

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BILL OF INFORMATION FOR CONSPIRACY TO COMMIT MAIL FRAUD

UNITED STATES OF AMERICA * CRIMINAL NO.
v. * SECTION:
BENJAMIN BENNETT * VIOLATION: 18 U.S.C. § 371
* * *

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, BENJAMIN BENNETT, was a resident of Orleans Parish 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. (BP Exploration).

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 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 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 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. From May 2010 to the present, the defendant, **BENJAMIN BENNETT**, was employed as a barber in the Eastern District of Louisiana.

B. THE CONSPIRACY:

Beginning at a time unknown but prior to in or about October 2010 and continuing until in or about November 2010, in the Eastern District of Louisiana and elsewhere, the defendant, **BENJAMIN BENNETT**, and others known and unknown to the United States Attorney, knowingly

and willfully conspired to devise and intended to devise a scheme and artifice to defraud the GCCF and to obtain money by means of false and fraudulent representations, by causing to be delivered by Federal Express, a commercial interstate carrier, according to the directions thereon, an envelope containing Gulf Coast Claims Facility check number 86157, made payable to **BENJAMIN D. BENNETT**, in the amount of \$43,400.00, and addressed and mailed from Dublin, Ohio, to the defendant in New Orleans, Louisiana; all in violation of Title 18, United States Code, Section 1341.

C. OVERT ACTS:

In furtherance of the conspiracy, beginning on or before October 2010 and continuing until in or about November 2010, the defendant, **BENJAMIN BENNETT**, and his co-conspirators submitted or caused to be submitted, a false GCCF claim form, generated online for payment of lost earnings resulting from the Deepwater Horizon oil spill. The false claim form included false and fraudulent documentation stating that defendant worked as a non-owner captain/deckhand on a shrimp boat that had operated profitably in the commercial fishing business in New Orleans, Louisiana during the year 2009. Based on these false representations, on or about October 19, 2010, **BENJAMIN BENNETT** received check number 86157 from the GCCF in the amount of \$43,400.00 in New Orleans, Louisiana by way of an interstate commercial carrier, that is, Federal Express.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information 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 371, 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, **BENJAMIN BENNETT**, 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, Sections 371 and 1341, including but not limited to:

- a. \$43,400.00 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 defendant:

- 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 defendant up to the value of the above forfeitable property.

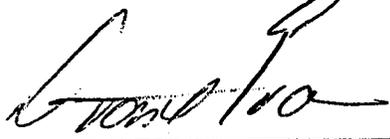
All in violation of Title 18, United States Code, Sections 371, 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).



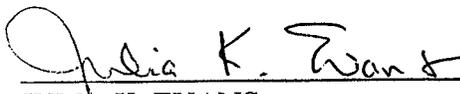
DANA J. BOENTE
UNITED STATES ATTORNEY



FRED P. HARPER, JR.
First Assistant United States Attorney
Louisiana Bar Roll Number 6568



DUANE A. EVANS
Chief, Criminal Division
Louisiana Bar Roll Number 24086



JULIA K. EVANS
Assistant United States Attorney

New Orleans, Louisiana
February 28, 2013