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LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: Emory A. Rounds, III
Director

SUBJECT: 2019 Conflict of Interest Prosecution Survey

The U.S. Office of Government Ethics (OGE) has completed its annual survey of prosecutions involving the conflict of interest criminal statutes (18 U.S.C. §§ 202-209) and other related statutes for calendar year 2019. The survey highlights how the Department of Justice enforces the criminal conflict of interest laws, and is a useful resource ethics officials can use to educate employees about how these laws apply in real-world situations. Information on 13 new prosecutions by the U.S. Attorneys' offices and the Civil Division and Public Integrity Section of the Department of Justice was provided to OGE with the assistance of the Executive Office for United States Attorneys. Summaries of the prosecutions reported to OGE for past years can be found at www.oge.gov under the topic of "[Enforcement](#)."¹

18 U.S.C. §§ 201 (Bribery) & 1001 (False Statements)

1. United States v. Manuel R. Fernandez

Defendant Manuel R. Fernandez was employed as an Aviation Safety Inspector in the Miami, Florida office of the Federal Aviation Administration (FAA). His duties included inspecting aviation repair facilities to ensure compliance with FAA regulations. One of the companies Mr. Fernandez inspected was AVCOM Avionics and Instruments, Inc. (AVCOM), a company that provided services including installation, repair, and calibration of navigation systems installed aboard aircraft.

Over a three and one-half year period, Mr. Fernandez accepted over \$150,000 in cash and other items from AVCOM in exchange for tipping off AVCOM to imminent FAA inspections, disclosing to AVCOM sensitive and confidential information regarding AVCOM's competitors, and failing to report AVCOM legal, regulatory, and policy violations to the FAA. He also provided AVCOM with proprietary technical manuals written by avionics equipment manufacturers, which can cost up to \$15,000 per manual. During this period, Mr. Fernandez submitted multiple Confidential Financial Disclosure Reports (OGE Form 450) and Confidential

¹ *Enforcement*, U.S. OFF. GOV'T ETHICS, <https://www.oge.gov/web/oge.nsf/Enforcement> (last visited July 15, 2020).



Certificates of No New Interests (OGE Form 450-A) in which he falsely certified that he had no reportable information to disclose. He also took sick leave from the FAA to work at AVCOM, using a forged doctor's note for such leave.

Mr. Fernandez was charged with 15 counts of bribery in violation of 18 U.S.C. § 201; conspiracy to commit bribery in violation of 18 U.S.C. § 371; false statements in violation of 18 U.S.C. § 1001(a)(2); two counts of wire fraud in violation of 18 U.S.C. § 1343; and two counts of aggravated identity theft in violation of 18 U.S.C. § 1028. On June 13, 2019, a jury found him guilty of all 21 counts. The court sentenced him on December 5, 2019 to 75 months of imprisonment and three years of supervised release, and ordered him to pay a \$10,000 fine and a \$2,100 special assessment; the court later amended this judgment to also require him to pay \$148,145.81 in restitution. Mr. Fernandez has appealed this judgment to the U.S. Court of Appeals for the Eleventh Circuit. (Mr. Fernandez's co-defendant in the case, one of the owners of AVCOM, pleaded guilty to conspiracy to commit bribery in violation of 18 U.S.C. § 371; the court sentenced her to five years of probation and ordered her to pay \$711,940.46 in restitution and a \$100 special assessment.)

This case was handled by the United States Attorney's Office for the Southern District of Florida. For a copy of the Indictment, see [www.oge.gov/web/OGE.nsf/Resources/Fernandez+Indictment+\(2017\)](http://www.oge.gov/web/OGE.nsf/Resources/Fernandez+Indictment+(2017)).

2. *United States v. Zaldy Sabino*

Defendant Zaldy N. Sabino worked at the Department of State as a contract specialist in the Office of Acquisitions Management (AQM); in this role, he was authorized to execute certain contracts on behalf of the Department of State. His division supported and administered contracts involving the Department of State's Bureau of Overseas Buildings and Operations, which frequently awarded contracts to international construction companies seeking to do business with and perform design-build contracts at U.S. embassies and consular buildings.

