

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 21-196**
v. * **SECTION: R**
KENYA BUTLER-SMALL *

* * *

FACTUAL BASIS

The United States and defendant **KENYA BUTLER-SMALL** (“**BUTLER-SMALL**”) stipulate and agree that the below facts are true, that they would have been proven beyond a reasonable doubt had this matter proceeded to trial, and that they provide a sufficient factual basis for **BUTLER-SMALL**’s plea of guilty to Counts 1 and 2 of the Bill of Information, each charging a count of wire fraud in violation of Title 18, United States Code, Section 1343.

At all times referenced in this factual basis, **BUTLER-SMALL** resided in the Eastern District of Louisiana and was employed as an On-board Services Train Attendant with Amtrak. As explained below, **BUTLER-SMALL** committed the two counts of wire fraud charged in the Bill of Information in that, for each count, she devised a scheme to obtain money by means of materially false representations, and that, in furtherance of each scheme, she caused the transmission of a wire communication in interstate commerce.

Count 1

BUTLER-SMALL recruited more than 40 individuals to purchase spots on what she described as a June 2019 group trip to New York City, with each victim paying **BUTLER-SMALL** amounts ranging from approximately \$250 to \$425 to attend. **BUTLER-SMALL** represented to the individuals that she had booked the trip, including round-trip Amtrak train travel

AUSA **CM**
Defendant **-kbs-**
Defense Counsel **CCR**

from New Orleans to New York and back to New Orleans, as well as related activities, such as shows and museum admissions in New York. **BUTLER-SMALL** claimed that an Amtrak train from New Orleans was a charter trip that was to leave New Orleans at midnight on June 21, 2019, and arrive in New York the following day. **BUTLER-SMALL** created a Facebook page for the trip. **BUTLER-SMALL**, however, had not booked any Amtrak travel or services for the described trip. Individuals paid **BUTLER-SMALL** in various ways, including by sending payments to PayPal accounts belonging to **BUTLER-SMALL**. At **BUTLER-SMALL**'s direction, individuals sent payments to **BUTLER-SMALL** for spots on the trip. These payments totaled approximately \$23,000 to \$26,000.

When the date of the trip was nearing, **BUTLER-SMALL** represented to victims that Amtrak had canceled it. **BUTLER-SMALL** represented on the Facebook page that a passenger on the trip was involved in an altercation on June 8, 2019, with Amtrak employees after making a request to see her assigned room for the trip. **BUTLER-SMALL** represented that this altercation included the assault of an Amtrak employee and a bomb threat by the passenger, resulting in the passenger's arrest. **BUTLER-SMALL** represented that, as a result of the incident, Amtrak officials cancelled the tickets for the trip. **BUTLER-SMALL** represented that she was fighting to get the trip restored or the passengers' money returned to them. In truth, as **BUTLER-SMALL** knew, the purported June 8, 2019 incident never occurred. In the aftermath of the purported June 8, 2019 incident, **BUTLER-SMALL** stated on the trip Facebook page that she was fighting Amtrak to get refunds for the victims.

On or about June 25, 2018, in the Eastern District of Louisiana, a victim of the above-described scheme made a partial payment for the trip to **BUTLER-SMALL** using PayPal. The transaction was processed through a server located outside the state of Louisiana. Therefore, the

payment entailed the transmission of a wire communication that crossed state lines and that traveled in interstate commerce. **BUTLER-SMALL** caused this wire communication by inducing the victim to make the payment.


Count 2


BUTLER-SMALL's employment with Amtrak made her eligible for benefits from the Railroad Retirement Board (RRB), including Sickness Insurance (SI) benefits. The RRB is an independent agency in the executive branch of the Federal government, which, among other things, administers unemployment-sickness insurance benefits programs for the nation's railroad workers. The SI program provides for a daily benefit for days an employee cannot work due to illness.


As **BUTLER-SMALL** was informed and knew, to lawfully receive SI payments she had to, among other things: (A) be unable to work due to sickness, injury, pregnancy, or the birth of a child; (B) receive no wages, salary, or other remuneration from railroad or non-railroad employment for the days she claimed benefits; (C) report any such pay in her claims.

BUTLER-SMALL filed approximately eight online SI claims during the period beginning September 11, 2017 through the SI claim period beginning December 18, 2017, during which she was employed by a health care provider. **BUTLER-SMALL** completed each claim and indicated that she was ill and could not work. However, **BUTLER-SMALL** was employed by the health care provider from September 18, 2017 through after the time period of the above-mentioned claim periods. As a result of her deliberate misrepresentations, **BUTLER-SMALL** obtained approximately \$4,679.71 in SI payments for days she falsely claimed to have been unable to work due to sickness, including for days she actually worked for the health care provider.

On or about September 24, 2017, in the Eastern District of Louisiana, **BUTLER-SMALL** electronically submitted over the internet one of the above-discussed claims, in which she falsely reported that she was ill and could not work. The claim traveled to RRB's Sickness and Unemployment Benefits Division, which is located in the state of Illinois. Therefore, the claim entailed the transmission of a wire communication that crossed state lines and that traveled in interstate commerce.


CHANDRA MENON 2/17/22
Assistant United States Attorney Date


CELIA C. RHOADS 2/22/22
Attorney for Kenya Butler-Small Date


KENYA BUTLER-SMALL 2/18/22
Defendant Date