UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 11-299
v.	*	SECTION: "HH" (SHF)
THOMAS G. WILKINSON	*	

* * *

FACTUAL BASIS

Should this matter have proceeded to trial, the Government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Superseding Bill of Information now pending against the defendant:

Beginning in 1996, **THOMAS G. WILKINSON, a/k/a TOM WILKINSON** ("**WILKINSON**"), was named the Parish Attorney for Jefferson Parish and in that position had supervisory authority over the Jefferson Parish Attorney's Office, the authority to approve the hiring of new employees, and the authority to approve pay raises for Parish Attorney's Office employees.

Beginning in 1998, Timothy A. Whitmer, a/k/a Tim Whitmer ("Whitmer") was named Chief Administrative Officer/Chief Administrative Assistant ("CAO") for Jefferson Parish. As CAO,

Whitmer was responsible for the day-to-day operations of Jefferson Parish. Whitmer remained CAO until he resigned in January 2010.

Beginning in 1992, Karen Parker, a/k/a Karen Parker Broussard ("Parker") began working as an administrative assistant for the Jefferson Parish Council. On or about July 31, 2003, Parker resigned from her position as an administrative assistant for then Jefferson Parish Councilman Aaron F. Broussard ("Broussard") and began working for Broussard's campaign for Jefferson Parish President. On or about October 4, 2003, Broussard was elected Parish President of Jefferson Parish. Approximately four years later, on or about October 20, 2007, Broussard was re-elected by the voters of Jefferson Parish. On or about May 29, 2004, Parker and Broussard were married.

After his election on October 4, 2003, but prior to him taking office as the Jefferson Parish President, Broussard, who was still Parish Council President, set up a meeting with **WILKINSON**, Tim Whitmer, and one other high-ranking Jefferson Parish official to discuss creating a new and unnecessary position for Parker with the Parish under the Broussard administration. During this meeting, it was understood by the parties that Parker would be hired as a "Paralegal Supervisor" under the purview of the Parish Attorney's Office in Jefferson Parish. The Paralegal Supervisor position is an unclassified position and, therefore, Karen Parker was not required to take a Civil Service examination, nor was she subject to the strict hiring requirements and safeguards associated with Civil Service positions. Broussard specifically wanted to have other Parish officials, including **WILKINSON** and Whitmer, be the individuals who hired Parker, because he knew that once he took over the position of Parish President, he could not hire Parker, and there would be increased scrutiny as a result of their romantic relationship.

On or about October 28, 2003, WILKINSON and others approved the rescission/cancellation of Parker's July 31, 2003 resignation from Jefferson Parish employment, which allowed her to collect additional money and salary in the form of longevity pay, tenure awards, health insurance benefits, and annual leave. In addition, WILKINSON and others approved the placing of Parker on leave without pay for the time period August 1, 2003, through October 31, 2003, thereby eliminating any break in her employment with Jefferson Parish.

The government would present evidence to establish that all parties to the decision to hire Parker – Broussard, WILKINSON, Whitmer, and one other official – knew or should have known that Parker was not qualified, trained, or certified as a "Paralegal Supervisor." Despite this, on or about October 28, 2003, Parker was given the position of "Paralegal Supervisor" in the Jefferson Parish Attorney's Office. Her starting salary was approximately $48,000.00, which was higher than the salary range allowed for the position of Paralegal Supervisor under the Executive Pay Plan for Jefferson Parish.

WILKINSON and others approved the decision to hire Parker as a "Paralegal Supervisor," approved her salary, rescinded her resignation, and approved her leave without pay status when he executed Parker's Parish of Jefferson, Department of Human Resources Request to Fill a Vacant Job form on October 28, 2003.

According to the job description of Paralegal Supervisor, the essential functions of that position require that the "[i]ndividual conducts basic legal research, interviews witnesses, meets with inter-governmental personnel and members of the public, gathers evidence to formulate the Parish's position on Parish or other matters. Individual prepares legal documents including pleadings, wills, contracts, leases, property descriptions and legal opinions setting forth the Parish's position on Parish

and other matters. Individual supervises and coordinates the activities of various support staff." Moreover, the Jefferson Parish job description for the position of Parish Attorney's Office Paralegal Supervisor required Paralegal Supervisors to have completed paralegal training and certification.

During the period of time Parker was assigned to work at the Parish Attorney's Office as a "Paralegal Supervisor," from approximately October 2003 through March 2004, Parker did no work as a Paralegal Supervisor, nor did she perform any paralegal work. During this period of time, Broussard, **WILKINSON**, and others were likewise aware that Parker did no work as Paralegal Supervisor and the little work she did perform was not paralegal or paralegal supervisory work.

The government would present evidence that on or about March 8, 2004, **WILKINSON** and others approved the transfer of Parker to work for ID Management which was located at the East Bank Regional Library. ID Management is the department responsible for issuing access badges to Jefferson Parish employees. Jefferson Parish determined that the Parish only requires one employee to hold the position of ID/Security System Coordinator. Despite her transfer to the East Bank Regional Library, Parker retained her position and higher salary of "Paralegal Supervisor" until her dismissal on or about February 5, 2010.

As with her work at the Parish Attorney's Office, during the time period she worked at the East Bank Regional Library, Parker did not perform any of the duties of, and did no work as, a "Paralegal Supervisor." Likewise, Broussard, **WILKINSON**, and Whitmer were aware, during this same period of time, that Parker did not perform the duties of, and did no work as, a "Paralegal Supervisor" while assigned to the ID Management department. Moreover, both Broussard and **WILKINSON** had first-hand knowledge that Parker did not appear at times at the location she was assigned (East Bank Regional Library) to work.