Between late 2012 and early 2017, Mr. Sabino and the owner of a Turkish construction firm (Company T) engaged in a scheme in which the owner provided Mr. Sabino things of value, including cash payments, in exchange for official actions in the awarding, modifying, administering, and supervising contracts and task orders awarded to Company T and its business partners. According to the evidence at trial, Mr. Sabino received at least \$521,862.93 in cash payments from the owner of Company T during this time period, during which he signed, recommended, administered, authorized, and supervised numerous contract awards and contract modifications that awarded millions of dollars to Company T and its business partners. In an effort to conceal his activities, Mr. Sabino certified and filed annual Confidential Financial Disclosure Reports (OGE Form 450s) in which he disclosed no reportable income, assets, gifts, or arrangements and agreements. He made similar false statements in the course of a 2015 background reinvestigation.

Mr. Sabino was charged in a 17-count Indictment with conspiracy to commit bribery in violation of 18 U.S.C. § 201; bribery in violation of 18 U.S.C. § 201; 12 counts of honest services and wire fraud in violation of 18 U.S.C. §§ 1343 and 1346; and three counts of false statements in violation of 18 U.S.C. § 1001. The Government moved to dismiss three honest

services and wire fraud counts prior to trial, and a jury found him guilty of all remaining counts on October 4, 2019. On February 14, 2020, the court sentenced Mr. Sabino to a total of 87 months of imprisonment and three years of supervised release, and ordered him to pay a \$25,000 fine and \$1,300 special assessment. The court subsequently entered a Consent Order of Forfeiture on April 9, 2020 that ordered Mr. Sabino to forfeit \$70,000, in addition to the fine and special assessment levied at sentencing.

This case was handled by the United States Attorney's Office for the Eastern District of Virginia. For a copy of the Indictment, see [www.oge.gov/web/OGE.nsf/Resources/Sabino+Indictment+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Sabino+Indictment+(2019)).

18 U.S.C. §§ 201 (Bribery) & 208 (Conflict of Interest)

3. United States v. Fernando Barroso

For approximately 22 years, defendant Fernando Barroso was a civilian employee who worked as the "master scheduler" for the U.S. Navy Public Works Department at Naval Base Ventura County in California. As master scheduler, Mr. Barroso was an approving official responsible for approving service contracts, vendors, material purchases, and payments on invoices.

In 2008, Mr. Barroso entered into an arrangement with a Ventura County businessman whose companies were vendors for the U.S. Navy in which he would approve work orders and purchase orders for the businessman's companies; submit false invoices on behalf of the companies to the U.S. Navy; and approve payments to these companies, despite their non-performance. In return, the businessman agreed to give Mr. Barroso roughly 50% of all proceeds generated by the scheme. From September 2011 through March 2014, the businessman paid Mr. Barroso over \$850,000 in kickbacks.

Beginning in December 2013, Mr. Barroso also authorized payments from the U.S. Navy directly to a company that was under his control; between December 2013 and March 2014, he issued \$149,188 in payments to this company, including payments on invoices that were fraudulent. In addition to these activities, Mr. Barroso failed to report \$95,200 of kickbacks on his 2011 tax return, and claimed \$331,225 of fictitious deductions on his 2012 tax returns.

Mr. Barroso was charged in a 13-count Indictment with five counts of acceptance of bribes in violation of 18 U.S.C. § 201; conflicts of interest in violation of 18 U.S.C. § 208(a); false statements in violation of 18 U.S.C. § 1001; conspiracy to defraud the U.S., submit false claims, and commit bribery in violation of 18 U.S.C. § 371; false, fictitious, and fraudulent claims against the U.S. in violation of 18 U.S.C. § 287; and four counts of subscription to false tax returns in violation of 26 U.S.C. § 7206. On February 28, 2019, he entered into a Plea Agreement pursuant to which he pleaded guilty to the conspiracy count and one tax count. The court sentenced him on July 15, 2019 to 70 months of imprisonment and two years of supervised release, and ordered him to pay restitution to the U.S. Navy and Internal Revenue Service in the amount of \$1,077,718.45, as well as a \$200 special assessment.

This case was handled by the United States Attorney's Office for the Central District of California. For a copy of the Indictment, see [www.oge.gov/web/OGE.nsf/Resources/Barroso+Indictment+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Barroso+Indictment+(2018)). For a copy of the Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Barroso+Plea+Agreement+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Barroso+Plea+Agreement+(2019)).

