

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 10-233
v.	*	SECTION: "K"
BRIAN KENT	*	

* * *

F A C T U A L B A S I S

The defendant, **BRIAN KENT** (hereinafter, the “defendant” or “Kent”), has agreed to plead guilty as charged to Counts 1 and 3 of the Indictment charging him with conspiracy to utter counterfeit postal money orders and possess counterfeit securities, in violation of Title 18, United States Code, Sections 371, 500, and 513(a) and possessing counterfeit securities, in violation of Title 18, United States Code, Section 513(a). Should this matter proceed to trial, both the Government and the defendant, **BRIAN KENT**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant:

Beginning in approximately September 2009, **KENT** became involved in a fraudulent “Mystery Shopper” program (the “Program”) operated through the World Wide Web. The Program involved contacting, and, ultimately, hiring unsuspecting “employees” who sign up via e-mail; either the employer or the prospective “employee” may initiate the communication. Subsequent communication takes place via e-mail and, occasionally, web-based “chats.” The scheme requires employees to receive securities (which, unbeknownst to the “employees,” are counterfeit) via the mail and cash them at local banks and/or check cashing services. “Employees” are instructed to use a wire transfer service promptly after cashing the checks to transmit a portion, typically the overwhelming majority, of the money back to unnamed “employers” within the Program at designated locations. “Employees” are also instructed to submit a report or evaluation on the process. The putative purpose of the Program is to “test” the wire transfer company’s service. As payment, the “employees” of the Program are allowed to keep a portion of the funds from each cashed check. Subsequently, once the bank realizes that the check is counterfeit, the counterfeit instrument bounces, leaving either the “employee” of the Program or the bank that cashed the instrument left with a loss for the amount cashed.

KENT was hired to serve as a “Payee Supervisor” for the Program. As a “Payee Supervisor,” **KENT** was directed to receive packages of counterfeit securities, including traveler’s checks, money orders, and postal money orders, via the mail (including private mail services such as Federal Express, UPS, and DHL) from individuals located outside of the United States, including Nigeria and Turkey. **KENT** would then receive, via e-mail, directions on where and how to redistribute the counterfeit securities. These emails included lists of the names and contact information of dozens or hundreds of individuals who were “employees” of the Program.

KENT was responsible for sending each person on the list at least one of the counterfeit securities. **KENT** was not responsible, however, for compiling the list of names, and there is no evidence to suggest that he was aware of the manner in which the names were gathered. **KENT** also received instructions via e-mail informing him of the shipping account number he was to use to redistribute the counterfeit securities. **KENT** was to be paid approximately \$400.00 for every 200 counterfeit securities he mailed to individuals on the lists he received via e-mail. During his period of employment with the Program, **KENT** mailed numerous counterfeit securities in the manner detailed above. At the time **KENT** was involved with the Program, he was aware that the scheme, and the securities used in the scheme, were counterfeit.

While acting as a “Payee Supervisor” for the Program, when **KENT** would spend time in New Orleans, he stayed at a residence located at 2221 Richland Avenue, Apartment 252, Metairie, Louisiana. **KENT** listed 2221 Richland Avenue, Apartment 252, Metairie, Louisiana as his mailing address when doing business with, and on behalf of, the Program..

American Express Company (“American Express”) and MoneyGram Payment Systems, Inc., (MoneyGram) are each legal entities, other than governments, whose activities affect interstate and foreign commerce.

On or about July 30, 2010, agents of the United States Department of Homeland Security seized a package containing counterfeit United States Postal Money Orders at a Federal Express (“FedEx”) facility located in Memphis, Tennessee (“the Package”). The Package was sent from Lagos, Nigeria and was addressed to the defendant, **BRIAN KENT**, at 2221 Richland Avenue, Apartment 252, Metairie, Louisiana. On the same day, **KENT** called FedEx to inquire whether his package had arrived.

On or about August 2, 2010, FedEx officials notified **KENT** via telephone that the Package had arrived at the FedEx facility in Kenner, Louisiana, and would be delivered to him at 2221 Richland Avenue, Apartment 252, Metairie, Louisiana, on the following day. During the call, **KENT** stated that he would prefer to pick up the Package from the FedEx facility in Kenner, Louisiana.

On or about August 2, 2010, **KENT** traveled to the FedEx facility in Kenner, Louisiana. **KENT** drove a 1987 tan Cadillac with Louisiana Temporary License Tag Number 12997866 to the FedEx facility to pick up the Package. Inside of his Cadillac, **KENT** kept and possessed numerous counterfeit securities, including eleven (11) counterfeit American Express traveler's checks, each of which was valued at approximately \$500.00, including one bearing check number RA255-451-750; eighteen (18) counterfeit postal money orders, each of which was valued at approximately \$995.00; sixty-five (65) counterfeit cashier's checks, collectively valued at approximately \$185,250.00; and one hundred sixty-two (162) counterfeit MoneyGram money orders, each of which was valued at approximately \$966.12. Additionally, **KENT** kept and possessed, in the residence in which he was staying, 2221 Richland Avenue, Apartment 252, Metairie, Louisiana, a check scanning machine and twenty-three (23) counterfeit securities, including thirteen (13) counterfeit checks collectively valued at approximately \$48,215.75; three (3) counterfeit postal money orders collectively valued at approximately \$2,816.12; and seven (7) counterfeit MoneyGram money orders collectively valued at approximately \$5,804.00.

The counterfeit securities **KENT** possessed were of organizations that operate in, and whose activities affect, interstate commerce.

By engaging in the behavior outlined above, **KENT** did knowingly and wilfully

combine, conspire, and confederate and agree to possess, and did actually possess, counterfeit securities of an organization that operates in, and the activities of which affect, interstate commerce, including, but not limited to, an American Express traveler's check bearing check number RA255-451-750, in the amount of \$500.00.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, agents from the United States Department of Homeland Security - Immigration and Customs Enforcement, United States Department of Homeland Security - United States Secret Service, the United States Postal Inspection Service, and the Louisiana State Police, witnesses and employees of ICE, Secret Service, and the Postal Inspection Service, documents and records in the possession of ICE and the Secret Service, as well as the statements of the defendant, **BRIAN KENT**.

APPROVED AND ACCEPTED:

BRIAN KENT Date
Defendant

STEVEN LEMOINE Date
(Louisiana Bar No. _____)
Attorney for Defendant Kent

JORDAN GINSBERG Date
(Illinois Bar. No. 6282956)
Assistant United States Attorney