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LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: Shelley K. Finlayson
Acting Director

SUBJECT: 2022 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 2022. 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 ten 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 on OGE's website, www.oge.gov, organized by year and by statute.

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

1. *United States v. Kevin Richards*

Defendant Kevin Richards worked as the Leasing Director for the New England region of the Public Buildings Service ("PBS"), a division of the General Services Administration ("GSA") that builds, leases, and maintains federal properties, including office buildings. In this role, he was required to complete an OGE Form 450 Confidential Financial Disclosure Report on an annual basis that required him to report, among other things, outside positions (compensated or not). Beginning in approximately 2017, Mr. Richards also worked outside of his role at GSA as a real estate agent for a Duxbury, Massachusetts residential real estate company ("Duxbury real estate company") owned by Individual A. He received real estate commissions from Individual A in 2017 and 2018.

In 2020, Mr. Richards notified Individual A about a Realty Specialist job opening in his PBS office and assisted Individual A with their application for the position, including substantively editing their resume. After Mr. Richards selected Individual A and another applicant to interview for the position, he provided Individual A with confidential GSA information such as interview questions and internal communications regarding the attributes and qualities sought by hiring officials. Mr. Richards ultimately selected Individual A for the

Realty Specialist position, and requested and obtained approval from GSA officials for Individual A to receive a higher than typical salary for a new hire on the basis of their purported "superior qualifications." He also requested and obtained approval for Individual A to accrue annual leave at a rate above that typically applicable to a new hire. At no point did Mr. Richards disclose his financial relationship with Individual A to GSA, nor did Individual A disclose to GSA that they had a financial relationship with Mr. Richards.

At the time Individual A began working for GSA in mid-2020, Mr. Richards had not received real estate commissions from the Duxbury real estate company for almost two years. Approximately a month after Individual A began working for GSA, Individual A selected Mr. Richards to be a listing agent for a residential property, and in October 2020 selected him to be a listing agent for a second residential property. Individual A paid Mr. Richards a $10,250 commission in early 2021 for his work on the sale of the second property. Mr. Richards reported his position with the Duxbury real estate company on his OGE Form 450 for 2019, but on his 2020 form stated that he did not have any reportable outside positions. When a GSA ethics counselor followed up and asked him to confirm that he no longer held the position, Mr. Richards replied "I did not work for them last year. I did not do any outside business last year."

In a Plea Agreement filed with the court on February 23, 2022, Mr. Richards pleaded guilty to one count of receiving an unlawful gratuity in violation of 18 U.S.C. § 201(c)(1)(B) and two counts of false statements in violation of 18 U.S.C. § 1001(a)(2). On July 12, 2022, the court sentenced him to four months of imprisonment and one year of supervised release, and ordered him to forfeit $10,250 and pay a fine of $7,500.

This case was handled by the United States Attorney's Office for the District of Massachusetts; for additional information, see the Information.

18 U.S.C. § 201 (Bribery) and 18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)

2. *United States v. Ahsha Nateef Tribble, Donald Keith Ellison & Jovanda Patterson*

Defendant Jovanda Patterson worked as an Emergency Management Specialist for the Federal Emergency Management Agency ("FEMA"). After Hurricane Maria—a devastating category 5 hurricane—struck Puerto Rico in September 2017, Ms. Patterson was assigned to the area to assist FEMA restorations.

Cobra Acquisitions LLC ("Cobra") was the main contractor for the Puerto Rico Electric Power Authority ("PREPA") regarding post-hurricane power grid restoration efforts. PREPA executed two contracts with Cobra totaling approximately $1,845,429,00, and work performed under these contracts was paid through PREPA with federal funds from FEMA. Between approximately March and July 2018, Ms. Patterson negotiated prospective employment with Cobra; at this same time, Ms. Patterson also participated in her FEMA official capacity in an evaluation of a Cobra affiliate as part of a vendor bid process.