4. *United States v. Elvis Gordon*
United States v. Ivan Ponder

Defendant Elvis Gordon was an employee of the Food and Drug Administration (FDA) who was responsible for scheduling and overseeing certain building maintenance at the FDA's district office in Atlanta, Georgia. Specifically, Mr. Gordon selected and influenced the selection of vendors who performed the required maintenance and janitorial work; reviewed proposals for accuracy and economic impact to the FDA; validated performance; and certified completion for payment.

Beginning in late 2010 and continuing through at least 2016, Mr. Gordon selected and influenced the selection of P&E Management (P&E), a company owned by Ivan Ponder, for building maintenance and janitorial work at the Atlanta office. Specifically, during this time period Mr. Gordon, and other FDA employees acting at Mr. Gordon's direction, used purchase cards to direct over \$100,000 in micropurchases to P&E. In exchange for selecting and influencing the selection of P&E as a vendor, Mr. Gordon received financial remuneration from P&E and Mr. Ponder, including checks, car payments, and payments for flights, hotels, restaurants, and other items, such as Australian sheepskin seatcovers. Mr. Ponder also gave Mr. Gordon a debit card tied to P&E's bank account, which he used to make personal purchases at gasoline stations, restaurants, and other business establishments. Mr. Gordon also used this debit card to pay for certain work-related travel expenses, for which he then claimed reimbursement from the FDA. Evidence also showed that at points during this five-year period, including between April 2012 and April 2016, Mr. Gordon, with Mr. Ponder's knowledge and assistance, had a personal financial interest in P&E.

Mr. Gordon was initially charged with 10 counts of bribery in violation of 18 U.S.C. § 201(b)(2); conflicts of interest in violation of 18 U.S.C. § 208; false claims in violation of 18 U.S.C. § 287; and conspiracy to commit bribery in violation of 18 U.S.C. § 371. He pleaded guilty on August 6, 2019 to one count of violating 18 U.S.C. § 208, and the court sentenced him on December 19, 2019 to 24 months of probation and a \$100 special assessment. On July 15, 2019, Mr. Ponder pleaded guilty to an Information charging him with aiding and abetting a conflict of interest in violation of 18 U.S.C. §§ 208 and 2, and the court sentenced him the same day to 12 months of probation.

This case was handled by the United States Attorney's Office for the Northern District of Georgia. For a copy of the Indictment filed against Mr. Gordon, see [www.oge.gov/web/OGE.nsf/Resources/Gordon+Indictment+\(2017\)](http://www.oge.gov/web/OGE.nsf/Resources/Gordon+Indictment+(2017)). For a copy of the Information filed against Mr. Ponder, see [www.oge.gov/web/OGE.nsf/Resources/Ponder+Information+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Ponder+Information+(2019)).

5. *Case(s) resolved by pretrial diversion*

The relevant individuals were health care providers employed by a Department of Veterans Affairs (VA) medical center. According to the Government, each received substantial financial benefits from a medical device company without reporting those benefits. In various instances, it appeared that the relationship with the company affected treatment of VA patients, to the extent that procedures were performed on patients who did not actually need the company's device.

The individuals were charged with various offenses, including bribery in violation of 18 U.S.C. § 201; acts affecting a personal financial interest in violation of 18 U.S.C. § 208; and conspiracy in violation of 18 U.S.C. § 371. The cases were resolved by pretrial diversion in 2019; as part of the pretrial diversion agreements, each individual was ordered to pay restitution to the VA.

This case was handled by the United States Attorney's Office for the District of South Carolina.

18 U.S.C. § 207 (Post-employment Restriction)

6. *Civil Settlement*

The relevant individual worked as a high-level official for the U.S. Forest Service (USFS) in an office responsible for various tasks relating to procurement and contracting. This individual retired from the USFS after 40 years of service, and began to work for a company that contracted with USFS to provide certain fire suppression services; while a USFS employee, the individual was the Source Selecting Official for that particular contract, and made the award to the company. Shortly after starting work at the company, the former employee contacted the USFS contracting officer overseeing the contract regarding a dispute over invoices that were denied payment. The contracting officer reported these contacts to the USFS ethics office; the USFS subsequently performed an audit of the former employee's interactions with the agency and uncovered additional contacts from the employee relating to payment issues under the fire suppression contract.

