

FILED
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NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DEMETRIOS (“JAMES”) G. TSAGARIS,)
)
 Defendant.)

INFORMATION

CASE NO. 1:09 CR 0236
JUDGE LIOI

Title 18, United States Code, Sections
1341 and 1346

The United States Attorney charges:

General Allegations

At times material to this matter:

Relevant Persons and Entities

1. Trumbull County, Ohio (“County”) operates under the laws of the State of Ohio (“State”). The County serves as an agency for the administration of State law.
2. The Trumbull County government was headed by three Commissioners. The County Commissioners are the general administrative body for County government. They are the County government taxing, budgeting, appropriating, and purchasing authority.

3. The Commissioners possessed numerous powers conferred upon them by law, regulation and custom, and the Commissioners owed a duty of honest services and fair dealing to the County, the State and their citizens and taxpayers.

4. Defendant, DEMETRIOS (“JAMES”) G. TSAGARIS, was one of three Trumbull County Commissioners from approximately January 1999, through December 2006.

In that capacity, TSAGARIS’ official duties included (a) controlling the Commissioners’ agenda and deciding whether contracts, awards or leases would be brought to the County Commissioners for a vote; (b) determining which budget appropriations would be funded in the annual County budget; and (c) deciding how funds allocated to the Commissioners would be disbursed. As a County Commissioner, defendant TSAGARIS routinely met with various individuals and representatives of groups, including area businesspeople, who asked Defendant TSAGARIS to take action benefitting their interests regarding funding, contracts, and appointments pending before the County Commissioners. TSAGARIS also served on the revolving loan fund committee for the Trumbull County Planning Commission.

The Duty of Honest Services

5. Trumbull County, Ohio and its citizens had an intangible right to the honest services of defendant DEMETRIOS (“JAMES”) G. TSAGARIS. As a County Commissioner, TSAGARIS had a fiduciary relationship with the State of Ohio, Trumbull County and its citizens requiring:

(A) his disinterested decision-making when performing his official duties; and

(B) full disclosure of the potential motivation behind, and material information relevant

to, his official acts, including full disclosure of conflicts of interest, which would provide

the citizens of Trumbull County with the information necessary to evaluate his motivations for official acts.

Ohio State Ethics Commission

6. At all times while he served as an elected official of Trumbull County, Defendant TSAGARIS was required by state law to file annual Financial Disclosure Statements with the Ohio State Ethics Commission. Defendant TSAGARIS was required to sign such forms before filing them, swearing that he had personally prepared or carefully reviewed the forms and that they contained complete, truthful and correct disclosures of all required information and acknowledging that he understood that false statements in such disclosures could result in potential criminal penalties as well as removal from public office. One purpose of such disclosure statements was that citizens of Trumbull County and the State be informed of actual and potential conflicts of interest on TSAGARIS' part and that State regulators and other law enforcement officials could ensure his compliance with applicable laws. Question number eight (8) on the annual Financial Disclosure Statement addressed creditors. The public official was required to list the names of all of his creditors residing or transacting business in Ohio to whom he owed or had owed at any time during the calendar year, more than one thousand (\$1,000) in his name or in the name of another person.

Scheme to Defraud and Conceal Loans

7. From in or about December 2004, through in or about December 2006, the defendant, DEMETRIOS ("JAMES") G. TSAGARIS, engaged in a scheme and artifice to defraud and deprive Trumbull County, and the citizens of Trumbull County, of their intangible right to his honest services. The defendant accomplished this by taking a personal payment and

loans from an individual conducting business with Trumbull County and concealing it from the citizens of Trumbull County.

8. As part of the scheme and artifice, TSAGARIS obtained a loan in the amount of \$36,551.00 from an area businessman; there was no payment schedule associated with the loan and no collateral was offered. After obtaining the loan, TSAGARIS continued to support the businessman's proposals to do business with Trumbull County.

9. It was further part of the scheme and artifice to defraud that defendant DEMETRIOS ("JAMES") G. TSAGARIS failed to disclose to the public, his fellow Commissioners, and other government officials his financial relationship with an individual doing and seeking to do business with Trumbull County. Defendant TSAGARIS instead concealed the nature of his role by filing annual Financial Disclosure Statements for 2004 and 2005 declaring in response to question eight (8) that he had no creditors.

10. It was further part of the scheme and artifice that TSAGARIS concealed the "loan" referred to in paragraph 8 from the citizens of Trumbull County, thereby not disclosing his self-enrichment and conflicts of interest while conducting County business.

COUNTS 1 & 2
(Honest Services Mail Fraud)

The United States Attorney further charges:

11. The General Allegations contained in paragraphs 1 through 10 of this Information are incorporated herein as if set forth in full.

12. From in or about December 2004, through in or about December 2006, in the Northern District of Ohio, Eastern Division, DEMETRIOS ("JAMES") G. TSAGARIS, the defendant herein, having devised and intended to devise a scheme and artifice to defraud and

deprive Trumbull County, and the citizens of Trumbull County, of their intangible right, free from deceit, fraud, dishonesty, favoritism, bias, self-enrichment, self-dealing, concealment and conflicts of interest, of the honest services of DEMETRIOS ("JAMES") G. TSAGARIS, knowingly caused to be delivered by mail according to the direction thereon, mail matter as set forth below.

13. On or about the dates set forth below, for the purpose of executing and attempting to execute such scheme and artifice, DEMETRIOS ("JAMES") G. TSAGARIS, the defendant, executed and attempted to execute the scheme and artifice set forth herein by knowingly causing to be mailed the following matters as set forth for each count, in which he concealed the loan payment that he received from an individual doing and seeking to do business with Trumbull County:

COUNT	MAILING	DATE (on or about)	ADDRESS
1	Ohio Ethics Commission Financial Disclosure Statement: Calendar Year 2004	April 6, 2005	Ohio Ethics Commission 8 East Long Street 10 th Floor Columbus, Ohio 43215
2	Ohio Ethics Commission Financial Disclosure Statement: Calendar Year 2005	March 16, 2006	Ohio Ethics Commission 8 East Long Street 10 th St. Columbus, Ohio 43215

All in violation of Title 18, United States Code, Sections 1341 and 1346.


WILLIAM J. EDWARDS
UNITED STATES ATTORNEY