

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

|                          |   |                     |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA | * | CRIMINAL NO. 09-178 |
| v.                       | * | SECTION: "I"        |
| LIONEL PERKINS, JR.      | * |                     |
| a/k/a TERRY L. PERKINS   |   |                     |
| a/k/a TERRY LEE PERKINS  | * |                     |

\* \* \*

FACTUAL BASIS

The defendant, **LIONEL PERKINS, JR (a/k/a TERRY L. PERKINS, a/k/a TERRY LEE PERKINS)** (hereinafter "**PERKINS,**" "**LIONEL PERKINS,**" or "defendant") has agreed to plead guilty as charged to those counts contained within the Second Superseding Indictment pending in the above-captioned case charging him with of one count of social security fraud in violation of Title 42, United States Code, Section 408(a)(7)(B), three counts of theft of government funds, in violation of Title 18, United States Code, Section 641, one count of Medicaid fraud, in violation of Title 18, United States Code, Section 1347, and one count of wire fraud, in violation of Title 18, United States Code, Section 1343.

The Government and the defendant stipulate that, should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of

competent testimony and admissible evidence, the following facts to support the allegations charged by the Grand Jury in the Superseding Indictment. Further, in pleading guilty, the defendant admits the facts as set forth below.

#### **Applying for and Obtaining Benefits as Terry Perkins**

The defendant, **LIONEL PERKINS**, was born on or about March 30, 1954, in New Orleans, Louisiana, within the Eastern District of Louisiana, to Miriam Sanchez and Lionell Perkins, Sr.

On or about June 27, 1956, Terry Lee Perkins, brother to the defendant, **LIONEL PERKINS**, was born in New Orleans, Louisiana, within the Eastern District of Louisiana, to Miriam Sanchez and Lionell Perkins, Sr. Prior to reaching the age of majority, and while still a minor, Terry Lee Perkins, brother to the defendant, **LIONEL PERKINS**, died.

#### **Social Security Fraud**

The Social Security Administration (“SSA”) is, and at all material times was, an agency of the United States, which, *inter alia*, administered the Supplemental Security Income (“SSI”) Program pursuant to Title XVI of the Social Security Act, as codified at Title 42, United States Code, Section 1381-1383a, *et seq.* (the “Social Security Act”).

On or about April 21, 1968, the defendant, **LIONEL PERKINS**, applied to SSA for a Social Security Number. As a result of that application, the defendant, **LIONEL PERKINS**, was assigned Social Security Number XXX-XX-5605.

On or about March 15, 1988, the defendant, **LIONEL PERKINS**, submitted a

second application the United States Social Security Administration (“Application For A Social Security Number Card” (SSA Form 5)), posing as, and representing himself to be, his deceased brother, Terry Lee Perkins.

In connection with this application, on or about March 15, 1988, **PERKINS** submitted to the SSA a false “rent receipt” as evidence in support of his “Application For a Social Security Number Card” (SSA Form 5), posing as, and representing himself to be, Terry Lee Perkins, when, in truth and in fact, **PERKINS** well knew that the “rent receipt” was false and that Terry Lee Perkins was deceased and did not rent any property as contained on the false receipt. Furthermore, the defendant, **LIONEL PERKINS**, posing as Terry Lee Perkins, falsely signed the document as “Terry L Perkins” when, in truth and in fact, as **PERKINS** well knew, he was not Terry L Perkins and that “Terry L Perkins” was, as of that time, deceased.

Furthermore, as part of his Application For a Social Security Number Card on or about March 15, 1988, the defendant, **LIONEL PERKINS**, posing as Terry Lee Perkins, in the entry space for the applicant’s signature, falsely signed the document as “Terry L Perkins” on an “Application For A Social Security Number Card” (SSA Form 5) when, in truth and in fact, the defendant, **LIONEL PERKINS**, well knew that he was not Terry L Perkins and that “Terry L Perkins” was as of that time deceased

As a result of the representations made by the defendant, **LIONEL PERKINS**, on his “Application For a Social Security Number Card” (SSA Form 5), in which he posed as and represented himself to be Terry Lee Perkins, the United States Social Security Administration issued Social Security Number XXX-XX-3508 to “Terry Lee Perkins” on or about March 15,

1988. In truth and in fact, Social Security Number XXX-XX-3508, issued to “Terry Lee Perkins,” was applied for and received by the defendant, **LIONEL PERKINS**.