According to the Government, during this same general time period, Donald Keith Ellison, the then-President of Cobra, and Ahsha Nateef Tribble, a FEMA Deputy Administrator also working in Puerto Rico, developed a personal relationship in which Mr. Ellison provided Ms. Tribble with things of value—such as airfare, hotel accommodations, private security, and the use of an apartment—with the intent to influence performance of her official acts benefiting Cobra and its affiliates.

The Government initially filed a 15-count Indictment against the three defendants that charged Ms. Patterson with one count of acts affecting a personal financial interest in violation of 18 U.S.C. § 208 and two counts of wire fraud in violation of 18 U.S.C. § 1343. The Indictment also alleged that Ms. Tribble and Mr. Ellison engaged in a bribery conspiracy in violation of 18 U.S.C. § 317, honest services wire fraud in violation of 18 U.S.C. §§ 1343 & 1346, and disaster fraud in violation of 18 U.S.C. § 1040; that Ms. Tribble committed Travel Act violations prohibited by 18 U.S.C. § 1952(a)(A); and that Mr. Ellison made false statements in violation of 18 U.S.C. § 1001.

Ms. Patterson ultimately pleaded guilty to the 18 U.S.C. § 208 charge, and on June 18, 2020, the court sentenced her to three years of probation and ordered her to pay a $100 assessment. Ms Tribble ultimately pleaded guilty to a single count Information charging her with receiving a thing of value in exchange for an official act in violation of 18 U.S.C. § 201(c)(1)(B). The court sentenced her on December 13, 2022 to six months and one day of imprisonment and six months of supervised release, and ordered her to pay a $15,000 fine and $100 assessment. Mr. Ellison ultimately pleaded guilty to a single count Information charging him with giving or offering a thing of value in exchange for an official act in violation of 18 U.S.C. § 201(c)(1)(A). The court sentenced him on December 13, 2022 to six months and one day of imprisonment and six months of supervised release, and ordered him to pay a $20,000 fine and $100 assessment. Mr. Ellison also agreed to forfeit various property to the Government, including a boat trailer, a tractor, a hydraulic excavator, a catamaran, and a pickup truck, as well as 55% of the value of various bank and securities assets seized by the Government in the case.

This case was handled by the United States Attorney's Office for the District of Puerto Rico; for additional information, see the original Indictment filed against the defendants, Ms. Patterson's Plea Agreement, Mr. Ellison's Plea Agreement, and Ms. Tribble's Plea Agreement.

18 U.S.C. § 207 (Post-Government Employment Restrictions)

3. *Civil Settlement*

The relevant individual worked for several years as a member of the Senior Executive Service at the Department of Homeland Security ("DHS"). Upon their departure from Government, they were subject to the post-employment restrictions applicable to senior employees, which restricted them for a period of one year following their separation from knowingly making, with the intent to influence, any communication to any DHS officer or employee on behalf of another person seeking official action.

The Government alleged that while still in Government, the individual informed their then-deputy that they were retiring from DHS and planned to enter into an employment agreement with Company I. Within a week of learning of these plans, the deputy selected

Company I for a no-bid contract. According to the Government, during their one-year cooling off period following separation from DHS, the individual had extensive direct contacts with their former deputy on behalf of Company I regarding this contract, which the individual, the former deputy, and Company I all took various steps to conceal. The Government also alleged that the individual and Company I violated the False Claims Act by submitting invoices to DHS that falsely identified another Company I employee as the person who was doing the individual's work on Company I's DHS contract.

The individual denied these allegations, but entered into a civil settlement with the Government pursuant to which they agreed to pay $10,000 in exchange for the Government releasing them from any civil or administrative monetary claim it may have under the False Claims Act, 31 U.S.C. §§ 3729-3733; the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801-3812; the post-employment conflict of interest law, 18 U.S.C. § 207(c); and the common law theories of unjust enrichment and fraud.

This case was handled by the Civil Division of the Department of Justice.

18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)

4. *United States v. Clinton Knight*

From around 2004 through at least January 2018, Defendant Clinton "Bo" Knight was employed as the head of the Information Management Department at the Naval Health Clinic in Charleston, South Carolina, which provided a wide range of health services for service members, veterans, and their family members.

