

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO. 15-188

v.

*

SECTION: "J"

MELISSA ANN DURAN

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FACTUAL BASIS

Were this matter brought to trial, the United States would prove, through competent witnesses and documentary evidence, the following beyond a reasonable doubt.

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 businesses for losses incurred as a result of the Deepwater Horizon incident. The GCCF began receiving and processing such claims on 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.

The GCCF was an entity established by British Petroleum to process and settle claims of individuals and business for losses incurred as a result of the Deepwater Horizon incident.

On August 23, 2010, **Duran** submitted a fraudulent claim to the GCCF for \$250,000. **Duran** falsely claimed to be employed as a seafood processor by a commercial fisherman who lost

wages due to the Deep Horizon incident. In support of her claim, **Duran** submitted a notarized letter signed by Mr. X (not identified by his actual name herein), a commercial fisherman from Violet, Louisiana. In the letter, Mr. X stated that **Duran** worked for him as a seafood processor for a year before the spill. The GCCF processed the claim and paid **Duran** \$33,800 to settle her claim.¹ The GCCF mailed two settlement checks from New York to **Duran's** house in Theodore, Alabama via FedEx. On or about March 17, 2011, a final check in the amount of \$25,000 was mailed from New York to **Duran's** P.O. Box in Des Allemands. The check was delivered to **Duran** by the United States Postal Service.

After the payments were issued, the GCCF received an anonymous tip that **Duran** was living out of state when the spill occurred.² Accordingly, the GCCF referred the matter to Guidepost Solution for further investigation. A Guidepost investigator interviewed Mr. X over the phone about the letter that he signed for **Duran**. During the interview, Mr. X told the investigator that he authored and signed the above mentioned hardship letter. He stated that he accompanied **Duran** to the notary when the letter was notarized by a notary public in Raceland. He also stated that he paid **Duran** in cash for her work as a seafood processor. He said that **Duran** worked 2-3 days a week for about 2 years for him and earned \$100 to \$200 dollars a day.

After Guidepost completed their investigation, the GCCF forwarded the matter to the FBI for further investigation. On September 19, 2012, a special agent with the FBI interviewed Mr. X at his residence in Metairie. During the interview, Mr. X stated that he never employed **Duran** in

¹**Duran** disputes the total loss amount in this case. **Duran** contends that she earned \$8,000 in cash while working as a seafood processor for local commercial fishermen before the BP spill occurred. Accordingly, **Duran** believes that she was, in fact, entitled to \$8,000 of the funds that she received from BP. It should be noted, however, that **Duran** has no documentation to verify her earnings from these job because she claims to have been paid in cash by the commercial fishermen.

²**Duran** contends that she was living in Des Allemands at the time of the oil spill.

any capacity.³

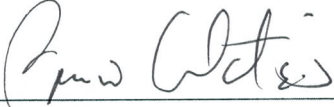
On October 5, 2011, the FBI agent interviewed **Duran** at her residence in Raceland. **Duran** stated that she and Mr. X went together to the notary to get the letter notarized. She also said that Mr. X told her that he would deny any knowledge of the letter if anyone ever asked him about it. **Duran** then admitted that she knew submitting the hardship letter was wrong and that the information in the letter was not accurate.

At trial, a GCCF employee would testify that the GCCF detrimentally relied on the false statements that **Duran** made in her grant applications about her employment as a seafood processor for Mr. X. when they approved her grant. The GCCF employee would also testify that the GCCF would have denied her claim had they known that **Duran** did not work for Mr. X. as a seafood processor at the time of the spill.

APPROVED AND ACCEPTED:

MELISSA DURAN Date
Defendant

VALERIE JUSSELIN Date
Attorney for Defendant

 5/12/2016

SPIRO G. LATSIS Date
Assistant United States Attorney

³**Duran** claims that she did, in fact, work for Mr. X as a seafood processor before the spill, but not for amount of time and frequency that she indicated in her grant application to the GCCF. She exaggerated the number of hours that she worked for Mr. X to fraudulently increase the value of an otherwise legitimate claim.