

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**

INDICTMENT FOR MAIL FRAUD

UNITED STATES OF AMERICA

\*

CRIMINAL NO.

v.

\*

SECTION:

ALICIA WELLS

\*

VIOLATION: 18 U.S.C. § 1341

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The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, ALICIA WELLS, was a resident of New Orleans, 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. As a result of the fire, explosion and release of oil from the Deepwater Horizon oil rig in the Gulf of Mexico on or about April 20/21, 2010, the National Pollution Fund Center (NPFC) of the U.S. Coast Guard issued a letter of designation to BP Exploration designating them as a Responsible Party under the Oil Pollution Act (OPA) and advising them of the requirements under OPA to advertise for and receive claims as a result of the incident. BP Exploration accepted this designation acknowledging the requirement to advertise for and receive claims in writing on or about May 3, 2010.

5. Subsequently, the NPFC was notified that starting on August 23, 2010, the Gulf Coast Claims Facility (GCCF) would begin receiving and processing all claims by individuals and businesses impacted by the Deepwater Horizon Spill.

6. In or near June, 2010, BP established the GCCF for the purpose of administering, processing 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 a fund administrator responsible for decisions relating to the administration, processing, and payment of claims by the GCCF. On or about August 23, 2010, the GCCF began receiving and processing such claims due to the Deepwater Horizon incident.

7. On or about August 6, 2010, BP established the Deepwater Horizon Oil Spill Trust, an irrevocable common law trust, 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.

8. To seek payment from the GCCF for damages incurred as a result of the oil spill, an individual or business is required to complete a GCCF Claim Form. The individual or business may submit the form through the internet, by visiting the GCCF website, in person at a GCCF Claims Site Office, by fax, or by mail through the United States Postal Service addressed to the GCCF Claims Facility in Dublin, Ohio. As part of the claim application, the individual or business seeking payment for damages must elect to receive payment by wire transfer directly into the claimant's bank account (or account of their counsel) or by check.

**B. THE SCHEME TO DEFRAUD:**

1. From in or near September, 2010 to in or about January, 2011, in the Eastern District of Louisiana and elsewhere, the defendant, **ALICIA WELLS**, 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 or about September 25, 2010, the defendant, **ALICIA WELLS**, did submit and cause to be submitted, an application to the GCCF seeking compensation for loss of earnings resulting from the Deepwater Horizon oil spill by falsely and fraudulently stating that she was a line cook at Center Plate before the oil spill, when in fact, as the defendant well knew, she had never worked for Center Plate.

3. It was further part of the scheme and artifice to defraud that the defendant submitted and caused to be submitted false and fraudulent documentation to establish that she was employed at Center Plate and to establish her false and fraudulent loss earnings.

4. It was further part of the scheme and artifice to defraud that the defendant received on or about October 23, 2010, an envelope containing Gulf Coast Claims Facility Check Number 94016, made payable to Alicia Wells, in the amount of \$1,600, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in New Orleans, Louisiana

5. It was further part of the scheme and artifice to defraud that the defendant received on or about November 23, 2010, an envelope containing Gulf Coast Claims Facility Check Number 131292, made payable to Alicia Wells, in the amount of \$6,600, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in New Orleans, Louisiana.

**C. THE MAILING:**

On or about December 24, 2010, in the Eastern District of Louisiana, the defendant **ALICIA WELLS**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and obtain money and property by means of false and fraudulent pretenses, representations, and promises, did knowingly and willfully cause to be delivered by FedEx Express, a commercial interstate carrier, according to the directions thereon, an envelope containing Gulf Coast Claims Facility Check Number 179322, made payable to Alicia Wells, in the amount of \$5,000, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in New Orleans, Louisiana.

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

## NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Indictment are re-alleged 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, Section 1341 and Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 1, defendant, **ALICIA WELLS**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 1341 and Title 28, United States Code, Section 2461, 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 as alleged in Count 1 of the Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of 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.

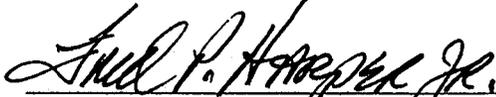
All in violation of Title 18, United States Code, Section 1341 and Title 28, United States Code, Section 2461.

A TRUE BILL:

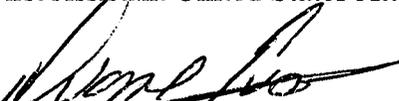
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FOREPERSON



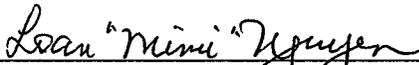
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DANA J. BOENTE  
United States Attorney



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FRED P. HARPER, JR., #6568  
First Assistant United States Attorney



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DUANE A. EVANS, #24086  
Chief, Criminal Division  
Assistant United States Attorney



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LOAN "MIMI" NGUYEN, #23612  
Assistant United States Attorney

New Orleans, Louisiana  
February 28, 2013