On or about January 17, 2001, **PERKINS**, representing himself to be “Terry L. Perkins,” filed a civil complaint with the clerk of court for the United States District Court for the Eastern District of Louisiana, seeking judicial review of, and relief from, a final decision of the Social Security Administration denying his eligibility for SSI benefits. The matter was assigned Case Number 01-CV-0153.

On or about July 9, 2007, **PERKINS**, for the purpose of obtaining SSI benefits, submitted an application to the Social Security Administration for SSI benefits, representing that his name was “Terry Lee Perkins” and that his Social Security Number was XXX-XX-3508, when he well knew that he was not Terry Lee Perkins, that his Social Security Number was not XXX-XX-3508, and that Terry Lee Perkins was as of that time deceased.

As a result of his representations on his application for SSI benefits, the defendant, **LIONEL PERKINS**, was authorized to receive, and did in fact receive, SSI benefits in the name of Terry Lee Perkins, in the total amount of \$19,097.00.

#### Medicaid Fraud

Medicaid was a public insurance (assistance) program (*i.e.*, a “health care benefit program”) that, by, through, and linked to interstate commerce, provided health care coverage to low-income families and persons with medical disabilities. The Louisiana Department of Health and Hospitals (DHH) administered the Medicaid program in Louisiana.

Based upon an agreement between the State of Louisiana and the United States

Social Security Agency, the State of Louisiana automatically accepted SSA's determination that an individual qualifies for SSI benefits when deciding whether that individual is eligible to receive Medicaid benefits. In other words, in Louisiana, when an individual was determined to be eligible to receive SSI benefits, he/she was automatically enrolled in Medicaid, and a Medicaid eligibility card was issued to the individual.

After being authorized to receive SSI benefits under the name Terry Perkins, on or about July 9, 2007, **PERKINS** was certified to receive Medicaid benefits under the name Terry Perkins. Fraudulently posing as "Terry Perkins," the defendant was assigned Recipient Number 0919839811938.

From in or about July 2007 through on or about February 4, 2010, **PERKINS** received, and attempted to receive, Medicaid benefits in the form of healthcare-related goods and services, including doctor's visits, surgeries, prescription medication, and other goods and services, falsely posing as Terry Perkins.

**PERKINS** was able to obtain Medicaid benefits only because he misrepresented himself to be Terry Perkins and had falsely obtained Social Security Number XXX-XX-3508. As a result of these misrepresentations, from about July 9, 2007, until February 4, 2010, **PERKINS** routinely caused Medicaid to be billed for goods and services he received because he fraudulently represented himself to be Terry Perkins.

In particular, and by way of example, based on goods and services **PERKINS** received on October 23, 2007, **PERKINS** caused a bill to be issued to Medicaid in the amount of \$1046.00, of which Medicaid paid \$627.60. In total, as a result of the fraudulent billings described above,

the defendant, **LIONEL PERKINS**, caused Medicaid to be billed approximately \$10,399.88, of which Medicaid paid approximately \$4,418.09.

### Food Stamps

The Supplemental Nutrition Assistance Program (SNAP or the “Program”), commonly known as the federal Food Stamp Program, provided monthly benefits (“food stamps”) that helped eligible low-income households purchase food. SNAP was established by Congress in 1964 by Public Law 88-55, which was superseded by the Food Stamp Act of 1977 and subsequent amendments to the Act. SNAP was a partnership between the federal government and state and local agencies in which the federal government provided funds to the state and local agencies to distribute to eligible individuals through the Program. Additionally, state and local agencies participating in SNAP were required to comply with certain federal regulations governing eligibility for and use of food stamps. SNAP was administered at the federal level by the United States Department of Agriculture (“USDA”) – Food and Nutrition Service, an agency of the United States of America, and at the state level by the Louisiana Department of Social Services – Office of Family Support (now known as the Louisiana Department of Children and Family Services ). The USDA retained ultimate control and supervision over the SNAP Program and the funds distributed through the SNAP Program.

The Louisiana Department of Social Services – Office of Family Support (now known as the Louisiana Department of Children and Family Services ) was a governmental agency of the State of Louisiana charged with the responsibility of determining the eligibility of individuals for food stamps and public assistance and administering the payment of that assistance to qualified individuals.

On or about November 7, 2000, **PERKINS**, for the purpose of obtaining food stamps, submitted an application for food stamps, representing that his name was "Terry L Perkins," signing his name as "Terry L Perkins," stating that his date of birth was June 27, 1956, and that his Social Security Number was XXX-XX-3508, when he well knew that he was not Terry L Perkins, that his date of birth was not June 27, 1956, that his Social Security Number was not XXX-XX-3508, and that "Terry L Perkins" was as of that time deceased.

