UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL NO. 16-122**
v.	*	**SECTION: "J"**
TRACY D. NICHELSON	*	

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FACTUAL BASIS

Defendant, **TRACY NICHELSON, ("NICHELSON")** has agreed to plead guilty to Count 1 of the Bill of Information, charging her with one count of bank fraud, in violation of 18 U.S.C. § 1344. 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, including the testimony of Postal Inspectors of the United States Postal Inspection Service and others, the following facts, to support the allegations charged in the Bill of Information now pending against the defendant, **TRACY NICHELSON.**

From in or about June 2012 until in or about July 2013, the defendant **TRACY NICHELSON** was employed as an Assistant of Rental Management for Company A, a real estate and development company located in Orleans Parish, Louisiana. **NICHELSON** was responsible for opening mail, collecting rent payments, recording collections and general clerical duties. **NICHELSON** was afforded discretion by her employer and allowed to work with little supervision.

The Government would introduce documentary evidence, as well as the testimony of United States Postal Inspectors, that from in or about April 2013 until in or about June 2013, **NICHELSON** embezzled approximately $16,418 from Company A, without Company A's knowledge or authorization, in addition to receiving her regular salary. **NICHELSON** accomplished this fraud by forging the signature of her employer and others on approximately 13 stolen checks belonging to Company A. Specifically, **NICHELSON** issued checks and forged signatures on two bank accounts belonging to Company A. The first was a closed bank account belonging to Company A, held at Gulf Coast Bank & Trust Company and ending in #9798. The second bank account was an active bank account owned by Company A which was held at Capital One Bank, the bank account ending in #5540. Both Gulf Coast Bank & Trust Company and Capital One Bank are financial institutions and banks insured by the Federal Deposit Insurance Corporation.

NICHELSON issued at least four bad checks on Company A's closed account ending in #9798 at Gulf Coast Bank & Trust totaling approximately $5,455. **NICHELSON** knew she had no authority or permission to issue these checks or forge the signatures of the account holders. Likewise, **NICHELSON** issued at least nine bad checks on Company A's Capital One Bank account ending in #5540 totaling approximately $10,963. **NICHELSON** also knew she had no authority or permission to issue these checks or forge signatures on Company A's Capital One Bank account. With specific intent to deceive and defraud both Gulf Coast Bank & Trust and Capital One Bank, **NICHELSON** wrote in the memo section of the forged checks "repairs"; "roof repair"; "payroll"; "commission"; "consulting" and "clean Apt B." By engaging in this scheme, from April 2013 through June 2013, **NICHELSON** caused a loss to Company A of approximately $16,418 and placed both Gulf Coast Bank & Trust as well as Capital One Bank at risk of civil liabilities and financial loss.

A United States Postal Inspector would testify that on or about December 9, 2014, she interviewed N.L. the owner of Company A, who stated she and her business partners were scammed by **NICHELSON**. N.L. told law enforcement that **NICHELSON** stole checks from a closed bank account and forged checks on another open bank account. N.L. stated that Company A's software program showed **NICHELSON** manipulating accounts by taking money from one account to fix a deficit in another account. Specifically, the software program showed **NICHELSON** was trying to pay back accounts she had taken money from with money from other accounts. Additionally, N.L. stated that **NICHELSON** forged checks and made them payable to random relatives or associates of clients listed in Company A's database, and endorsed the checks with that person's name.

Evidence, including admissible documents and testimony, would be introduced to establish that **NICHELSON** forged three checks which she made payable to her friend, S.S. One of the three checks **NICHELSON** made payable to S.S. was forged on or about April 25, 2013 on Company A's closed bank account at Gulf Coast Bank & Trust Company, account number XXXXX9798, check number 702 in the amount of $526.00. Check number 702, made payable to S.S., was cashed at Capital One Bank in the Eastern District of Louisiana. The remaining stolen checks were also cashed at local banks, including Regions Bank, JPMorgan Chase and Capital One Bank. Specifically, JPMorgan Chase, suffered a loss amount of approximately $2,365; Regions Bank suffered a loss amount of $12,000 and Capital One Bank suffered a loss of $2,053 resulting from defendant's bank fraud scheme. In addition to Capital One Bank, Regions Bank and JPMorgan Chase are financial institutions and banks insured by the Federal Deposit Insurance Corporation. A United States Postal Inspector would testify that most of the payees named on the bad checks forged by **NICHELSON,** did not know or have any dealings with **NICHELSON** or Company A.

Both the Government and the defendant, **TRACY NICHELSON**, do hereby stipulate and agree that the above facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the Government would have proven these facts beyond a reasonable doubt at trial.

_______________________________	Julia K Evans 9-28-16
TRACY D. NICHELSON (Date) Defendant	JULIA K. EVANS (Date) Assistant United States Attorney

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ROBERT EARLY (Date)
Attorney for the Defendant