

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR THEFT OF GOVERNMENT FUNDS AND MAIL FRAUD

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.
v.	*	SECTION:
TORIS YOUNG	*	VIOLATION: 18 U.S.C. § 641
a/k/a Rev. Toris Young	*	18 U.S.C. § 1341
	*	
	* * *	

The Grand Jury charges that:

COUNT 1 - MAIL FRAUD

A. AT ALL TIMES MATERIAL HEREIN:

1. The United States Small Business Administration (“SBA”) was an agency of the United States of America providing disaster assistance loans to Hurricane Katrina victims. The SBA was administered and funded by the United States of America.

2. Hurricane Katrina made landfall in Louisiana on August 29, 2005, and caused widespread damage to the Gulf Coast region of Louisiana, including the New Orleans, Louisiana metropolitan area.

3. SBA provides low interest disaster business and home loans for physical damage, loss to real property, business content and economic injury.

4. Before an applicant receives any SBA loan funds, the applicant must participate in a loan closing where the terms of the loan are determined. After the closing, the SBA typically disburses an initial payment to the loan recipient. For a loan recipient to receive subsequent payments, up to the amount of the loan for which the recipient was approved, the loan recipient must submit additional documentation to the SBA. In the case of real estate construction or repair, the additional documentation includes evidence, such as receipts to show the funds that have been spent for the repair or replacement of the disaster-damaged real estate, or estimates to show that the funds are necessary to complete the construction or repair project.

5. Defendant **TORIS YOUNG** (hereinafter “**YOUNG**”) was the pastor of the Bible Way Baptist Church, a non-profit organization, located at 2936-2942 Joliet Street, New Orleans, Louisiana, in the Eastern District of Louisiana, at the time Hurricane Katrina made landfall in Louisiana.

6. As a result of alleged Hurricane Katrina damage to the Bible Way Baptist Church property, **YOUNG**, as the pastor and representative of the Bible Way Baptist Church, applied to the SBA for a low interest disaster loan on behalf of the Church on or about September 10, 2005. The SBA approved an initial property loan in the amount of \$500,000.

7. On or about November 18, 2005, **YOUNG**, executed an SBA Loan Authorization and Agreement on behalf of Bible Way Baptist Church where he agreed that the loan proceeds would be used solely to reconstruct the disaster destroyed Bible Way Baptist Church.

8. On or about November 25, 2005, **YOUNG** opened a business checking account, account number x0851, in the name of Bible Way Baptist Church, at Bank of America. **YOUNG** was the only authorized signatory on this account. On or about November 30, 2005, **YOUNG** submitted to the SBA via facsimile a form authorizing the SBA to electronically transfer funds from the disaster loan into this checking account.

9. On or about December 22, 2005, the SBA electronically transferred funds in the amount of \$15,000 into Bank of America, account number x0851.

10. On or about September 6, 2006, as a result of a loan increase requested by **YOUNG**, the SBA mailed a letter to **YOUNG** notifying him that his loan was increased in the amount of \$463,900 for a total loan amount of \$963,900, which was to be used solely to reconstruct the disaster destroyed Bible Way Baptist Church located at 2936-2942 Joliet Street, New Orleans, Louisiana.

11. On or about October 12, 2006, the SBA electronically transferred a final disbursement in the amount of \$463,900 into Bank of America, account number x0851.

12. **YOUNG** did not use the SBA loan proceeds to rebuild the Bible Way Baptist Church. As a result of his misrepresentations to the SBA, the defendant, **TORIS YOUNG**, received \$963,900 in federal funds from the SBA.

B. THE SCHEME TO DEFRAUD:

13. From in or about September 2005 to in or about October 2006, in the Eastern District of Louisiana and elsewhere, the defendant, **TORIS YOUNG**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud the SBA and obtain money and property from the SBA by means of false and fraudulent promises, pretenses, and representations.

14. It was part of the scheme and artifice to defraud that on or about November 25, 2005, **YOUNG** submitted to the SBA documents purporting to be copies of the flood insurance policy and fire and hazard insurance policy for the Bible Way Baptist Church, with an address of 2934-2942 Joliet Street, New Orleans, Louisiana, and a check showing a purported payment to “Ryan Warner and Associates,” for these policies.

15. It was further part of the scheme and artifice to defraud that on or about May 23, 2006, **YOUNG** submitted a letter to the SBA informing the SBA that he had spent over \$655,240.30 thus far in rebuilding the Church. In the same letter, **YOUNG** requested a loan increase in the amount of \$400,000 for alleged increased costs of materials and costs of labor.

C. THE MAILING:

16. On or about October 9, 2006, in the Eastern District of Louisiana, the defendant, **TORIS YOUNG**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and obtain money and property by means of false and fraudulent pretenses, representations, and promises, did knowingly cause to be delivered by FedEx Express, a private and commercial interstate carrier, according to the directions thereon, an envelope containing several documents, including but not limited to the phony Resolution of Board of Directors of Bible Way Baptist Church and written construction invoices, and addressed and mailed from 365 Land St, Ste.

2670, New Orleans, Louisiana 70130, to the U.S. Small Business Administration at 14925 Kingsport Rd., Fort Worth, Texas 76155.

All in violation of Title 18, United States Code, Section 1341.

COUNT 2 - THEFT OF GOVERNMENT FUNDS

A. AT ALL TIMES MATERIAL HEREIN:

1. The allegations of Paragraphs A. 1 through A. 15 in Count 1 are hereby re-alleged and incorporated herein in their entirety by reference.

B. THE OFFENSE:

2. From on or about September 10, 2005, through on or about October 12, 2006, in the Eastern District of Louisiana and elsewhere, the defendant, **TORIS YOUNG**, did knowingly steal, purloin, and convert to his own use money of the SBA, a department and agency of the United States, to which he knew he was not entitled, having a value of approximately \$963,900.

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

NOTICE OF FORFEITURE

1. The allegations in this Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 641, 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1 through 2, the defendant, **TORIS YOUNG**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c) any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 641 and 1341, including but not limited to:

- a. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

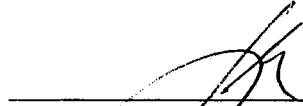
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.


All in violation of Title 18, United States Code, Sections 641, 1341, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL:

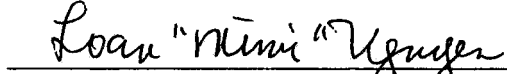
FOREPERSON



JIM LETTEN, #8517
United States Attorney



JAN MASELLI MANN, #9020
Chief, Criminal Division
Assistant United States Attorney



LOAN "MIMI" NGUYEN, #23612
Assistant United States Attorney

New Orleans, Louisiana
September 29, 2011