Around 2004, Mr. Knight and his wife decided to form a company ("TCMC") to obtain and perform IT contracts and subcontracts for the Government. According to court documents, between 2004 and 2018, Mr. Knight took actions in his role as a Clinic employee to cause contracts and subcontracts to be awarded to TCMC; every year during this period, TCMC acted as a prime contractor or subcontractor for IT services at the Clinic. Between around January 2012 and January 2018, approximately $320,888 in Government funds—identified as TCMC payroll—was deposited into an account maintained by Mr. Knight's spouse.

The Government initially filed an Indictment charging Mr. Knight (along with his wife and another individual) with conspiracy in violation of 18 U.S.C. § 371, wire fraud in violation of 18 U.S.C. § 1343, and money laundering in violation of 18 U.S.C. § 1956(a). In a Plea Agreement filed with the court on December 2, 2021, Mr. Knight pleaded guilty to a single-count Information charging him with acts affecting a personal financial interest in violation of 18 U.S.C. § 208. On June 24, 2022, the court sentenced him to six months of imprisonment and one year of supervised release, and ordered him to pay a $100,000 fine and $25 special assessment. Following Mr. Knight's sentencing, the Government dismissed the original Indictment, including the charges against the other individuals.

This case was handled by the United States Attorney's Office for the District of South Carolina; for additional information, see the Information and the initial Indictment.

5. United States v. Tammy Gomez

Defendant Tammy Gomez worked as a Postmaster at the Chiefland, Florida branch of the United States Postal Service ("USPS"). Between September 2019 and July 2021, she participated personally and substantially in her role as Postmaster in awarding cleaning services contracts to her spouse, and paid her spouse for services performed under those contracts at the Chiefland Post Office. During that same time period, Ms. Gomez also participated personally and substantially in awarding cleaning contracts to her mother, under which work was ultimately subcontracted to her spouse; Ms. Gomez admitted that this arrangement was intended to avoid the appearance of a conflict of interest. In total, the USPS paid her spouse $12,692.13 under the contracts.

On June 14, 2022, Ms. Gomez pleaded guilty to an Indictment charging her with one count of participating in a particular matter in which she or her spouse had a financial interest in violation of 18 U.S.C. § 208. On August 31, 2022, the court sentenced her to one year of probation and ordered her to pay a $100 special assessment.

This case was handled by the United States Attorney's Office for the Northern District of Florida; for additional information, see the Statement of Facts associated with Ms. Gomez's Plea Agreement.

6. United States v. David Tolson

From around 1993 through 2018, Defendant David Tolson was a Sergeant who worked as a Rescue Technician in the Aviation Unit of the U.S. Park Police ("USPP"). The USPP Aviation Unit operated a helicopter fleet, and each helicopter in the fleet had technology systems that captured video during law enforcement and surveillance missions. Mr. Tolson was the Aviation Unit's subject matter expert on the fleet's video systems.

In May 2018, Mr. Tolson began working on a Statement of Work for USPP to use as part of an acquisition package for a new iteration of a maintenance and support contract for the helicopter fleet. Company M was a systems engineering company that had previously served as a subcontractor on a prime contract regarding the fleet maintenance and support and provided those services to USPP. From around May until October, Mr. Tolson collaborated with the CEO of Company M to draft the Statement of Work and discussed a "sole source justification" with the CEO to help Company M secure the next iteration of the contract. At the same time, in his government role, Mr. Tolson advocated for Company M to be awarded the contract, though he himself did not have contract approval authority. Company M ultimately did not receive the contract.

Around the summer of 2018, Mr. Tolson informed employees of USPP and Company M that he planned to retire from USPP at the end of 2018. In August 2018, Company M sent Mr. Tolson a job offer letter that proposed he start part-time employment in November and full-time employment in December; he advised Company M in early September that he was "in fundamental agreement" with the terms of the job offer. At this time, however, he was still employed by USPP and responsible for fleet maintenance and support, including technology installed by Company M for USPP. As part of these responsibilities, Mr. Tolson continued to communicate with Company M employees, on behalf of USPP, about ad hoc support and maintenance projects being performed by company M, and continued to recommend that USPP award Company M the next iteration of the maintenance contract. Mr. Tolson also falsely informed USPP leadership and Company M employees that an agency ethics attorney had given him approval to work for Company M after his retirement from USPP. He began working for Company M on a part-time basis in November 2018, while simultaneously employed by USPP; in January 2019, he began working for Company M on a full-time basis.

