

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO.: 13-008</b>
v.	*	<b>SECTION: J</b>
<b>SANJOY BHATTACHARYA</b>	*	

\* \* \*

**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant, **SANJOY BHATTACHARYA**. The defendant has agreed to plead guilty as charged in the Indictment charging him with making false statements to an agency of the United States in violation of Title 18, United States Code, Section 1001.

A representative of the United States Department of Housing and Urban Development (HUD) would testify that HUD was a department and agency of the United States Government during 2005, 2006, and 2007 through the present. This person would state, as a result of Hurricane Katrina and the damages caused by flooding in the Southeastern Louisiana area, Congress, with the approval of the President of the United States, appropriated federal money to set up a community development block grant program to be administered by HUD for individuals affected in the Southeastern Louisiana area by flooding caused by Hurricane Katrina. This witness would state Congress

appropriated many billions of dollars to help restore damaged homes in Southeastern Louisiana. HUD rules specifically state grant money can only be given to individuals who own their home in this area, the home was damaged by Hurricane Katrina and/or Rita, and the home had to be the primary residency of the applicant on the date of the storm. Further, this person would state all monies received were federal funds distributed to the Louisiana State Office of Administration who used as their agent, ICF International, Inc., to distribute funds to applicants who were eligible for the grant.

A representative of the State of Louisiana, Office of Administration, would testify that this state office was appointed as an agent for the United States Department of Housing and Urban Development to administer the community development block grant funds under the Louisiana Road Home Program. This state office was required to follow all rules and regulations of HUD in distributing block grant funds. The Office of Administration contracted with ICF International, Inc. to act as its agent to prepare the Louisiana Road Home Program and distribute the federal block grant funds to eligible applicants. ICF International, Inc. was specifically required to follow all rules and regulations of HUD to distribute community development block grant funds.

The Government would submit a copy of a written application from the files of ICF International, Inc., the administrators of the Louisiana Road Home Program for the Office of Community Development, Division of Administration, for the State of Louisiana demonstrating that the defendant, **SANJOY BHATTACHARYA**, submitted to the Louisiana Road Home Program an application dated September 12, 2006 to obtain a Louisiana Road Home grant for his damaged primary residency at 2436-38 Joseph Street, New Orleans, Louisiana. In the application, the defendant falsely and fraudulently represented this property was his primary residency on the date

Hurricane Katrina hit Southeastern Louisiana, August 29, 2005. This application was given file number O6HH074363.

An employee of the Louisiana Road Home Program would testify that on or about January 24, 2007, she personally reviewed the handwritten application dated September 12, 2006 bearing file number O6HH074363 with the defendant. This individual would state that she went over each section with the applicant to make sure the applicant understood the questions and the answers written on the application were correct and without error. Each page of the application was initialed by the defendant. She would state that during every application she reviews with an applicant, she specifically inquires and points out the grant can only be given to a person who owns his own home, the home must be his primary residency on the date of the storm, and the primary residency suffered damage from Hurricane Katrina. A review of the defendant's file and his application indicates she specifically reviewed this section with the defendant and he did not change any answer in the application including the one where he certified the damaged property was his primary residency on the date of the storm. Additionally, the witness would state the defendant was required to sign the Louisiana Road Home Applicant Certification in which he certifies all information contained in the application was true and correct and she would have pointed out any false statements were subject to criminal liability.

The Government would submit a certified act of sale from the Notarial Archives Office of the City of New Orleans showing the defendant purchased the property at 2436-38 Joseph Street, New Orleans, LA 70115 on or about September 23, 1992. Documentation from the Orleans Parish Assessor's Office would demonstrate the defendant did not have a homestead exemption for the property at 2436-38 Joseph Street, New Orleans, LA 70115 from 2001 to 2006. Defendant

purchased a home in St. Tammany Parish located at 245 Crossgate Boulevard, Slidell, Louisiana in 1999 and sold this property in March 2004.

If called to testify, R.H.L. would state that she resided at 2438 Joseph Street, New Orleans, LA at the time of Hurricane Katrina on August 29, 2005. R.H.L. would testify that she and a roommate, S.M., lived on the second floor and that the defendant, **BHATTACHARYA**, was her landlord. R.H.L. would further testify that the defendant did not live in the property on August 29, 2005 nor was it defendant's primary residence at that time. R.H.L. would also testify that she applied for FEMA disaster assistance funds and declared this address was her primary residence at the time of Hurricane Katrina. S.M. would also testify that the defendant was her landlord and did not live at the Joseph Street property on August 29, 2005 nor was it defendant's primary residence at that time. S.M. would further testify, that she specifically recalls that **BHATTACHARYA** lived in Slidell, LA at the time of the storm.

