

DMJ:BTR
F.#2013R01383

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T
(T. 18 U.S.C. § 287)

- against -

Tselane Gibbs,

13-0923M

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Michael Mischler, being duly sworn, deposes and states that he is a Special Agent with the Department of Homeland Security, Office of the Inspector General ("DHS-OIG"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 14, 2012, within the Eastern District of New York, the defendant Tselane Gibbs, made and presented to the Federal Emergency Management Agency a claim against the United States for payment, which she knew to be false, fictitious and fraudulent, by filing a disaster assistance claim in which she represented that as a result of damage to her home by Hurricane Sandy at 27 Forest Road, Valley Stream, New York, she had to relocate to an apartment she rented at 585 Blake Avenue, Apartment 5C,

Brooklyn, New York, when, in truth and in fact, the defendant did not lease and did not relocate from her residence in Valley Stream, New York.

(Title 18, United States Code, Section 287)

The source of your deponent's information and the grounds for this belief and the grounds for his belief are as follows:

1. The Federal Emergency Management Agency ("FEMA"), an agency of the United States Department of Homeland Security, administers relief under the legal authority of Title 44 of the Code of Federal regulations. Disaster assistance is made available after the President of the United States declares that a major disaster has occurred in a specified area.

2. Assistance to individuals is available under the Individual and Household Assistance Program ("IHP") which provides grants, funded by the United States Government, to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed. IHP requires that the disaster assistance applicant was unable to

¹ Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

live in his or her primary residence due to disaster-related conditions in order to receive rental assistance benefits.

3. In order to receive assistance under the IHP, the applicant must register with FEMA and provide FEMA personnel basic information, such as identifying personal data and the location of the damaged dwelling. The applicant will be asked to verify that the damaged dwelling was, in fact, his or her primary residence, as well as provide information concerning the household composition.

4. On October 30, 2012, the President of the United States Barack Obama issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., following landfall of Hurricane Sandy on the State of New York. The disaster was identified by FEMA as disaster number 4085-Hurricane Sandy.

5. On November 8, 2012, FEMA Form 009-0-1 Application/Registration for Disaster Assistance was filed in the name of Tselane M Gibbs. The damaged property address was identified as 27 Forest Road, Valley Stream, New York. The application listed Tselane M. Gibbs and Kaleek S. Gibbs Jr. as occupants of the home.

6. On or about November 13, 2012, Tselane M. Gibbs was denied FEMA rental assistance because she advised FEMA that she was going to continue to reside at the damaged residence while repairs were being made.

7. On or about November 14, 2012, Tselane M. Gibbs contacted FEMA and advised FEMA that she could no longer live at 27 Forest Road, Valley Stream, New York, and was requesting rental assistance. On November 16, 2012, Tselane M. Gibbs received an Electronic Fund Transfer from FEMA in the amount of \$3,166 for rental assistance.

8. On or about January 11, 2013, FEMA FORM 010-12, Individuals and Household Programs, Application for Continued Temporary Housing Assistance was filed in the name Tselene M. Gibbs. Tselane M. Gibbs provided FEMA with an Apartment Lease Agreement and rent receipts dated November 17, 2012 and December 17, 2012 in the amount of \$1675 each. The lease agreement and receipts identify Tselane M. Gibbs as the leasee of post-disaster address 585 Blake Avenue, Apartment 5C, Brooklyn, New York, effective November 17, 2012.

9. Based on Tselene M. Gibbs application, FEMA disbursed:

(1) \$3,166 for rental assistance via electronic funds transfer on November 16, 2012 to Tselene Gibbs bank account at Capital One for Rental Assistance;

(2) \$737 via electronic funds transfer on February 6, 2013 to Tselene Gibbs bank account at Bank of America for Rental Assistance;

(3) \$5,527.50 via electronic funds transfer on February 6, 2013 to Tselene Gibbs bank account at Bank of America for Rental Assistance;

(4) \$4,523 via electronic funds transfer on March 25, 2013 to Tselene Gibbs bank account at Bank of America for Rental Assistance; and

(5) \$5,025 via electronic funds transfer on May 28, 2013 to Tselene Gibbs bank account at Bank of America for Rental Assistance. Tselene Gibbs received disaster assistance funds totaling \$18,978.50 for Rental Assistance.

10. On or about January 11, 2013, and thereafter, Tselene Gibbs submitted documents to FEMA purportedly authored and signed by representatives of Remeeder Houses LP, the property management group responsible for 585 Blake Avenue, Apartment 5C, Brooklyn, New York. The documents submitted by Tselene Gibbs included lease agreements for 27 Forest Road,

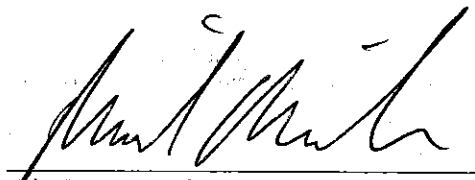
Valley Stream, NY and 585 Blake Avenue, Apartment 5C, Brooklyn, NY as well as rental receipts.

11. In order to verify Tselene M. Gibbs occupancy I contacted the property manager for Remeeder Houses LP responsible for 585 Blake Avenue, Apartment 5C, Brooklyn, NY. The property manager reviewed lease agreements and payment receipts submitted by Tselene M. Gibbs to FEMA and verified they were fraudulent. The property manager further reviewed the name and signature affixed to the lease agreement and payment receipts, stated in sum and substance that he/she did not sign the aforementioned and the name appearing on each is not an employee of Remeeder Houses LP. The property manager verified that Gibbs was not a tenant.

12. On or about August 7, 2013, Tselene M. Gibbs provided a statement to law enforcement that she had never lived at 585 Blake Avenue, Apartment 5C, Brooklyn, NY and she had

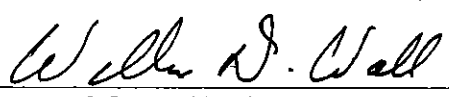
submitted fraudulent documents to FEMA in support of her FEMA claim.

WHEREFORE, your deponent respectfully requests that the defendant Tselene M. Gibbs be dealt with according to law.



Michael Mischler
Special Agent
Department of Homeland Security

Sworn to before me this
28th day of October, 2013



Honorable William D. Wall
United States Magistrate Judge
Eastern District of New York