

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

UNITED STATES OF AMERICA

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CRIMINAL NO. 15-165

v.

*

SECTION: "H"

DERRICK JOSEPH DURAN

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FACTUAL BASIS

Were this matter brought to trial, the United States would prove, through competent witnesses and documentary evidence, the following beyond a reasonable doubt.

On April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico where British Petroleum (BP) had been drilling a well. Thereafter, BP established the Gulf Coast Claims Facility (GCCF) to administer, mediate, and settle certain claims of individuals and business for losses incurred as a result of the Deepwater Horizon incident. The GCCF began receiving and processing such claims on and after August 23, 2010. The GCCF required any individual filing a claim to submit valid documentation as proof of loss or reduction in earnings due to the oil spill.

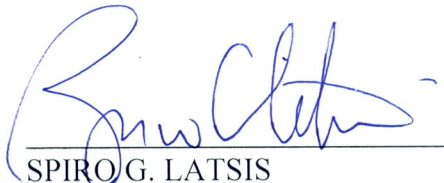
The GCCF was an entity established by British Petroleum to process and settle claims of individuals and business for losses incurred as a result of the Deepwater Horizon incident. On or about August 25, 2010, **DERRICK JOSEPH DURAN** ("**Duran**") submitted a fraudulent claim to the Gulf Coast Claims Facility (GCCF) for \$23,100. In his claim packet, **Duran** stated that, as a result of the Gulf oil spill, he suffered a loss of income because he could no longer work as a

deckhand on a commercial fishing vessel. In support of his claim, **Duran** submitted a notarized letter that was signed by his father, Captain Oscar Duran, a commercial fisherman from Des Allemands. In the letter, Oscar Duran stated that his son worked for him as deckhand for a year before the spill. The GCCF processed the claim and paid **Duran** \$28,018 to settle his claim. The GCCF mailed four settlement checks from New York to **Duran's** house in Des Allemands via FedEx.

After the payments were issued, the GCCF received an anonymous tip that **Duran** was living out of state when the spill occurred. Shortly thereafter, several Guidepost Investigators interviewed **Duran** and his father at their home in Des Allemands. After Guidepost completed their interviews, they referred the matter to the FBI for further investigation. On October 3, 2010, **Duran** and his father were interviewed by FBI agents. During his interview, Oscar Duran said that his son worked for him for three to four months in 2010 as a deck hand. He also acknowledged that he did not prepare or review the notarized letter that **Duran** ultimately sent to the GCCF in support of his claim. During his interview, **Duran** acknowledged that he filed a claim with the GCCF, and that he worked as a deckhand on his father's boat for about a year before the oil spill. He also told the agents that he was living in his parents' home in Des Allemands during this time period. The agents then showed **Duran** some employment records from a construction company called TIC, which confirmed that he was working in another state during the time he claimed to have been working for his father. After seeing those documents, **Duran** admitted that he did not reside with his parents, and that he was working in another state during the time of the spill.

In addition to the foregoing, the government would also introduce **Duran's** employment

records from UST, Jacob Field, and Geo Marine. These records would show that **Duran** was working on construction jobs outside of Louisiana during the time period that he claimed to have been working as a deckhand on his father's vessel.

 12-17-2010
SPIRO G. LATSIS Date
Assistant United States Attorney

DERRICK JOSEPH DURAN Date
Defendant

WAYNE DOUGLAS MANCUSO Date
Attorney for Defendant