

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 13-026
v.	*	SECTION: "J"
ALICIA WELLS	*	
*	*	*

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following to support the allegations charged by the government in the one-count Indictment now pending against the defendant, ALICIA WELLS.

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.

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.

A representative from the GCCF would introduce a claim form in the name of ALICIA WELLS ("WELLS") with the address of 2513 Conti Street, New Orleans, LA 70119. This claim form was received on or about September 25, 2010 by the GCCF. In the claim form, WELLS indicated that she sought an emergency advance payment due to lost earnings or profits in the amount of \$3,000. Furthermore, WELLS claimed that she was a line cook at Center Plate before April 20, 2010, earning \$486 a week. The files of the GCCF would demonstrate that WELLS submitted copies of her IRS Form 1040 (tax returns) for the years 2008 and 2009 and three Earnings Statements.

These tax returns and Earning Statements were fraudulent documents submitted by WELLS. Records from the Internal Revenue Service (IRS) would show that WELLS did not file income tax returns for the 2008 and 2009 tax years. Furthermore, a representative from Center Plate would testify that WELLS had never worked for Center Plate and that the earnings statements that WELLS had submitted were not from Center Plate.

As a result of these false and fraudulent representations and documentation, the GCCF determined that WELLS was entitled to payments which were sent from 105 Maxess Road, Melville, New York, to her address, 2513 Conti Street, New Orleans, Louisiana. On or about

October 23, 2010, WELLS received GCCF check number 94016 in the amount of \$1,600. On or about November 23, 2010, WELLS received GCCF check number 131292 in the amount of \$6,600.

A number of individuals from the GCCF will testify and identify recordings of themselves and a person who identified herself as ALICIA WELLS requesting the status of her claim on numerous occasions.

An agent of the GCCF will testify that on or about December 24, 2010, it received instructions from the GCCF to send a check for payment of a Deepwater Horizon claim in the name of ALICIA WELLS, 2513 Conti Street, New Orleans, Louisiana in the amount of \$5,000. A check was issued and drawn on the Whitney National Bank bearing check number 179322, dated December 24, 2010 and placed into an envelope. This envelope was picked up by FedEx Express, an interstate common carrier, at 105 Maxess Road, Melville, New York 11747, and it was addressed to WELLS, 2513 Conti Street, New Orleans, Louisiana 70119.

FedEx Express will state that it is an interstate common carrier that delivers packages and envelopes throughout the United States. A representative of FedEx Express would testify it picked up an envelope detailed above and delivered it to ALICIA WELLS at 2513 Conti Street, New Orleans, Louisiana on or about December 27, 2010.

The government would prove that the amount of restitution for the purposes of this offense is approximately \$13,200.

ALICIA WELLS
Defendant

Date

VALERIE WELZ JUSSELIN (19825)
Attorney for Defendant

Date

LOAN "MIMI" NGUYEN (23612)
Assistant United States Attorney

Date