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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

BILL OF INFORMATION FOR
FALSE STATEMENTS AND THEFT OF GOVERNMENT FUNDS

UNITED STATES OF AMERICA	*	**CRIMINAL DOCKET NO.** 22-00038
v.	*	**SECTION:** SECT. A MAG. 5
STACY V. SANTEMORE, SR.	*	**VIOLATIONS: 18 U.S.C. § 641** **18 U.S.C. § 1001**

* * *

The United States Attorney charges that:

COUNT 1
(18 U.S.C. § 1001 – False Statements)

A. AT ALL TIMES MATERIAL HEREIN:

The Defendant, Relevant Entities, And Relevant Accounts

1. The defendant, **STACY V. SANTEMORE, SR.** ("**SANTEMORE**"), was a resident of Orleans Parish, Louisiana, within the Eastern District of Louisiana.

2. **SANTEMORE** was employed by the National Railroad Passenger Corporation, doing business as Amtrak ("Amtrak"), which Congress created as a private, for-profit Government corporation, pursuant to the passage of the Rail Passenger Service Act of 1970, to operate a nationwide system of passenger rail transportation.

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3. Anna Mae Construction, LLC ("Anna Mae Construction") was a Louisiana corporation formed in or around May 12, 2020. Anna Mae Construction purportedly operated as a construction business. **SANTEMORE** was the registered agent and sole beneficial owner of Anna Mae Construction.

The Small Business Administration

4. The United States Small Business Administration ("SBA") was an executive-branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters.

5. As part of its efforts, the SBA provided business loans through banks, credit unions, and other lenders. Those loans had government backed guarantees.

The CARES Act

6. The Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") was a federal law enacted in or about March 2020. The CARES Act provided emergency financial assistance to the millions of Americans suffering the economic effects of the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses, through a program referred to as the Paycheck Protection Program ("PPP").

7. The PPP was overseen by the SBA, which had authority over all PPP loans. Individual PPP loans, however, were issued by approved private lenders, who received and processed PPP loan applications and supporting documentation and, following SBA approval, made loans using the lenders' own funds.

8. To obtain a PPP loan, a qualifying business had to submit a PPP loan application (SBA From 2483) signed by an authorized representative of the business. The PPP loan application required the business, through its authorized representative, to acknowledge the program rules and to make affirmative certifications under the penalty of law to be eligible for the PPP loan. For example, in the PPP loan application, the business, through its authorized representative, had to affirm that it was in operation on February 15, 2020, and it had to state its average monthly payroll expenses and number of employees. In addition, businesses had to provide documentation showing their payroll expenses, as part of the PPP loan application process. These figures were used to calculate the amount of money the small business was eligible to receive under the PPP.

9. Once a qualifying business completed a PPP application, a participating lender processed the application. If a PPP loan was approved, the participating lender funded the PPP loan using its own monies, which the SBA guaranteed. In the course of processing the PPP loan, the lender transmitted data from the loan application to the SBA, including information about the borrower, the total amount of the loan, and the identified number of employees.

10. Proceeds from a PPP loan were legally required to be used only for certain permissible business expenses, including payroll costs, mortgage interest, rent, and utilities. Under the applicable PPP rules and guidance. The interest and principal on the PPP loan was eligible for forgiveness, if the business spent the loan proceeds on permissible items within a designated period of time and used a certain portion of the loan toward payroll expenses.

B. THE OFFENSE:

On or about July 11, 2020, in the Eastern District of Louisiana and elsewhere, the defendant, **SANTEMORE**, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the United States

Small Business Administration (SBA), an agency withing the executive branch of the United States, in that the defendant represented that Anna Mae Construction, which he owned, was eligible for a Paycheck Protection Program (PPP) loan; however in truth and in fact, the defendant knew that the SBA Form 2483 Paycheck Protection Program Borrower Application Form signed by the defendant contained false information, including the statement that Anna Mae Construction was in operation on February 15, 2020, leading to the defendant's receipt of a PPP loan in the amount of $89,583 on or about July 14, 2020.

All in violation of Title 18, United States Code, Section 1001.

COUNT 2

(18 U.S.C. § 641 – Theft of Government Funds)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated as though fully set forth herein.