On September 16, 2021, Mr. Tolson pleaded guilty to a one-count Information charging him with acts affecting a personal financial interest in violation of 18 U.S.C. § 208. On May 12, 2023, the court sentenced him to 24 months of probation, and ordered him to pay a $1,000 fine and $25 special assessment.

This case was handled by the Public Integrity Section of the Department of Justice; for additional information, see the Factual Basis associated with Mr. Tolson's Plea Agreement.

7. Civil Settlement

The relevant individual was employed by the U.S. Geological Survey ("USGS"). The Government asserted that the employee violated 18 U.S.C. § 208 by causing the USGS to fund multiple research projects at a university from which their spouse was compensated.

The parties agreed to a civil settlement pursuant to which the individual agreed to pay $50,000 to resolve the allegations against them. This case was handled by the United States Attorney's Office for the Western District of Missouri.

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

8. United States v. May Salehi

Defendant May Salehi worked for the State Department from 1991 through mid-2021. For several years, she worked as an engineer in a division that directs the worldwide overseas building program for the Department and U.S. Government generally. In this role, Ms. Salehi was involved in evaluating bids for overseas construction projects, such as for U.S. embassies and consulates.

In 2016, the State Department solicited blind, sealed bids for a multimillion dollar construction project to be performed at the U.S. Consulate in Bermuda ("Bermuda Project"). Ms. Salehi was involved in the Bermuda Project in several respects, including in her role as the Chair of the Technical Evaluation Panel that evaluated whether each of the bids met the security and structural needs of the project. Six companies submitted sealed bids for the Bermuda Project, including Montage, Inc. ("Montage"), a construction company owned by Sina Moayedi. The Technical Evaluation Panel disqualified one bidder, and found the other five bids, including Montage's bid, to be technically acceptable.

In September 2016, State Department employees evaluating the contract cost (as distinct from the technical component) determined that the five remaining bids were below the internal agency estimate regarding the cost of the project. Accordingly, the State Department gave the five remaining bidders the opportunity to re-bid on the contract; Montage had two days to decide whether to do so. During that brief window, Mr. Moayedi spoke with Ms. Salehi and sought confidential bidding information, which she supplied—specifically, information that the State Department considered the existing bids to be low. Following receipt of this information, Montage revised its submission to the State Department, increasing its bid by over $900,000, and claiming that the adjustment was made because of an earlier arithmetic error. Ultimately, Montage received the Bermuda Project contract with its revised bid of $6.3 million.

In return for the confidential bidding information that he received from Ms. Salehi, Mr. Moayedi paid her $60,000 in kickbacks in three installments, using intermediaries to obscure his connection to the payments. Ms. Salehi also provided a rug to an intermediary in an effort to conceal the purpose of the payments. Ms. Salehi did not report the payments on her State Department financial disclosure form.

Ms. Salehi pleaded guilty to a one count Information charging her with conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. § 371. On April 8, 2022, the court sentenced her to 12 months of imprisonment and three years of supervised release, and ordered her to pay a $500,000 fine and a $100 assessment, and to forfeit $60,000. Mr. Moayedi was charged in a separate proceeding with multiple counts relating to his interactions with Ms. Salehi as well as other activities; he pleaded guilty on April 19, 2023 to conspiracy to commit wire and bank fraud, conspiracy to commit bribery of a public official, and aggravated identity theft. Under the terms of his Plea Agreement, Mr. Moayedi agreed to pay restitution in the amount of $6,588,679.63 and to forfeit $17,795,098.50. He has not yet been sentenced.

This case was handled by the United States Attorney's Office for the Southern District of New York; for additional information, see the Information.