From on or about November 7, 2000, through in or about March 2008, **PERKINS**, for the purpose of obtaining food stamps, submitted over twenty (20) applications or renewal applications for food stamps. On each such application, **PERKINS** represented that his name was "Terry L Perkins," signed his name as "Terry L Perkins," stated that his date of birth was June 27, 1956, and that his Social Security Number was XXX-XX-3508, when he well knew that he was not Terry L Perkins, that his date of birth was not June 27, 1956, that his Social Security Number was not XXX-XX-3508, and that "Terry L Perkins" was as of that time deceased.

Finally, on or about March 10, 2008, **PERKINS**, for the purpose of obtaining food stamps, submitted another renewal application for food stamps, representing that his name was "Terry L Perkins," signing his name as "Terry L Perkins," stating that his date of birth was June 27, 1956, and that his Social Security Number was XXX-XX-3508, when he well knew that he was not Terry L Perkins, that his date of birth was not June 27, 1956, that his Social Security Number was not XXX-XX-3508, and that "Terry L Perkins" was as of that time deceased.

As a result of the misrepresentations he made on or about November 7, 2000, through March 10, 2008, **PERKINS**, was authorized, and subsequently recertified, to receive food stamps. In total, **PERKINS** received federal benefits in the form of food stamps in the amount of \$12,951.08.

### Driver's Licenses

The Louisiana Office of Motor Vehicles ("OMV") was an agency of the State of Louisiana that was responsible for administering motor vehicle registration and driver licensing laws.

On or about August 20, 1990, **PERKINS** appeared at an office of the OMV and applied for a Louisiana driver's license using the name "Terry Lee Perkins," signing the application at "Terry L. Perkins," and representing his birth date to be June 27, 1956.

Thereafter, the State of Louisiana Department of Public Safety and Corrections revoked the driving privileges for "Terry Lee Perkins." The privileges were subsequently reinstated, but he was required to reapply for a driver's license.

On or about April 23, 1994, **PERKINS**, applied to the OMV for a Louisiana driver's license using the name "Terry Lee Perkins," signing the application at "Terry L. Perkins," and representing his birth date to be June 27, 1956. On or about June 8, 2006, and again on April 9, 2008, **PERKINS** completed and submitted to the OMV a renewal application for a Louisiana driver's license using the name "Terry L. Perkins," signing the application as "Terry Perkins," representing that his Social Security Number was XXX-XX-3508, and representing his birth date to be June 27, 1956.

On or about April 19, 2004, **PERKINS** completed and submitted to the Mississippi Department of Motor Vehicles an application for a Mississippi driver's license using the name "Terry Lee Perkins," signing the application at "Terry Lee Perkins," representing that his Social Security Number was XXX-XX-3508, and representing his birth date to be June 27, 1956. On or about March 3, 2008, **PERKINS** completed and submitted a renewal application for that license.



### Hurricane Katrina-Related Fraud

From on or about September 2004 up to and including August and September of 2005, the defendant, **LIONEL PERKINS**, received Section 8 Housing Assistance for, resided at, and used as his primary residence, a home located at 2319 Rousseau Street, New Orleans, Louisiana 70130, located in the Eastern District of Louisiana.

From on or about February 1996, to on or about August and September 2005, the defendant, **LIONEL PERKINS**, also owned a home or structure located at 2307 General Taylor Street, New Orleans, Louisiana 70115, in the Eastern District of Louisiana, which he did not occupy.

Hurricane Katrina made landfall in Louisiana on August 29, 2005, and caused widespread damage to the Gulf Coast region of Louisiana, including the New Orleans, Louisiana area.

At the time Hurricane Katrina struck Louisiana, 2307 General Taylor Street, New Orleans, Louisiana 70115, was not **PERKINS'S** primary residence.

### FEMA

After Hurricane Katrina devastated the City of New Orleans, the Federal Emergency Management Agency ("FEMA"), an agency or department of the United States, provided disaster assistance to individuals affected by the storm, including emergency assistance funding. These funds were appropriated to FEMA 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.

FEMA provided several types of assistance, including the following: (1) temporary housing assistance, which provided funds to individuals who needed to rent an alternative place to live; (2) repair money for homeowners to fix damage from the disaster that was not covered by insurance; (3) replacement money which allowed homeowners to replace a home which was

destroyed in the disaster and not covered by insurance; and (4) money for necessary expenses and serious needs caused by the disaster such as medical, dental, funeral, personal property, transportation, moving and storage expenses.

