

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2015 SEP 23 AM 9:44

UNITED STATES OF AMERICA

v.

CASE NO. 8:15-Cr 400 T 36 TBM
18 U.S.C. § 1001

SANDRA K. SHEPHERD

INFORMATION

The United States Attorney charges:

INTRODUCTION

At all times material to this Information:

1. The Social Security Administration ("SSA") was a federal agency that administered the Supplemental Security Income ("SSI") program pursuant to Title XVI of the Social Security Act, as codified at 42 U.S.C. §§ 1381-1383a, and also administered the Old Age, Survivor's and Disability Insurance ("OASDI") program, pursuant to Title II of the Social Security Act, as codified at 42 U.S.C. §§ 401-434.
2. SSI was a cash assistance program designed to provide for the aged and disabled who had little or no income or resources. Under the SSI program, United States citizens or legally admitted aliens residing in the United States could receive payments from SSA, provided they were aged or disabled and met certain income or resource requirements.
3. OASDI provided monthly benefits to qualified retired and disabled workers and their dependents, and to survivors of insured workers. Eligibility and

benefit amounts were determined by the worker's contributions to Social Security. Benefits were paid as an earned right to workers, their families, and their survivors. There was no means test to qualify for such benefits.

4. When qualified SSI and/or OASDI recipients lacked the capacity to manage their own program benefits due to their age or physical or mental limitations, SSA approved "representative payees" to receive the beneficiaries' benefits and to use them for the beneficiaries. Thereafter, each representative payee was obligated to receive and use the relevant beneficiary's OASDI and/or SSI program benefits exclusively for that beneficiary.

5. SSA required that a representative payee report to SSA information showing a continuing relationship with the beneficiary, a continuing responsibility for the beneficiary's care, and how the representative payee used the beneficiary's OASDI and/or SSI program benefits. The SSA further prescribed that each representative payee meet other specific, mandatory reporting requirements.

6. In that regard, each representative payee was required to complete and submit to the SSA a Form SSA-6234-OCR-SM ("Form SSA-6234") that included certain information about the beneficiary's living situation and financial benefits received and expended on behalf of the beneficiary. More specifically, the Form SSA-6234 required the representative payee to list the following or similar information:

- (a) Whether the representative payee decided how the beneficiary's total available benefits were spent or saved;

- (b) Whether the representative payee charged the beneficiary a fee for payee or guardianship services provided during the previous year;
- (c) How much of the beneficiary's total available benefits were spent for the beneficiary's food and housing during the previous year;
- (d) How much of the beneficiary's total available benefits were spent on other items or services for the beneficiary such as clothing, education, medical and dental expenses, recreation, or personal items during the previous year; and
- (e) How much, if any, of the beneficiary's total available benefits was saved for the beneficiary as of the close of the previous year.

7. The Form SSA-6234 further required the representative payee to sign and date the form under the following or like pertinent language:

I declare under penalty of perjury that I have examined all of the information on this form, and on any accompanying statements or forms, and it is true and correct to the best of my knowledge. I understand that anyone who knowingly gives a false or misleading statement about a material fact in this information, or causes someone else to do so, commits a crime

8. The Hillsborough Achievement and Resource Centers, formerly the Hillsborough Association for Retarded Citizens (or "HARC") was established in 1953 to positively impact the future for all people living with developmental disabilities, such as Alzheimer's disease and Down syndrome. In that regard, HARC opened and operated group homes that served its target client population. HARC also spearheaded various community programs for its clients focused on inclusion activities for youths, adults and seniors with disabilities.

9. Sandra K. Shepherd, the defendant, began volunteering at HARC in or about 2010, answering and responding to telephone calls. After volunteering for approximately six months, the defendant was hired by HARC to serve as the client finance manager, reporting directly to the Chief Financial Officer. As a client finance manager, one of the defendant's responsibilities was to annually assist the HARC CFO in completing and submitting to SSA a Representative Payee Report, or Form SSA-6234, for each HARC client for whom HARC had been approved by the SSA to act as a Representative Payee.

COUNT ONE

(False Statement—18 U.S.C. § 1001)

10. On or about, August 1, 2011, in Tampa, in the Middle District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States,

SANDRA K. SHEPHERD,

defendant herein, knowingly and willfully made, and caused to be made, a materially false, fictitious, and fraudulent statement and representation, in connection with a Social Security Administration Representative Payee Report, or Form SSA-6234, in that, the defendant submitted and caused to be submitted to the Social Security Administration, an agency in the executive branch of the Government of the United States, a Form SSA-6234, stating and representing that \$5,128 of Social Security Administration benefits had been spent solely for W.C., a developmentally disabled Social Security Administration beneficiary known to the defendant and to the government, on items and services such as clothing,

education, medical, and dental expenses, recreation, and other personal items between 08/01/2010 and 07/31/2011; when in truth and in fact as the defendant then and there well knew, a significant majority of the \$5,128 had not been spent for W.C. as stated and represented but had been diverted by one or more HARC executive officer(s) for other purposes.

In violation of Title 18, United States Code, Sections 1001 and 2.

A. LEE BENTLEY, III
United States Attorney

By:

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By:

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