The government would present evidence that as Parish President, Broussard utilized a full-time employee with the title Executive Protection Specialist ("EPS"). The EPS was traditionally a ranking member of the Jefferson Parish Sheriff's Office. The primary responsibility of the EPS was to act as a bodyguard and to pick up the Parish President at his home in the mornings and chauffeur him throughout the day and return him home after the conclusion of his evening's activities. The EPS was not a parish employee and, therefore, was not permitted to supervise Jefferson Parish government employees. Nevertheless, under Aaron Broussard's administration, the EPS became the defacto supervisor of Karen Parker, along with **WILKINSON**. As a result, the EPS, who was Broussard's driver/bodyguard, was put in the position of monitoring Karen Parker, wife of the Parish President.

Evidence would be introduced at trial to establish that Karen Parker and Aaron Broussard had approximately four joint bank accounts, including accounts for their condominium in Perdido Key, Florida. In addition, Karen Parker and Aaron Broussard filed their federal income tax returns jointly and applied for bank loans and/or mortgages jointly. Accordingly, Parker's salary benefitted not only Parker, but also her husband, Aaron Broussard.

The government would introduce evidence at trial that beginning in 2003, as noted above, Parker was given an annual salary of approximately $48,000 as a "Paralegal Supervisor," which was higher than the salary range allowed for that position under the Executive Pay Plan for Jefferson Parish. This salary range was approved and known by **WILKINSON** and Broussard. In 2004, 2007, and twice in 2008, Parker was approved for Annual Evaluation Pay Raises by **WILKINSON**. These pay raises were approved by **WILKINSON** and known by Broussard and Whitmer despite the fact that Whitmer, **WILKINSON** and Broussard knew Parker was not performing any of the essential

functions for the position of "Paralegal Supervisor" and, indeed, Parker was not qualified for, and did no work as, a "Paralegal Supervisor." From approximately 2004 through 2009, **WILKINSON** authorized pay raises for Parker from approximately $46,439.99 to approximately $63,898.36, knowing that these raises would result in increased retirement benefits to Parker. In total, from 2004 through 2010, Parker was paid approximately $323,308.13 in Jefferson Parish taxpayer funds for her salary.

After the hiring of Parker as a "Paralegal Supervisor" in Jefferson Parish in October 2003, Broussard retained **WILKINSON** as the Parish Attorney in December 2003. As Parker's salary was annually being raised by **WILKINSON**, Broussard, as Parish President, was approving annual pay raises for **WILKINSON**. From approximately 2004 through 2009, Broussard authorized significant pay increases for **WILKINSON** increasing his salary to $183,870.05. In one such instance, in January 2009, Broussard directed Whitmer to max-out **WILKINSON**'s salary, improperly giving **WILKINSON** a $36,192.91 annual raise based on a matter unrelated to **WILKINSON**'s job as Parish Attorney.

In early 2004, **WILKINSON** advised Whitmer of Karen Parker's improper requests for overtime and/or comp pay. As a result of **WILKINSON**'s and Whitmer's conversation, Broussard was notified that Parker was violating parish rules by attempting to collect overtime/comp pay under the circumstances described to Broussard. When Broussard was informed by Whitmer that Karen Parker could not collect overtime/comp pay while working from home, Broussard responded in a dismissive manner and wasn't concerned. Whitmer then explained to Broussard that it was against Jefferson Parish policy for an employee to collect overtime/comp pay while working from home.

Broussard's nonchalant attitude towards the situation caused Whitmer to instruct **WILKINSON** to take care of the issue with Parker.

As set forth above, **WILKINSON** joined the conspiracy when in approximately 2004, he signed off on official Jefferson Parish documents that created a "Paralegal Supervisor" position for Karen Parker even though he knew that Parker was not qualified, trained, or certified to be a Paralegal Supervisor in Jefferson Parish and did not do any work as a Paralegal Supervisor. Though **WILKINSON** was aware that Broussard and Parker were stealing or committing theft of property valued at $5,000 or more which was owned by or under the care, custody, and control of the Parish of Jefferson (because Parker did not perform any work as a Paralegal Supervisor), **WILKINSON** did not report this crime to federal authorities and, indeed, concealed this crime from the authorities by, among other things, allowing Parker to continue to accept her salary and/or salary increases on an annual basis, allowing her to continue to be classified as a "Paralegal Supervisor," and by permitting Parker to draw her Paralegal Supervisor salary knowing that she was not qualified for that position and was not doing any paralegal work for Jefferson Parish.

This proffer of evidence is not intended to constitute a complete statement of all facts known by **WILKINSON** and described by **WILKINSON** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this factual basis is to demonstrate that there exists a sufficient legal basis for **WILKINSON's** plea of guilty to the charged offense.

Various records, including bank statements, financial statements, mortgage statements, employment-related documents, forms (including tax records and disclosure forms) and other records, would be introduced to prove the facts as set forth above.

Testimonial evidence, including testimony from representatives of the Federal Bureau of Investigation, Internal Revenue Service, as well as other witnesses, would also be admitted to prove the facts set forth above.

BRIAN M. KLEBBA (NY 2938728)
Assistant United States Attorney

Date 9/19/2012

MATTHEW S. CHESTER (TX 24045650)
Assistant United States Attorney

Date 9/19/2012

DANIEL P. FRIEL (MA #660583)
Assistant United States Attorney

Date 9/19/2012

THOMAS G. WILKINSON
Defendant

Date 9-18-2012

RALPH WHALEN (LA 8319)
Counsel for Defendant

Date 9/18/2012

RICHARD WESTLING (LA 20027)
Counsel for Defendant

Date 9/18/2012

[redacted]