On or about September 9, 2005, **PERKINS**, for the purpose of obtaining FEMA disaster assistance benefits, submitted an application for FEMA disaster assistance benefits, representing that his name was "Terry L. Perkins," stating that his date of birth was June 27, 1956, and that his Social Security Number was XXX-XX-3508, when he well knew that he was not Terry L. Perkins, that his date of birth was not June 27, 1956, that his Social Security Number was not XXX-XX-3508, and that "Terry L. Perkins" was, as of that time, deceased.

As part of the application submitted on September 9, 2005, the defendant, **LIONEL PERKINS**, misrepresenting himself to be "Terry L. Perkins," claimed that his primary address at the time Hurricane Katrina made landfall, and the property that was damaged by the storm, was 1316 Estalote Avenue, Harvey, Louisiana 70058. Perkins was later informed by a FEMA representative that this address was not in a zone sufficiently affected by Hurricane Katrina to qualify for FEMA benefits and, as a result, he was not entitled to FEMA benefits.

On or about November 28, 2005, **PERKINS**, misrepresenting himself to be "Terry L Perkins," filed materials with FEMA requesting that the damaged address, and his primary residence at the time of Hurricane Katrina, in his application be changed from 1316 Estalote Avenue, Harvey, Louisiana 70058, to 2319 Rousseau Street, New Orleans, Louisiana 70130.

On or about December 10, 2005, the defendant, **LIONEL PERKINS**, misrepresenting himself to be "Terry L. Perkins," supplemented his request to change the damaged address in his FEMA application with a letter to FEMA explaining that on August 19,

2005, he moved from his prior address, 1316 Estalote Avenue, Harvey, Louisiana 70058, to his new address, 2319 Rousseau Street, New Orleans, Louisiana 70130. **PERKINS** thus claimed 2319 Rousseau Street, New Orleans, Louisiana 70115, as his primary residence as of the date of Hurricane Katrina. **PERKINS** also signed the letter "Terry Perkins."

As a result of these misrepresentations, on or about February 17, 2006, **PERKINS**, misrepresenting himself to be "Terry L. Perkins," was authorized to receive FEMA disaster assistance. On or about February 17, 2006, a United States Department of Treasury check was issued in the amount \$1,156.00 to "Terry Perkins." **PERKINS** cashed the check on or about February 22, 2006.

#### Small Business Administration

After Hurricane Katrina devastated the City of New Orleans, the United States Small Business Administration ("SBA"), an agency of the United States of America, provided disaster assistance loans to Hurricane Katrina victims. The SBA was administered and funded by the United States of America.

One of the major requirements for receiving a loan from SBA was that the damaged property be the primary residence of the applicant on August 29, 2005.

On or about February 17, 2006, in the Eastern District of Louisiana, the defendant, **LIONEL PERKINS**, submitted his completed application for a loan from SBA, declaring in the application that on August 29, 2005, his primary residence was 2307 General Taylor Street, New Orleans, Louisiana 70115. In truth and in fact, as set forth above, **PERKINS** was not residing at 2307 General Taylor Street, New Orleans, Louisiana 70115 on August 29, 2005, but was instead residing at 2319 Rousseau Street, New Orleans, Louisiana 70130 as of the date of Hurricane Katrina. As a result of his misrepresentations, **PERKINS** was approved for a disaster loan from

the SBA in the amount of \$170,900.00 in federal funds. **PERKINS** ultimately received \$110,900.00 in federal funds from the SBA in three installments. He received his final loan disbursement payment on or about January 23, 2007.

Louisiana Road Home Program

Additionally, after Hurricane Katrina devastated the New Orleans area, including New Orleans, Louisiana, and 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 United States Department of Housing and Urban Development (“HUD”) 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 Hurricanes Katrina and Rita in August and September 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.

As with the SBA, one of the major requirements for receiving grant money from the Louisiana Road Home Program, was that the damaged property be the primary residence of the applicant on August 29, 2005.

On or about November 3, 2006, the defendant, **LIONEL PERKINS**, submitted his completed application for LRHP funds, declaring in the application that on August 29, 2005, his primary residence was 2307 General Taylor Street, New Orleans, Louisiana 70115. As **PERKINS** knew, however, he was not residing at 2307 General Taylor Street, New Orleans,

Louisiana 70115 as of the date of Hurricane Katrina, but was instead residing at 2319 Rousseau Street, New Orleans, Louisiana 70130 when Hurricane Katrina struck Louisiana.