The former employee entered into a civil settlement to resolve allegations of four violations of the lifetime prohibition on post-employment activities in 18 U.S.C. § 207(a). Pursuant to the civil settlement agreement, the former employee was required to pay a civil penalty of \$20,000 (\$5,000 per violation).

This case was handled by the United States Attorney's Office for the District of Columbia.

18 U.S.C. § 208 (Conflict of Interest)

7. *United States v. Abby Wilkins Locklear* [2018 case not previously reported]

Defendant Abby Locklear began working at the U.S. Postal Service (USPS) in 1994, and in 2005 became the Postmaster of the Wagram Post Office in Scotland County, North Carolina. As Postmaster, she had authority to enter into certain contracts for that Post Office, including contracts for cleaning services. Unlike larger contracts, which are established by USPS contracting officials, local cleaning contracts are documented on a simpler one-page form and sent to an account servicing center for payment processing.

In October 2016, Ms. Locklear awarded a cleaning services contract for the Wagram Post Office to her husband. When the USPS account servicing center received documentation for the contract and observed that the last name of the Postmaster and the contract cleaner were the same, the processing clerk at the center sent two emails to Ms. Locklear reminding her that she could not hire a family member. Ms. Locklear ignored these warnings and submitted a form so that her husband would be paid by the USPS; he ultimately was paid \$2,916.69 under the cleaning services contract before it was terminated in April 2017.

Ms. Locklear was charged with conflict of interest in violation of 18 U.S.C. § 208(a), and pleaded guilty to the offense on May 21, 2018. The court sentenced her on May 23, 2018 to one year of probation, and ordered her to pay \$2,916.69 in restitution and a \$100 special assessment.

This case was handled by the United States Attorney's Office for the Middle District of North Carolina. For a copy of the Information, see [www.oge.gov/web/OGE.nsf/Resources/Locklear+Information+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Locklear+Information+(2018)). For a copy of the Factual Basis associated with the Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Locklear+Factual+Basis+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Locklear+Factual+Basis+(2018)).

8. *United States v. Chad Corliss*

Defendant Chad Corliss served at Dobbins Air Reserve Base as the Air Reserve Technician (ART) for the 94th Aeromedical Evacuation Squadron (Squadron). As the squadron ART, he served simultaneously as a civilian employee of the Department of the Air Force (Air Force) and as an Air Force Reserve commissioned officer in the Squadron. A subject matter expert in the field of aeromedical evacuation, Mr. Corliss rose to the rank of Lieutenant Colonel and served as the Command Chief Flight Nurse in the unit.

In August 2012, Mr. Corliss, while still serving as the Squadron ART, began work as a compensated consultant for a private company engaged in the aviation and healthcare fields (the "Company"). Under his consultancy contract, he was paid to promote the Company and its products at exhibitions and conferences. When a major defense contractor received a Government contract to develop air medical simulators for use at the Squadron, Mr. Corliss recommended to the contractor that the Company was best suited to serve as their subcontractor on the project; the Company subsequently received the subcontract for the simulators. In his Government position, Mr. Corliss authored the Government's requirements for the simulators contract; acted as the lead federal official in the development of the simulators; and performed inspections of the simulators installed by the Company, all while simultaneously being

compensated by the Company. When confronted by investigators, Mr. Corliss admitted to investigators that he worked for the Company; advised the defense contractor to engage the Company to build the simulators; falsified Government timecards to fraudulently reflect hours he actually was working for the Company; and received dual compensation from the Company and the Air Force.

Mr. Corliss was charged with two counts of conflicts of interest in violation of 18 U.S.C. § 208, and pleaded guilty pursuant to a Plea Agreement dated February 15, 2019. On August 9, 2019, the court sentenced him to 12 months of home confinement and 100 hours of community service, and ordered him to pay \$25,000 in restitution to the Air Force and a \$25 special assessment.

This case was handled by the United States Attorney's Office for the Northern District of Georgia. For a copy of the Information, see [www.oge.gov/web/OGE.nsf/Resources/Corliss+Information+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Corliss+Information+(2019)).

