

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

INDICTMENT FOR MAIL FRAUD

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
NICHOLAS BILLIOT	*	VIOLATION: 18 U.S.C. § 1341
*	*	*

The Grand Jury charges that:

COUNT 1 - MAIL FRAUD

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **NICHOLAS BILLIOT**, was a resident of Houma, Louisiana in the Eastern District of Louisiana.
2. British Petroleum (BP) was a company whose activities included oil exploration and production in the United States and elsewhere and whose subsidiaries included BP Exploration and Production, Inc.

3. On or about April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico that had been drilling an exploration well. The resulting oil spill, with which BP was associated, caused oil pollution across the Gulf of Mexico.

4. From in or about May 2010 through on or about August 23, 2010, BP operated a process for submission directly to BP and resolution by BP of claims of individuals and businesses for costs, damages, and other losses incurred as a result of the oil discharges due to the Deepwater Horizon incident.

5. In or about June 2010, BP established the Gulf Coast Claims Facility (GCCF) for the purpose of administering, mediating, and settling certain claims of individuals and businesses for costs, damages, and other losses incurred as a result of the oil discharges due to the Deepwater Horizon incident. The GCCF was administered by Kenneth R. Feinberg, a fund administrator responsible for decisions relating to the administration and processing of claims by the GCCF. On or about August 23, 2010, the GCCF began receiving and processing such claims, and BP ceased receiving and processing claims of individuals and businesses for costs, damages, and other losses incurred as a result of the oil discharges due to the Deepwater Horizon incident.

6. On August 6, 2010, BP Exploration and Production, Inc. established the Deepwater Horizon Oil Spill Trust, an irrevocable common law trust formed under Delaware law, to receive and to distribute funds that BP Exploration and Production, Inc. promised to provide for the payment of certain types of claims, costs, and expenses, including, but not limited to, those resolved by the GCCF.

7. The defendant, **NICHOLAS BILLIOT**, applied for and received on November 6, 2009 an occupational license from Terrebonne Parish in the name of Hope's Home Improvement naming the defendant as the owner of said business.

B. THE SCHEME TO DEFRAUD:

1. From on or about August 2010 to on or about January 2011, in the Eastern District of Louisiana and elsewhere, the defendant, **NICHOLAS BILLIOT**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud the GCCF and obtain money and property from the GCCF by means of false and fraudulent promises, pretenses, and representations.

2. It was part of the scheme and artifice to defraud that on August 30, 2010, the defendant, **NICHOLAS BILLIOT**, did submit and cause to be submitted, an application to the GCCF for emergency advance payment for business losses to his company, Hope's Home Improvement, resulting from the Deepwater Horizon oil spill by falsely and fraudulently stating he had lost business due to the oil spill when in fact, as the defendant well knew, his company, Hope's Home Improvement, had never operated and had never done any business from the issuing of the occupational license on November 9, 2009 until the filing of the GCCF claim in August 2010.

3. It was further part of the scheme and artifice to defraud that the defendant submitted and caused to be submitted another false and fraudulent GCCF claim form, and false and fraudulent receipts and documentation to establish his false and fraudulent business losses. Also, the defendant made numerous false and fraudulent verbal representations to GCCF employees and representatives to obtain payments.

4. It was further part of the scheme and artifice to defraud that the defendant received on or about November 27, 2010 an emergency advance payment from the GCCF in the amount of \$1,000.00 in Houma, Louisiana.

5. It was further part of the scheme and artifice to defraud that as a result of the false and fraudulent documentation and representations submitted by and caused to be submitted by the defendant and received by the GCCF; that the GCCF determined the defendant's company was entitled to a final claim payment amount of \$25,000.00.

C. THE MAILING:

On or about December 30, 2010, in the Eastern District of Louisiana, the defendant, **NICHOLAS BILLIOT**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and to obtain money and property by means of false and fraudulent promises, pretenses, and representations, did knowingly cause to be delivered by Federal Express, a commercial interstate carrier, according to the directions thereon, an envelope containing Gulf Coast Claims Facility Check Number 00182458, made payable to Hope's Home Improvement Att: Nicholas Billiot, in the amount of \$25,000.00, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant at 200 Hacienda Drive, Houma, Louisiana.

All in violation of Title 18, United States Code, Section 1341.

NOTICE OF MAIL FRAUD FORFEITURE

1. The allegations of Count 1 of this 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 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 1, the defendant, **NICHOLAS BILLIOT**, 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(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1341, including but not limited to:

- a. \$26,000.00 in United States Currency and all interest and proceeds traceable thereto.
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third 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 defendants up to the value of the above forfeitable property.

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

A TRUE BILL:

F O R E P E R S O N

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New Orleans, Louisiana
April 21, 2011