On or about May 21, 2007, in the Eastern District of Louisiana, the defendant, **LIONEL PERKINS**, attended and completed his closing to obtain his LRHP grant funds. As part of the closing, the defendant, **LIONEL PERKINS**, submitted a completed, signed LRHP Grant Recipient Affidavit stating that his primary residence on the date Hurricane Katrina struck Louisiana was 2307 General Taylor Street, New Orleans, Louisiana 70115.

As a result of his misrepresentations, on or about May 30, 2007, the defendant, **LIONEL PERKINS**, received federal funds from the Department of Housing and Urban Development Community Development Block Grant disbursed under LRHP in the form of a \$150,000.00 grant.

Furthermore, as a result of his misrepresentations, on or about May 21, 2007, a portion of the federal funds that the defendant, **LIONEL PERKINS**, received in the form of a federal grant disbursed under LRHP was used to repay a portion of the outstanding balance of the defendant's SBA loan. In particular, the misrepresentations made by the defendant, **LIONEL PERKINS**, within the Eastern District of Louisiana and elsewhere, caused certain writing, signs, signals and sounds to be sent by means of wire communications from the Eastern District of Louisiana to New York City, New York; specifically from the First American Title Company, and its bank, acting for the Louisiana Road Home Program in New Orleans, Louisiana, to the account of the Small Business Administration at the Federal Reserve Bank in New York City, New York; that was a wire transfer of \$58,500.00 of Louisiana Road Home HUD Community Development Block Grant Funds to pay off a portion of a Small Business Administration loan in the name of the defendant.

Subsequent Conduct

On or about February 19, 2010, the defendant, **LIONEL PERKINS**, attended a proceeding related to the above-captioned matter, before a United States Magistrate Judge, within the Eastern District of Louisiana. At that proceeding, the defendant, through his attorney, tendered to the Government a document ("Document 1") purporting to be created by the Housing Authority of New Orleans, containing the letter head of the Housing Authority of New Orleans and addressed to the defendant, **LIONEL PERKINS**, at 2319 Rousseau Street, New Orleans, Louisiana 70115, dated June 15, 2005. The document discussed an amendment to a "Lease Agreement and HAP contract." Document 1 contained handwriting, including the word "Cancelled."

On or about March 3, 2010, the defendant, **LIONEL PERKINS**, placed a telephone call to two individuals, "Person A" and "Person B." During the call, the defendant instructed Person A and Person B to remove and withhold a document nearly identical to Document 1, actually created by the Housing Authority of New Orleans and addressed to the defendant, **LIONEL PERKINS**, dated June 15, 2005, without handwriting ("Document 2"). In particular, defendant instructed Person A and Person B to "remove" Document 2 and to "take [Document 2] out . . . I mean all the way out [of the folder of relevant materials], even out of the house." At the time defendant gave these instructions, his criminal trial had been calendered within the United States District Court for the Eastern District of Louisiana.

By instructing Person A and Person B to remove Document 2, **PERKINS** sought to conceal Document 2 from law enforcement authorities, and to preclude the admission into evidence and use of the document during his criminal trial on charges relating to his application for and receipt of benefits in the aftermath of Hurricane Katrina.

The above facts come from an investigation conducted by agents from the Federal Bureau of Investigation, United States Department of Housing and Urban Development - Office of the Inspector General, United States Small Business Administration - Office of the Inspector General, United States Social Security Administration - Office of the Inspector General, Department of Homeland Security - Office of Inspector General, and the Louisiana Department of Children and Family Services, and materials and evidence collected by those investigative agencies.

The above facts would have been proven beyond a reasonable doubt by credible testimony of agents from the Federal Bureau of Investigation, United States Department of Housing and Urban Development - Office of the Inspector General, United States Small Business Administration - Office of the Inspector General, the United States Social Security Administration - Office of the Inspector General, the Department of Homeland Security - Office of Inspector General, and the Louisiana Department of Children and Family Services, as well as other documents and records of HUD, SBA, SSA, FEMA, the Louisiana Department of Health and Hospitals, the Louisiana Department of Social Services – Office of Family Support, the Louisiana Office of Motor Vehicles, the United States Department of Agriculture - Office of Inspector General, testimony of employees from each respective agency, and statements made by the defendant, **LIONEL PERKINS**.

**APPROVED AND ACCEPTED:**