A copy of the lease agreement for 2438 Joseph Street, New Orleans, LA for the period August 20, 2005 to May 31, 2006 which was executed on August 19, 2005 and signed by the defendant would be offered as evidence at trial. A copy of check # 261 dated August 20, 2005 from R.H.L. and made payable to the defendant for \$1,346.00 for rent and security deposit for 2438 Joseph Street, New Orleans, LA would also be offered as evidence at trial. A copy of a Sewerage and Water Board of New Orleans bill addressed to R.H. L. at 2438 Joseph Street for the period of August 20, 2005 would also be offered as evidence at trial. Prior to August 20, 2005, the Sewerage and Water Board account for 2438 Joseph Street was in the defendant's name.

If called to testify, A.M. would state that she resided at 2436 Joseph Street, New Orleans, LA at the time of Hurricane Katrina on August 29, 2005. A.M. would testify that she, her husband and

her mother lived on the first floor and that the defendant, **BHATTACHARYA**, was her landlord. A.M. would testify that **BHATTACHARYA** lived in Slidell, LA at the time of the storm and that **BHATTACHARYA** did not reside at 2436-38 Joseph Street, New Orleans, LA on August 29, 2005 nor was it defendant's primary residence at that time. A.M. would also testify that her family applied for FEMA disaster assistance funds and declared this address was their primary residence at the time of Hurricane Katrina. A copy of a Sewerage and Water Board of New Orleans bill addressed to A.M. at 2436 Joseph Street for the period of August 23, 2005 would also be offered as evidence at trial. Evidence would demonstrate that from August 2004 to August 23, 2005, the Sewerage and Water Board account for 2436 Joseph Street was in the defendant's name.

Certified documentation from Entergy New Orleans regarding the utility accounts for 2436 and 2438 Joseph Street, New Orleans, LA would be offered as evidence to demonstrate that gas and electric services for 2436 Joseph Street were in the name of D.M. (A.M.'s husband) from August 25, 2005 to June 20, 2006. Likewise, gas and electric services for 2438 Joseph Street were in the name of S.M. from August 23, 2005 to January 22, 2006. Following Hurricane Katrina, the water bill was placed back in the defendant's name in November 2005.

A neighbor who resides on or near Joseph Street since before August 29, 2005, would state that the defendant, **BHATTACHARYA**, purchased the subject property in 1992 and only resided in the house for approximately 2 to 3 years before he began to rent the property. Additionally, the witness would testify that he specifically recalls that **BHATTACHARYA** did not reside at 2436-38 Joseph Street, New Orleans, LA at the time of Hurricane Katrina and that the property was rented at that time.

Individuals from the Louisiana Road Home Program and HGI Catastrophe Services (HGI) would testify that on September 21, 2007, in the Eastern District of Louisiana, **BHATTACHARYA** attended a closing of his Louisiana Road Home Program Grant application. They would testify that they specifically and individually reviewed with the defendant the requirement that Louisiana Road Home grant funds would only be given to individuals whose homes were damaged by Hurricane Katrina on August 29, 2005 and the property had to be the applicant's primary residency on that day. In connection therewith, the defendant was required to sign a witnessed, notarized affidavit attesting to the truth of the statements in his application as well as in the closing documents. In this affidavit, the defendant declared the property at 2436-38 Joseph Street, New Orleans, LA 70115 was his primary residency on the date of Hurricane Katrina. Additionally, the defendant signed a Louisiana Road Home Program benefit selection form choosing option number one which indicated the property was his primary residency on the date of Hurricane Katrina and he intended to stay in the home and rebuild it so he could receive the maximum benefits available. **BHATTACHARYA** signed the Road Home Grant Recipient Affidavit whereby he certified and declared under oath that on the date of Hurricane Katrina, the property located at 2436-38 Joseph Street, New Orleans, LA was his primary residence. A certified copy of the executed Affidavit would be offered as evidence at trial.

A Special Agent of the U.S. Department of Housing and Urban Development, Office of Inspector General, (HUD-OIG) would testify that on or about October 10, 2007, **BHATTACHARYA** received a Louisiana Road Home grant in the amount of \$84,423.22 for repairs to property located at 2436-38 Joseph Street, New Orleans, Louisiana.

Both the Government and the defendant, **SANJOY BHATTACHARYA**, do hereby stipulate and agree that the above facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the Government would have proven these facts beyond a reasonable doubt at trial.

READ AND APPROVED:

\_\_\_\_\_  
BRIAN J. CAPITELLI (Date)  
Counsel for Sanjoy Bhattacharya

\_\_\_\_\_  
JULIA K. EVANS (Date)  
Assistant United States Attorney

\_\_\_\_\_  
SANJOY BHATTACHARYA (Date)  
Defendant