9. *United States v. Jeffrey Breslau*

Defendant Jeffrey Breslau was a Captain in the U.S. Navy who served as the Director of Public Affairs for the U.S. Pacific Fleet from October 2009 until July 2012. As part of his duties, he was involved in devising the U.S. Navy's public affairs communications strategy, and provided public affairs guidance to both Pacific Fleet components and other U.S. Navy commands. From August 2012 until July 2014, Mr. Breslau was assigned to the Commanding Officer for the Joint Public Affairs Support Element in Norfolk, Virginia, and was responsible for leading joint crisis communications teams.

Outside of his Government duties, between March 2012 and September 2013, Mr. Breslau provided public relations consulting services to foreign defense contractor Leonard Francis, including providing advice on how to respond to issues and controversies relating to Mr. Francis' ship business with the U.S. Navy. During the course of this consulting arrangement with Mr. Francis, Mr. Breslau authored, reviewed, or edited at least 33 separate documents; authored at least 135 emails providing advice; provided at least 14 instances of talking points in advance of meetings between Mr. Francis and high ranking U.S. Navy personnel; and ghostwrote numerous emails on Mr. Francis' behalf to be transmitted to U.S. Navy personnel. Mr. Breslau did not inform the U.S. Navy of this arrangement, for which he accepted approximately \$65,000 from Mr. Francis.

Mr. Breslau's activities were uncovered as part of a large-scale investigation and prosecution of multiple other Government officials involved with Mr. Francis. More than 30 individuals were charged relating to their activities with Mr. Francis; the full extent of losses to the U.S. Government resulting from Mr. Francis' criminal activities exceeded \$34 million dollars. In 2015, Mr. Francis pleaded guilty to bribery and fraud charges, "admitting that he presided over a massive, decade-long conspiracy involving 'scores' of U.S. Navy officials, tens

of millions of dollars in fraud and millions of dollars in bribes and gifts – from cash, prostitutes and luxury travel to Cuban cigars, Kobe beef, and Spanish suckling pigs.”²

Mr. Breslau was charged with conflicts of interest in violation of 18 U.S.C. § 208, and on November 13, 2018, pleaded guilty to this offense. The court sentenced him on February 8, 2019 to six months of imprisonment and two years of supervised release, and ordered him to pay \$65,000 in restitution, a \$20,000 fine, and a \$100 special assessment.

This case was handled by the United States Attorney’s Office for the Southern District of California. For a copy of the Information, see [www.oge.gov/web/OGE.nsf/Resources/Breslau+Information+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Breslau+Information+(2018)).

*10. United States v. Lydia Bankhead
United States v. Lydia Taylor*

Defendant Lydia Bankhead and her brother Tshombe Anderson were partial owners of Union Medical Supplies and Equipment (USME), a company whose primary purpose was to bill the Department of Labor (DOL) Office of Worker’s Compensation Programs (OWCP) for durable medical equipment for worker’s compensation beneficiaries. Another family member owned and operated Skycare Medical Supplies and Equipment (SMSE), which engaged in similar business with OWCP. Defendant Lydia Taylor, the niece of Ms. Bankhead and the other family member, worked for USME and SMSE from March 2014 through August 2015 in some capacity.

USME and SMSE submitted false and fraudulent claims to OWCP, seeking reimbursement for the cost of unnecessary durable medical equipment which was not requested, medically necessary, or actually provided. Around January 2015, Ms. Taylor, at the direction of Ms. Bankhead and other family members, sought and obtained a position with the DOL, ultimately working in the OWCP. While at OWCP between February 2015 and August 2015, Ms. Taylor accessed and reviewed active claims that were being processed and approved relating to USME and SMSE, among other reasons, to see if claimants had complained about the use of their information or the durable medical equipment they received but never requested. During this time, Ms. Taylor received money for living expenses and school tuition from USME and SMSE in exchange for monitoring the companies’ active claims at OWCP.

