

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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**BILL OF INFORMATION FOR THEFT OF GOVERNMENT
FUNDS, IDENTITY THEFT AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

ASHLY HOWARD

* CRIMINAL NO. **20-00136**
* SECTION: **SECT. L MAG. 3**
* VIOLATIONS: 18 U.S.C. § 641
18 U.S.C. § 1028(a)(7)
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The United States Attorney charges that:

COUNT 1
(Theft of Government Funds)

A. AT ALL MATERIAL TIMES HEREIN:

1. The United States Department of Education (“Department”) is a cabinet agency of the United States Government established to ensure equal access to education and to promote education throughout the United States. One of the primary responsibilities of the Department is oversight and administration of the Federal Student Aid (“FSA”) Program authorized by the Higher Education Act of 1965 to assist qualified students in obtaining post-secondary education.

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2. The Department operates, administers, and regulates various FSA programs, including the federal Pell Grant Program.

3. Since June 2010, the Federal Direct Loan Program has become the primary source of student loans. Education loans obtained through the Federal Direct Loan Program are made directly from the Department to students and are administered by the Department. Students eligible for such federal student loans must complete a Master Promissory Note (“MPN”).

4. Students must meet certain criteria to be eligible for federal financial aid under the FSA programs, to include, possession of a high school diploma or its recognized equivalent such as a General Equivalency Diploma (“GED”), maintain satisfactory progress in their courses of study, and certify that funds they receive will be used for educational purposes. This certification is made when the student signs and submits their Free Application for Federal Student Aid (“FAFSA”) form.

5. Information provided by an applicant on the FAFSA form is used to calculate an applicant’s Expected Family Contribution (“EFC”) towards the cost of the college. Financial Aid Administrators at the applicant’s school of choice determine the applicant’s need for federal student aid from the Department and other sources of assistance by subtracting the EFC from the student applicant’s cost of attendance.

6. The FAFSA can be completed online after the student obtains a Personal Identification Number (“PIN”) to complete the FAFSA form. The student applicant certifies that they are the person using the PIN, and that the funds received will be used for educational purposes only.

7. All schools that receive FSA program funds obtain the funds through the Department's G5 payment system ("G5"). The school requests financial aid funds from the Department and G5 deposits the funds in the school's designated Title IV bank account(s). The school then credits the funds to the student's financial aid account.

8. If the amount of federal financial aid received by the school exceeds the cost of attendance for a particular student, thereby creating an FSA credit balance, the school must pay the credit balance directly to the student. Payment of a credit balance to the student is often called a Title IV refund or credit refund. Credit refunds are often paid in the form of an electronic funds transfer to a financial institution account (or debit card) designated by the student applicant.

9. Funds received by a student under the FSA Programs must be used for an educational purpose and can be used to satisfy tuition and fees charged by the institution and for other expenses incurred by a student pursuing an education program, such as books, supplies, transportation, and living expenses.

10. From approximately March 2018 through October 2019, **ASHLY HOWARD** ("**HOWARD**") used the Personally Identifying Information ("PII") of at least thirty (30) individuals to fraudulently submit a FAFSA and/or MPN in each individual's name in an effort to obtain federal financial aid.

11. From approximately March 2018 through October 2019, **HOWARD** facilitated the submission of at least thirty (30) applications for admission to Nunez Community College in Chalmette, Louisiana in these individuals' names.

12. From approximately March 2018 through October 2019, **HOWARD** facilitated the creation of Bank Mobile accounts (with a debit card) in these individuals' names so that the student

loan proceeds could be disbursed. Twenty-three (23) individual's Bank Mobile cards were mailed to addresses belonging to, or in control of, **HOWARD**.

13. From approximately March 2018 through October 2019, **HOWARD** accepted the grants and student loans that were awarded to eighteen (18) of these individuals and used the federal financial aid funds under the names of these individuals; some with, and some without, their knowledge or consent.

B. THE OFFENSE:

From in or around March 2018, and continuing through October 2019, in the Eastern District of Louisiana, and elsewhere, the defendant, **ASHLY HOWARD**, did willfully and knowingly steal, purloin and convert to her own use, money of a value in excess of \$1,000.00 belonging to the United States Department of Education, an agency of the United States; namely, federal student financial aid funds to which she was not entitled to receive.

All in violation of Title 18, United States Code, Section 641.

COUNT 2
(Identity Theft)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations of Paragraph A of Count 1 are incorporated as though fully set forth herein.

B. IDENTITY THEFT:

On or about May 21, 2018, in the Eastern District of Louisiana and elsewhere, the defendant, **ASHLY HOWARD**, did knowingly possess and use in or affecting interstate commerce, without lawful authority, a means of identification of another person, that is, the name and social security number of "C.P.", with the intent to commit, and in connection with an unlawful activity that constitutes a violation of federal law, that is, theft of government funds, in violation

of Title 18, United States Code, Section 641, and by such conduct the defendant obtained anything of value aggregating \$1,000.00 or more during any one year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

NOTICE OF FORFEITURE

1. The allegations contained in of Counts 1 and 2 of this Bill of Information are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offenses alleged in Counts 1 and 2, defendant, **ASHLY HOWARD**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations, and pursuant to Title 18, United States Code, Section 1028(b)(5), any real or personal property used or intended to be used to commit the offenses.

3. If any of the property subject to 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;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any substitute property of the defendant up to the value of said property.

PETER G. STRASSER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'K Mchugh', written over a horizontal line.

KATHRYN MCHUGH
Assistant United States Attorney

New Orleans, Louisiana
November 24, 2020