

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 20-73

v. * SECTION: "F"

KELLY M. GAUTHIER *
a/k/a Kelly M. Allemand *
a/k/a Kelly M. Gauthier Allemand *
a/k/a Kelly M. Pulliam *
a/k/a Kelly M. Gauthier Pulliam *
a/k/a Kelly M. Reimann *

* * *

FACTUAL BASIS

The defendant, KELLY M. GAUTHIER, a/k/a Kelly M. Allemand, a/k/a Kelly M. Gauthier Allemand, a/k/a Kelly M. Pulliam, a/k/a Kelly M. Gauthier Pulliam, a/k/a Kelly M. Reimann (hereinafter, the "defendant" or "GAUTHIER"), has agreed to plead guilty as charged to the Bill of Information now pending against her, charging her with theft of government funds, in violation of Title 18, United States Code, Sections 641 and 2. Both the government and the defendant, GAUTHIER, 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 Bill of Information now pending against the defendant. Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

AUSA Kmc SH
Defendant KMG
Defense Counsel VWJ

On or about March 8, 2016, and continuing, severe storms and flooding occurred across Louisiana and shortly thereafter, on March 13, 2016, a major disaster was declared in parts of southeastern Louisiana, including the Eastern District of Louisiana. In response to the disaster, the Federal Emergency Management Agency ("FEMA"), an agency of the United States, began disbursing disaster assistance in the form of repair money and temporary housing assistance to individuals who could certify and submit documentation showing financial need pursuant to the Presidential Disaster Declaration for the State of Louisiana (FEMA - 4263 - DR). In order to receive financial assistance from FEMA, the applicant was required to first submit to FEMA a Form 009-0-1, Application/Registration for Disaster Assistance, and certify: (1) the location of the damaged property, (2) that the damage property was the individual's primary residence (and whether the individual was the owner or renter), and (3) that the disaster caused damage to personal property or to the individual's primary residence. Next, a FEMA inspector would verify whether there was damage to the property.

On or about March 14, 2016, GAUTHIER submitted an application for Disaster Assistance for damage to 79158 Honeysuckle Estates Loop, Covington, Louisiana. In her application, GAUTHIER certified that she was the owner of the damaged home, and that it was her primary residence. GAUTHIER also certified that two other individuals, B.P. and T.R., were living in the home at the time of the disaster. GAUTHIER further certified that her vehicle, a 2000 Nissan Maxima, was insured by Go Auto Insurance and had also been damaged during the disaster.

On or about March 23, 2016, GAUTHIER faxed several false and fraudulent documents to FEMA, including several Bills of Sale and a handwritten affidavit, all purporting to show that

she owned the home located at 79158 Honeysuckle Estates Loop, Covington, Louisiana, at the time of the disaster.

On or about March 25, 2016, a FEMA inspector met with GAUTHIER and B.P., who was listed as a co-applicant on the application, and confirmed that 79158 Honeysuckle Estates Loop, Covington, Louisiana, had suffered damage.

Relying on the FEMA application and false supporting records, on or about March 29, 2016, FEMA sent GAUTHIER a U.S. Treasury check, via the United States Postal Service, in the amount of approximately \$29,075.56 based on her ownership and occupancy of the home, and damage to her vehicle. Specifically, GAUTHIER received \$14,946.54 for home repairs, \$2,438.00 for rental assistance, \$6,000.00 for transportation, and \$5,691.02 for damage to personal property.

Agents from the Department of Homeland Security, Office of Inspector General ("DHS OIG") would testify that, after the disaster assistance was disbursed to GAUTHIER, an extensive investigation revealed that while GAUTHIER lived in the damaged home at the time of the disaster and that the home was, in fact, damaged, GAUTHIER was not the owner, and therefore not entitled to assistance for home repairs. The investigation further revealed that, contrary to the information provided in her application, GAUTHIER's vehicle was not insured, and therefore she was not entitled to transportation assistance either. Agents would testify that GAUTHIER was only entitled to \$8,129.02 for rental assistance and damage to personal property rather than the \$29,075.56 she received. The investigation further revealed that several of the supporting documents that GAUTHIER submitted with her application, including Bills of Sale and a handwritten affidavit purporting to show that she was the owner of the home were fraudulent.

Witnesses whose signatures appear on those documents would testify that they had neither signed them nor authorized GAUTHIER to sign on their behalf.

Examination of bank records further shows that GAUTHIER was the actual recipient of the \$29,075.56 in disaster relief funds from FEMA, and that she deposited the funds into her bank account at Region's Bank on or about April 1, 2016.

DHS OIG also received electricity records which revealed that after receiving the disaster assistance, on or about April 8, 2016, GAUTHIER applied with the Washington-St. Tammany Electric Cooperative, Inc. to have the electric service account for 79158 Honeysuckle Estates Loop, Covington, Louisiana, transferred to her name.

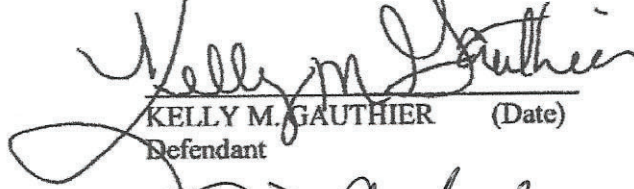
In summary, the government's evidence would prove that as a result of her false submissions to FEMA, GAUTHIER willfully and knowingly committed the violations alleged in the Bill of Information, and knowingly committed the acts described in this Factual Basis. GAUTHIER also admits and agrees that the facts described in the Factual Basis are true and correct and that she owes FEMA \$20,946.54 in restitution. (The government agrees that GAUTHIER was entitled to \$8,129.02 for rental assistance and damage to personal property.)

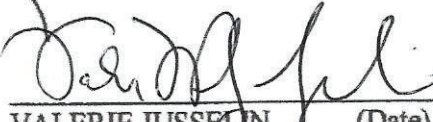
Limited Nature of Factual Basis

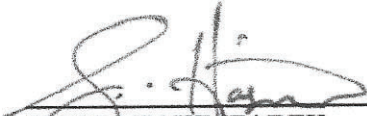
This proffer of evidence is not intended to constitute a complete statement of all facts known by GAUTHIER, and/or the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for her guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by GAUTHIER.



The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents and forensic examiners from DHS OIG and admissible tangible exhibits in the custody of DHS OIG.

READ AND APPROVED:

 12/11/2020
KELLY M. GAUTHIER (Date)
Defendant

 12-2-2020
VALERIE JUSSÉIN (Date)
Attorney for Defendant

 12/1/20
SHIRIN HAKIMZADEH (Date)
Assistant United States Attorney

AUSA 
Defendant 
Defense Counsel 