Government filings asserted several charges against the defendants, including conspiracy to commit mail fraud and mail fraud in violation of 18 U.S.C. § 1349; conspiracy to commit health care fraud and health care fraud aiding and abetting in violation of violation of 18 U.S.C. §§ 1347 and 2; aggravated identity theft and aiding and abetting in violation of 18 U.S.C. §§ 1028 and 2; and participating in and aiding and abetting participating in a matter affecting an employee’s financial interest in violation of 18 U.S.C. §§ 208 and 2. Ms. Taylor entered into a Plea Agreement on February 23, 2018, pursuant to which she pleaded guilty to a

² Press Release, U.S. Dep’t of Justice: U.S. Attorney's Office for the S. Dist. of Cal., Malaysian Defense Contractor Leonard Francis Pleads Guilty to Corruption Conspiracy Involving “Scores” of Navy Officials; A Navy Captain – The Highest Ranking So Far – Admits He was One of Them (Jan. 15, 2015), <https://www.justice.gov/usao-sdca/pr/malaysian-defense-contractor-leonard-francis-pleads-guilty-corruption-conspiracy>.

Superseding Information charging her with participating in a matter affecting an employee's financial interest in violation of 18 U.S.C. § 208. The court sentenced her on May 15, 2019 to two years of probation, and ordered her to pay \$265,736 in restitution and a \$25 special assessment. Ms. Bankhead entered into a Plea Agreement on March 12, 2018 in which she pleaded guilty to a Superseding Information charging her with aiding and abetting participating in a matter affecting an employee's financial interest in violation of 18 U.S.C. §§ 208 and 2. The court sentenced her on May 15, 2019 to 12 months of imprisonment and one year of supervised release, and ordered her to pay \$26,572,458.93 in restitution (jointly and severally with Mr. Anderson) and a \$100 special assessment. (Mr. Anderson and his wife were sentenced for health care offenses relating to these activities; the court sentenced Mr. Anderson to 10 years of imprisonment and three years of supervised release, and ordered him to pay \$26,572,458.93 in restitution and a \$100 special assessment; his wife was sentenced to 12 months and one day of imprisonment and two years of supervised release, and was ordered to pay \$831,432.36 in restitution and a \$100 special assessment. The Government dismissed the charges against the other family member who owned SMSE.)

This case was handled by the United States Attorney's Office for the Northern District of Texas. For a copy of the Second Superseding Indictment filed against Ms. Taylor and Ms. Bankhead, see [www.oge.gov/web/OGE.nsf/Resources/Bankhead+Second+Superseding+Indictment+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Bankhead+Second+Superseding+Indictment+(2018)). For a copy of the Superseding Information filed against Ms. Taylor, see [www.oge.gov/web/OGE.nsf/Resources/Taylor+Superseding+Information+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Taylor+Superseding+Information+(2018)); for a copy of the Factual Resume associated with Ms. Taylor's Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Bankhead+Factual+Resume+\(Feb.+2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Bankhead+Factual+Resume+(Feb.+2018)). For a copy of the Superseding Information filed against Ms. Bankhead, see [www.oge.gov/web/OGE.nsf/Resources/Bankhead+Superseding+Information+\(2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Bankhead+Superseding+Information+(2018)); for a copy of the Factual Resume associated with Ms. Bankhead's Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Bankhead+Factual+Resume+\(Mar.+2018\)](http://www.oge.gov/web/OGE.nsf/Resources/Bankhead+Factual+Resume+(Mar.+2018))

11. Civil Settlement

For approximately five years, the individual at issue was an employee of the Department of Housing and Urban Development. The United States contended that over the course of approximately 14 months during this period, the individual had ongoing employment discussions with a private company while simultaneously participating personally and substantially as a Government employee in particular matters affecting the company. In 2020, the individual entered into a civil settlement pursuant to which he agreed to pay a civil penalty of \$25,000 to resolve allegations that this alleged conduct violated 18 U.S.C. § 208.

This case was handled by the United States Attorney's Office for the Eastern District of Virginia.

18 U.S.C. § 371 (Conspiracy to Commit Offense Against the United States)

12. United States v. Anthony R. Williams

From 2008 through 2014, Defendant Anthony Williams was an active-duty U.S. Army colonel stationed at the Pentagon whose duties included providing oversight and management of a billion-dollar G-8 battle command budget. He conspired with at least three other people to use

his internal information and influence to steer \$20 million in federal procurement contracts to two companies controlled by retired U.S. Army colonels. In exchange, Mr. Williams received approximately \$1.2 million in bribes. Most of the bribes came in the form of salary and commissions that one of the companies paid to Mr. Williams' wife for a "no show" job.

