 and it was her primary residence on August 29, 2005.

### THE OFFENSE - WIRE FRAUD

7. On or about May 16, 2007, in the Eastern District of Louisiana and elsewhere, the defendant, **BARBARA SIMMONS DOWL**, for the purpose of executing and attempt to execute the scheme and artifice to defraud, did knowingly and willfully cause to be transmitted in interstate commerce certain writing, signs, signals and could by means of a wire communication from the Eastern District of Louisiana to Denver, Colorado; specifically from the First American Title Co., acting for the Louisiana Road Home Program in New Orleans, Louisiana to the Small Business Administration - Denver Financial Center, Denver, Colorado; that was a wire transfer of \$46,000.00 of Louisiana Road Home Grant Funds for which she knew she was not entitled, to partially pay off a Small Business Administration loan in the name of the defendant; all in violation of Title 18, United States Code, Section 1343.

### COUNT 5 - THEFT OF GOVERNMENT FUNDS

On or about May 9, 2007, in the Eastern District of Louisiana, the defendant, **BARBARA SIMMONS DOWL**, did willfully and knowingly steal, purloin and convert to her own use, funds and money in the amount of \$85,930.00 belonging to the United States by falsely and fraudulently obtaining a partial payment of HUD Community Development Block Grant funds administered by the Louisiana Road Home Program in the amount of \$85,930.00 for which she knew she was not entitled; all in violation of Title 18, United States Code, Section 641.

## NOTICE OF FORFEITURE

1. The allegations of Counts 1, 4 and 5 of this Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 641, 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offenses alleged in Counts 1, 4 and 5, the defendant, **BARBARA SIMMONS DOWL**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Sections 641 and 1343.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 641, 1343 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL:

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FOREPERSON

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JIM LETTEN  
United States Attorney  
LA Bar Roll No. 8715

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SHARAN LIEBERMAN  
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New Orleans, LA  
January 9, 2009