

FILED

DEC 01 2022 *YCA*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

No.

v.

Violation: Title 18, United States Code,
Section 1343

AYANNA NESBITT

1:22-cr-00626

Judge Matthew F. Kennelly

Magistrate Judge Jeffrey T. Gilbert

RANDOM

COUNT ONE

The SPECIAL JULY 2021 GRAND JURY charges:

1. At times material to this Indictment:
 - a. The Retirement Plan for Chicago Transit Authority Employees (the "Plan") was an independent government entity which oversaw pension and other benefits for retirees of the Chicago Transit Authority ("CTA"). The Plan was funded, in part, with money received from the CTA and its employees.
 - b. The Plan paid death benefits in the form of lump payments to the designated beneficiaries of deceased CTA retirees who had received pension or disability benefits.
 - c. Employees who ceased working for the CTA prior to retirement could request that the Plan return the funds the employees had contributed towards their pensions.
 - d. Upon the death of CTA retirees receiving pension payments, any final pension payment owed to such retirees would be paid to the retirees' designated beneficiaries.

e. Defendant AYANNA NESBITT was a resident of Chicago, Illinois, and a CTA employee who worked as a retirement clerk at the Plan. NESBITT's responsibilities included accessing the Plan's financial management systems to update retiree and beneficiary information and initiating requests to transfer Plan funds to: (i) designated death benefit beneficiaries; (ii) former CTA employees who had requested the return of their pension contributions; and (iii) beneficiaries of deceased pension payment recipients.

2. Beginning in or around March 2019, and continuing until in or around September 2021, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, knowingly devised, intended to devise, and participated in a scheme to defraud, and to obtain money and property from the Plan by means of materially false and fraudulent pretenses, representations, and promises, as further described below.

3. It was part of the scheme that NESBITT created and obtained approval for fraudulent requests to make death benefit payments to purported beneficiaries of deceased CTA retirees and eligible employees, knowing that such requests contained false and fraudulent representations concerning the purported beneficiaries' identities and entitlement to death benefit payments.

4. It was further part of the scheme that NESBITT created and obtained approval for fraudulent requests to refund pension contributions to purported former CTA employees, knowing that such requests contained false and fraudulent

representations concerning the purported former employees' identities and entitlement to pension contribution refunds.

5. It was further part of the scheme that NESBITT created and obtained approval for fraudulent requests to send payments to purported beneficiaries of deceased pension payment recipients, knowing that such requests contained false and fraudulent representations concerning the purported beneficiaries' identities and entitlement to payments.

6. It was further part of the scheme that NESBITT received fraudulently obtained Plan funds into financial accounts she controlled, which funds she used for her personal benefit and the personal benefit of others.

7. It was further part of the scheme that NESBITT arranged for members of her family and others to fraudulently receive Plan funds into financial accounts they controlled, the majority of which funds were transferred to NESBITT and used for NESBITT's personal benefit and the personal benefit of others.

8. It was further part of the scheme that NESBITT fraudulently created and obtained approval for approximately 43 false death benefit, pension contribution refund, and other payment requests, and thereby defrauded the Plan of approximately \$356,934.

9. It was further part of the scheme that NESBITT misrepresented, concealed, and hid, and caused to be misrepresented, concealed, and hidden, certain material facts, including the acts and purposes of the acts done in furtherance of the scheme.

10. On or about April 3, 2019, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely a transmission of payment and settlement instructions related to the transfer of \$8,000, from a Plan bank account to an account held in the name of Individual AS maintained at Bank of America;

In violation of Title 18, United States Code, Section 1343.

COUNT TWO

The SPECIAL JULY 2021 GRAND JURY further charges:

1. Paragraphs 1-9 of Count One are incorporated here.
2. On or about July 31, 2019, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely a transmission of payment and settlement instructions related to the transfer of \$10,335.49, from a Plan bank account to an account held in the name of Individuals AN and JG maintained at JPMorgan Chase Bank;

In violation of Title 18, United States Code, Section 1343.

COUNT THREE

The SPECIAL JULY 2021 GRAND JURY further charges:

1. Paragraphs 1-9 of Count One are incorporated here.
2. On or about September 10, 2019, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely a transmission of payment and settlement instructions related to the transfer of \$13,422, from a Plan bank account to an account held in the name of Individual AP maintained at JPMorgan Chase Bank;

In violation of Title 18, United States Code, Section 1343.

COUNT FOUR

The SPECIAL JULY 2021 GRAND JURY further charges:

1. Paragraphs 1-9 of Count One are incorporated here.
2. On or about September 16, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely a transmission of payment and settlement instructions related to the transfer of \$8,000, from a Plan bank account to an account held in the name of NESBITT and Individual AC maintained at Fifth Third Bank;

In violation of Title 18, United States Code, Section 1343.

COUNT FIVE

The SPECIAL JULY 2021 GRAND JURY further charges:

1. Paragraphs 1-9 of Count One are incorporated here.
2. On or about August 20, 2021, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

AYANNA NESBITT,

defendant herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely a transmission of payment and settlement instructions related to the transfer of \$8,000, from a Plan bank account to an account held in the name of Individual LR maintained at JPMorgan Chase Bank;

In violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

The SPECIAL JULY 2021 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 1343, as set forth in this Indictment, defendant AYANNA NESBITT shall forfeit to the United States of America any property which constitutes and is derived from proceeds traceable to the offense, as provided in Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. If any of the property described above, as a result of any act or omission by defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY