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FORMER DEPARTMENT OF INTERIOR OFFICIAL SENTENCED FOR CRIMINAL CONFLICT OF INTEREST

WASHINGTON – The former Special Assistant to the Associate Director of Minerals Revenue Management, Minerals Management Service, at the U.S. Department of Interior (DOI) was sentenced today for a felony violation of the criminal conflict of interest law, Acting Assistant Attorney General Matthew Friedrich announced.

Jimmy W. Mayberry, 65, of Strawn, Texas, was sentenced to two years of probation and a \$2,500 fine. Mayberry was sentenced in the U.S. District Court for the District of Columbia by Judge Henry H. Kennedy Jr.

On July 30, 2008, Mayberry pleaded guilty to a one-count criminal information. According to the plea documents, when Mayberry was nearing retirement from federal service, he and his supervisor explored ways he could return to work for the DOI after his official retirement. It was decided, according to Mayberry's admission, to create a consulting position that, while created and intended specifically for Mayberry, was required by law to be the subject of open and fair competitive bidding procedures. Mayberry also admitted that in his official capacity before retiring, he created the "statement of work" that would subsequently be used to define the position and evaluate the bids of Mayberry and his competitors. Of all the bidders for the position, Mayberry was the only applicant to receive a grade of "excellent" on every qualification category and was awarded the contract.

In a related case, Milton K. Dial, the former deputy associate director of Minerals Revenue Management at the Minerals Management Service of the DOI, pleaded guilty on Sept. 15, 2008, to a felony violation of the post-government employment restriction. Dial admitted in plea documents that he accepted a position as a subcontractor working for and representing Mayberry's company in a contract with the DOI approximately six months after retiring from the department. Dial admitted that prior to retiring from the DOI he created the evaluation criteria for the bids for this same contract, served on the evaluation committee that awarded the contract to the company, and served as the contracting officer's technical representative at the DOI for the company up until the time of his retirement. Dial's sentencing is scheduled for Dec. 15, 2008, in Las Vegas.

This case is being prosecuted by Trial Attorneys Dan Schwager and Peter Koski of the Criminal Division's Public Integrity Section, which is headed by Chief William M. Welch II. The case was investigated by the Office of the Inspector General for the DOI.

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