

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 2:13-CR-78
v.	*	SECTION: F(3)
RICHARD P. MOLENAAR, III	*	VIOLATION: 18 U.S.C. § 371
	* * *	

FACTUAL BASIS

Should this matter have proceeded to trial, the Government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant, **RICHARD P. MOLENAAR, III** (“**MOLENAAR**” or the “defendant”).

The defendant, **MOLENAAR**, has agreed to plead guilty as charged to the one-count Bill of Information charging him with conspiracy to commit bribery, in violation of Title 18, United States Code, Section 371.

Background Information

Evidence, including admissible documents and testimony, would be introduced to prove that, beginning in at least 2007 and continuing until early 2012, the defendant, **MOLENAAR**, worked as a contractor or subcontractor at the Orleans Parish Sheriff’s Office (“OPSO”) through one of a number of companies he owned, including Ricky’s A/C, Inc., Landmark Mechanical Contractors, LLC, and Custom Carpentry Renovations, LLC. During this period of time, **MOLENAAR** bid for and won numerous projects at the OPSO to do, among other things, maintenance and construction work. **MOLENAAR**’s primary point of contact at the OPSO was John P. Sens (“Sens”), the former Director of Purchasing at the OPSO, who had a role in

selecting **MOLENAAR** and his various corporations for particular projects and jobs, approving invoices from, among others, **MOLENAAR**, and securing payments for **MOLENAAR** from the OPSO. In his role as the Director of Purchasing, Sens acted as an agent of the OPSO. The OPSO is an organization and/or local government/political subdivision of the State of Louisiana that received, in each of the years 2007 through 2012, in excess of \$10,000 annually in federal funds.

Conspiracy to Commit Bribery

Beginning in or around 2007, through in or around 2011, **MOLENAAR** corruptly gave, offered, and agreed to give things of value to Sens in exchange for the official acts Sens was undertaking at the OPSO to steer work to **MOLENAAR**. For example, during this period of time, **MOLENAAR** gave approximately \$30,000 in cash to Sens, which he accepted. Similarly, **MOLENAAR** provided Sens with the construction and building of a pool in March and April 2009, worth approximately \$25,000, at a residence owned by Sens in Mississippi at no charge. **MOLENAAR** gave these various things of value to Sens with the intent to influence and reward Sens in connection with his official duties at the OPSO. In total, **MOLENAAR** gave at least \$40,000, but not more than \$70,000, worth of cash, goods, or services to Sens.

In exchange for these things of value, Sens undertook official acts to steer OPSO work to **MOLENAAR**. More specifically, **MOLENAAR** would routinely submit bids for various OPSO projects and jobs that contained bids from his companies, as well as bids from other companies which were phony or fraudulent. **MOLENAAR**, with the knowledge and assistance of, among others, Sens, would submit these fraudulent bids in an effort to give the appearance of competition for OPSO projects when, in reality, the bid process was rigged in favor of **MOLENAAR**. An example of this rigged bid process occurred on or about January 13, 2010,

when **MOLENAAR** submitted a bid in the name of his company for an OPSO project worth approximately \$20,000. With the knowledge of, among others, Sens, **MOLENAAR** also submitted a phony or fraudulent bid for this project in the name of a local company that was intentionally higher than the real bid submitted by **MOLENAAR**. As a result, Sens awarded this OPSO project to **MOLENAAR** and his company. Similarly, on or about February 26, 2010, **MOLENAAR** submitted a bid in the name of his company for an OPSO project worth approximately \$10,000. With the knowledge of, among others, Sens, **MOLENAAR** also submitted a phony or fraudulent bid for this project in the name of a local company that was intentionally higher than the real bid submitted by **MOLENAAR**. As a result, Sens awarded this OPSO project to **MOLENAAR** and his company. Despite this rigged bid process, Sens would repeatedly award millions of dollars of OPSO work to **MOLENAAR**.

Limited Nature of a Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **MOLENAAR** and described by **MOLENAAR** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this factual basis is to demonstrate that there exists a sufficient legal basis for **MOLENAAR**'s plea of guilty to the charged offense.

Financial records, bank records, contracts, bid paperwork, invoices, and other documents would further be introduced and admitted to prove the facts set forth above. Additionally, testimonial evidence, including testimony from OPSO employees, and testimony from special agents of the Federal Bureau of Investigation, would also be admitted to prove the facts set forth above.

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Date

RICHARD P. MOLENAAR, III
Defendant

Date