


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

NO. 3:15-CR-409-M

LYDIA BANKHEAD (3)

FACTUAL RESUME

In support of Lydia Bankhead's plea of guilty to the offense in Count One of the Superseding Information, Bankhead, the defendant, Michael Heiskell, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Superseding Information, charging a violation of 18 U.S.C. §§ 208 and 2 (18 U.S.C. § 216(a)(1)) that is, Aiding and Abetting Participating in a Matter Affecting an Employee's Financial Interest, as to the substantive offense, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant was an officer or employee of the executive branch or an independent agency of the United States;
- Second.* That the defendant participated personally and substantially in an official, governmental capacity in a matter; and
- Third.* That the defendant knew that she or another statutorily listed person or organization had a financial interest in that particular matter.

¹ *United States v. Nevers*, 7 F.3d 59, 62 (5th Cir. 1993).

To prove the offense of aiding and abetting in violation of 18 U.S.C. § 2, the government must prove each of the following elements beyond a reasonable doubt:²

- First.* That the offense of Participating in a Matter Affecting an Employee's Financial Interest was committed by some person;
- Second.* That the defendant associated with the criminal venture;
- Third.* That the defendant purposefully participated in the criminal venture; and
- Fourth.* That the defendant sought by action to make that venture successful.

STIPULATED FACTS

1. Beginning in or about February 2015 and continuing until in or about August 2015, in the Dallas Division of the Northern District of Texas, Defendant, Lydia Bankhead, aided and abetted Lydia Taylor, then an employee of the Department of Labor (DOL), an independent agency of the United States, as Taylor knowingly participated personally and substantially as a Government officer and employee, through investigation, accessing systems, or otherwise, in matters in which Taylor and Bankhead knew that Taylor, as well as an organization in which she was serving as an employee, including Union Medical Supplies and Equipment (UMSE) and Skycare Medical Supplies and Equipment (SMSE), had a financial interest.

2. Before in or around February 2015, Lydia Bankhead admits that, jointly with Tshombe Anderson, she owned a 25 percent interest in a company called Union Medical Supplies and Equipment (UMSE). UMSE's primary function was to bill the Department of Labor's Office of Worker's Compensation Programs for durable medical

² Fifth Circuit Pattern Jury Instruction 2.04 (2015).

equipment for worker's compensation beneficiaries. From in or around March 2014 through in or around August 2015, Bankhead admits that her niece, Lydia Taylor, worked for UMSE and SMSE in some capacity and received money in exchange for her employment.


3. In or around January 2015, at the direction of family members, Taylor sought and obtained a position as an employee of the Department of Labor, and ultimately worked in the Office of Worker's Compensation Programs (OWCP). Bankhead admits OWCP is the same organization that paid claims for durable medical equipment submitted by UMSE.


4. While an employee at the DOL's OWCP, Taylor accessed and reviewed active claims that were being processed and approved by the OWCP related to UMSE. Bankhead admits that, while she worked at the OWCP, Bankhead paid Taylor's living expenses and college tuition, which enabled Taylor to continue accessing, reviewing, and providing this information to her family. Bankhead agrees that Taylor took these actions in an official governmental capacity despite having a financial conflict of interest. Bankhead admits that she provided these funds to Taylor to assist her with maintaining her job at the DOL OWCP. Such conduct violates 18 U.S.C. § 208 and 2.


5. The defendant agrees that the defendant committed all the essential elements of the offense(s). This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Superseding Information.

AGREED TO AND STIPULATED on this 2nd day of MARCH, 2018.

ERIN NEALY COX
UNITED STATES ATTORNEY


LYDIA BANKHEAD
Defendant


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