Mr. Williams was charged with conspiracy to commit two offenses against the United States in violation of 18 U.S.C. § 371: (1) official participation in a matter in which he had a personal financial interest in violation of 18 U.S.C. § 208(a) and (2) bribery in violation of 18 U.S.C. § 201(b)(1)(C). He pleaded guilty to the charge in a Plea Agreement entered into on August 30, 2019. On September 3, 2019, the court sentenced him to 60 months of imprisonment, three years of supervised release, and a \$100 special assessment. Mr. Williams also agreed to forfeit \$1,202,861.60, which constituted the gross proceeds of the offense.

This case was handled by the United States Attorney's Office for the Southern District of Georgia. For a copy of the Information, see [www.oge.gov/web/OGE.nsf/Resources/Williams+Information+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Williams+Information+(2019)). For a copy of the Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Williams+Plea+Agreement+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Williams+Plea+Agreement+(2019)).

18 U.S.C. § 1001 (False Statements)

13. United States v. Tracey Jordan Sellers

Beginning in 2001, Defendant Tracey Sellers worked as a biologist for the U.S. Army Corps of Engineers (USACE). In this position, she coordinated the development of environmental plans and documents for USACE; coordinated with federal, state, and local agencies; monitored the environmental compliance of USACE activities in Florida; and assessed potential impacts from USACE projects.

An environmental consulting company (Company A) performed substantial work as a contractor and sub-contractor for major USACE dredging projects in south Florida; some of these projects exceeded millions of dollars in value. In her position, Ms. Sellers was involved in USACE's management of coastal dredging projects, including through performing technical reviews of Company A's involvement in these projects. On multiple occasions, she used a personal email and social media accounts to share with Company A sensitive, internal Government documents and Government estimates she received in her official capacity at USACE; to assist Company A in contract negotiations; and to discuss environmental information pertinent to USACE's oversight of a dredging project.

In November 2014, Ms. Sellers assisted Company A with a bid proposal the company planned to submit to a state agency in North Carolina. Because this state project would later be reviewed by another USACE district, Ms. Sellers agreed to limit her participation to "technical writing support only," and suggested that she not attend any meetings with USACE. In October 2018, Company A offered her a second part-time job on another project in North Carolina that would receive regulatory review from the regional USACE office in the area; the senior member of Company A who requested Ms. Sellers' assistance with the project stated that he would keep her participation "confidential of course." In January 2019, Company A offered her more

consulting work, this time on a project in Louisiana that would receive regulatory review from USACE. Ms. Sellers did not seek or obtain approval from USACE ethics officials for these activities.

On February 8, 2019, two special agents interviewed Ms. Sellers. In the interview, the agents asked Ms. Sellers if she had ever received any job offers from Company A; she responded that she had performed some work for Company A over a decade ago, but that she had obtained authorization from USACE for the activity. When the agents confronted her with documents showing Company A's November 2014 offer of work, Ms. Sellers falsely stated that she did not accept the offer. Regarding the 2018 project, Ms. Sellers falsely stated that a senior member of Company A approached her about a North Carolina project, and that she had not "written anything or done anything or participated in any meeting because [she] wanted to talk to [USACE's] Office of Counsel about whether or not that would be considered a conflict of interest." Ms. Sellers also falsely advised the agents that she had never received any other job offers from Company A.

Ms. Sellers was charged with making false official statements in violation of 18 U.S.C. § 1001, and pleaded guilty to this offense pursuant to a Plea Agreement entered into on July 12, 2019. The court sentenced her imprisonment for a period of time served, 180 days of home confinement, two years of supervised release, and a \$100 special assessment.

This case was handled by the United States Attorney's Office for the Southern District of Florida. For a copy of the Information, see [www.oge.gov/web/OGE.nsf/Resources/Sellers+Information+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Sellers+Information+(2019)). For a copy of the Joint Factual Statement associated with the Plea Agreement, see [www.oge.gov/web/OGE.nsf/Resources/Sellers+Plea+Joint+Factual+Statement+\(2019\)](http://www.oge.gov/web/OGE.nsf/Resources/Sellers+Plea+Joint+Factual+Statement+(2019)).