CARES Act Funded Unemployment Insurance Program

1. Unemployment Insurance (UI) is a state-federal program that provides monetary benefits to eligible lawful workers. Although State Workforce Agencies ("SWAs") administer their respective UI programs, they must do so in accordance with federal laws and regulations. UI payments ("benefits") are intended to provide temporary financial assistance to lawful workers who are unemployed through no fault of their own. Each state sets its own additional requirements for eligibility, benefit amounts, and length of time benefits can be paid. Generally, UI weekly benefit amounts are based on a percentage of your earnings over a base period.

2. In the State of Louisiana, the Louisiana Workforce Commission (LWC) administers the UI program.

3. On March 13, 2020, the President declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act").

4. On March 18, 2020, the President signed the Families First Coronavirus Response Act ("FFCRA") into law. The FFCRA provides additional flexibility for state UI agencies and additional administrative funding to respond to the COVID-19 pandemic. The CARES Act was signed into law on March 27, 2020. It expanded states' ability to provide UI for many workers impacted by COVID-19, including for workers who are not ordinarily eligible for UI benefits. The CARES Act provided for three new UI programs: Pandemic Unemployment Assistance ("PUA"); Federal Pandemic Unemployment Compensation ("FPUC"); and Pandemic Emergency Unemployment Compensation ("PEUC"). LWC administered the payments of state-federal funds under the three new UI programs for Louisiana claimants.

5. In Louisiana, a UI claim can be filed online on the LWC website. When an individual files a UI claim, the LWC automatically maintains certain information regarding the filing of the claim. This information includes the date and time the claim was submitted, the name of the person for whom the claim was filed, and the IP address of the computer, or ISP account, that was used to file the claim.

6. UI claimants must answer various questions to establish their eligibility for UI benefits. Claimants must provide their name, Social Security Number, and mailing address. The claimants must also identify a qualifying occupational status and/or COVID-19 related reason for being out of work.

7. After LWC accepts a UI claim, LWC typically deposits UI funds every two weeks in one of three ways selected by the claimant, e.g. Electronic Bill Payment ("EBP") debit card, direct deposit to the claimant checking or saving account, or physical check to be mailed via U.S. Mail.

8. When receiving regular UI benefits, claimants must complete a recertification every two weeks, under penalty of perjury, that they remain unemployed or otherwise eligible to receive UI benefits. In addition, any wages earned by the claimant must be reported during this recertification process.

B. THE OFFENSE:

From on or about April 3, 2020, through March 13, 2021, in Eastern District of Louisiana and elsewhere, the defendant, **SANTEMORE**, did knowingly and willfully steal, purloin and knowingly convert to his own use or the use of another, and willfully and knowingly did receive, conceal and retain stolen property of the United States in amount greater than $1,000.00 by receiving unemployment benefits through the Louisiana Workforce Commission, such benefits being subsidized by the federal CARES Act, to which he knew he was not entitled as the defendant was fully employed by Amtrak during the time he received unemployment benefits.

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

NOTICE OF FORFEITURE

1. The allegations of Counts 1 and 2 of this Bill of Information are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offense alleged in Count 1, the defendant, **STACY V. SANTEMORE, SR.**, shall forfeit to the United States pursuant to Title 18, United States Code,

Section 982(a), any property, real or personal, involved in said offense, and any property traceable to such property.

3. As a result of the offense alleged in Count 2, the defendant, **STACY V. SANTEMORE, SR.**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property real or personal which constitutes or is derived from proceeds traceable to said offense.

4. If any of the above-described property, 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;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

DUANE A. EVANS
UNITED STATES ATTORNEY

EDWARD J. RIVERA
Assistant United States Attorney

New Orleans, Louisiana
March 3, 2022

No. _____

United States District Court

FOR THE

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

vs.

STACY V. SANTEMORE, SR.

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FALSE STATEMENTS AND THEFT
OF GOVERNMENT FUNDS

Violation(s):

18 U.S.C. § 641
18 U.S.C. § 1001

Filed _____, *20* 22

_____, *Clerk.*

By _____, *Deputy*

_____

Assistant United States Attorney
EDWARD J. RIVERA

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