18 U.S.C. § 1001 (False Statements)

9. *United States v. Eghbal "Eddie" Saffarinia*

Defendant Eghbal "Eddie" Saffarinia worked for the Department of Housing and Urban Development Office of Inspector General ("HUD-OIG") from around February 2012 until September 2017. During this time, he served as the Assistant Inspector General for Information Technology ("IT") and, later, as the Assistant Inspector General for Management and Technology; he also served as HUD-OIG's Head of Contracting Activity. As a member of the Senior Executive Service, Mr. Saffarinia filed a public financial disclosure form (OGE Form 278) on an annual basis.

According to court documents, between May 2012 and April 2016, Mr. Saffarinia submitted annual OGE Form 278 reports in which he falsely stated and certified that he had no reportable liabilities (other than a credit card liability reported in 2016), when he was in fact receiving substantial payments and loans from Person A; he also did not otherwise disclose his financial relationship with Person A to agency ethics officials or other contracting officials. During this period that he was receiving payments from Person A, Mr. Saffarinia disclosed confidential and internal government information to Person A, gave competitive advantages and preferential treatment to Person A and their company, Company A, and steered significant business to Company A and its business partners. For example, he caused another company that contracted with HUD-OIG to enter into a business partnership with Person A and Company A, pursuant to which Company A served as a subcontractor on a multi-year $30 million IT services contract for HUD-OIG. In addition to failing to disclose his indebtedness to Person A on his OGE Form 278 filings, Mr. Saffarinia also neglected to disclose a $90,000 loan from his neighbor.

On September 19, 2022, a jury found Mr. Saffarinia guilty of all counts of a seven-count Superseding Indictment charging him with one count of concealing material facts in violation of 18 U.S.C. § 1001(a)(1), three counts of making false statements in violation of 18 U.S.C. § 1001(a)(2), and three counts of falsifying records in violation of 18 U.S.C. § 1519. On May 11, 2023, the court sentenced him to one year and one day in prison.

This case was handled by the Public Integrity Section of the Department of Justice; for additional information see the Superseding Indictment.

10. United States v. Robert Dombroski

For more than 30 years, defendant Robert Dombroski worked as a civilian employee of Picatinny Arsenal ("PICA"), a U.S. Army installation in New Jersey. PICA is involved with research, development, acquisition, and lifecycle management of advanced conventional weapons systems and ammunitions, and provides products and services to all branches of the U.S. military.

From at least 2010 through around December 2017, Mr. Dombroski conspired with other PICA employees and a defense contracting firm ("Company S") to seek and accept gifts and other items of value in exchange for providing Company S assistance in obtaining and retaining government contracts and other favorable treatment at PICA. According to the Government, he sought and accepted items such as Apple products, luxury handbags, Beats headphones, and tickets to a luxury skybox at professional sporting events, in total valued between $150,000 and $250,000. In an effort to conceal his activities, Mr. Dombroski neglected to list the items he received on annual confidential financial disclosure forms (OGE Form 450) filed in 2014 through 2017.

Mr. Dombroski pleaded guilty to an Information charging him with one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349 and four counts of false statements in violation of 18 U.S.C. § 1001. On March 28, 2022, the court sentenced him to 14 months of imprisonment and two years of supervised release, and ordered him to pay a $50,000 fine and $500 special assessment. Mr. Dombroski also abandoned and waived any potential right to the property at issue in the case, primarily electronic equipment and other items unlawfully obtained.

In a related Plea Agreement, Indra Nayee, an employee of Company S, pleaded guilty to a one count Information charging him with conspiracy to defraud the United States in violation of 18 U.S.C. § 371. He admitted that between around 2012 and 2016, he conspired with Company S and its employees to offer gifts and items of value to individuals employed at PICA in order to obtain favorable treatment, and also admitted that he submitted false bills to the United States writing off the cost of these payments as “materials” needed on U.S. Government contracts. On November 30, 2022, the court sentenced Mr. Nayee to three years of probation, and ordered him to pay a $15,000 fine and $100 special assessment.

These cases were handled by the United States Attorney’s Office for the District of New Jersey. For additional information, see the Information for Mr. Dombroski and the Information for Mr. Nayee.