

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	Case No.: 1:09-CR-440
)	
v.)	Count 1: 18 U.S.C. §371
)	(Conspiracy to Solicit Kickbacks)
RYAN SCOTT McMONIGLE,)	
)	Count 2: 41 U.S.C. §§53, 54 and 18 U.S.C.
)	§2(a)
Defendant)	(Solicitation of a Kickback and Aiding and
)	Abetting)

INDICTMENT

October 2009 Term - At Alexandria

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. RYAN SCOTT McMONIGLE, ("McMONIGLE" or "defendant") was a resident of Oklahoma and a United States citizen. From at least as early as February 2009 until at least as late as May 2009, McMONIGLE was located in Kabul, Afghanistan and was employed by Civilian Police International, a Virginia-based company that provides law enforcement training internationally.

2. The United States Agency for International Development ("USAID") is an independent federal government agency that receives foreign policy guidance from the Secretary of State. USAID is the principal U.S. agency that extends assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms. The agency works

to support long-term and equitable economic growth and advance U.S. foreign policy objectives by supporting economic growth, agricultural development, global health, conflict prevention, and developmental relief. Pursuant to its stated mission, USAID has country offices known as "Missions" in over 80 countries worldwide.

3. The Louis Berger Group, Inc. ("LBG") is an infrastructure engineering firm based in New Jersey that has multiple contracts with USAID.

4. Black & Veatch ("B&V") is a global engineering, consulting, and construction company based in Kansas. It also has received multiple USAID contracts.

5. In August 2006, USAID's \$1.4 billion Afghanistan Infrastructure Rehabilitation Project ("AIRP"), an indefinite quantity prime contract, was awarded to a joint venture between LBG/B&V ("JV"). This AIRP prime contract required the award of numerous subcontracts, including subcontracts for the provision of security services to protect AIRP workers in various areas of Afghanistan.

6. On or about April 1, 2009, the JV issued a request for proposals under the AIRP prime contract for a subcontract for Security Service, Eastern Region of Afghanistan ("Eastern Security Subcontract"). Responsive bids were required to be received by on or about April 30, 2009.

7. Coconspirator-1, an employee of B&V and an agent of the JV, was a member of the Technical Evaluation Committee ("TEC") for the award of upcoming security services subcontracts under the AIRP prime contract, including the Eastern Security Subcontract.

8. Vendor-1 and Vendor-2 are security companies headquartered within the Eastern District of Virginia. Vendor-1 and Vendor-2 were both potential bidders for security services subcontracts under the AIRP prime contract, including the Eastern Security Subcontract.

9. The above introductory allegations in Paragraphs 1 through 8 are re-alleged and incorporated into each count of this Indictment as if fully set forth in each count.

COUNT 1

(Conspiracy to Solicit Kickbacks)

10. From in or about February 2009 to in or about May 2009, the exact dates being unknown to the Grand Jury, in the Eastern District of Virginia and elsewhere, RYAN SCOTT McMONIGLE and others known and unknown to the grand jury unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States of America, to wit, to violate Title 41, United States Code, Sections 53 and 54, by knowingly and willfully soliciting one or more kickbacks, specifically, money, payments, and commissions, for the purpose of improperly rewarding and obtaining favorable treatment in connection with the award of a security services subcontract relating to the AIRP prime contract, a prime contract entered into by the United States, in violation of Title 18, United States Code, Section 371.

Manner and Means

The manner and means by which the conspiracy, of which defendant was a member, was sought to be accomplished included, among others, the following:

11. In a meeting among Coconspirator-1, Coconspirator-2, and Bryan Lee Burrows ("Burrows"), Coconspirator-1 said that he, along with a fellow TEC member, was willing to vote to steer an upcoming security services subcontract to whichever vendor paid them \$250,000, at a minimum. Coconspirator-1 sought Burrows' assistance in locating security companies to solicit and Burrows agreed to assist.

12. During subsequent conversations between and among Coconspirator-1, Coconspirator-2, and Burrows, it was discussed how each would receive a share of the kickback.

13. In a conversation between Burrows and McMONIGLE, McMONIGLE agreed to assist Burrows to identify security companies from which to solicit a kickback.

14. In exchange for his assistance, McMONIGLE sought a share of the kickback. Burrows and McMONIGLE discussed how each would receive a share of the kickback.

15. In or around February 2009 through April 2009, McMONIGLE and Burrows solicited a kickback from Vendor-1 to be paid, in part, to a prime contractor agent (Coconspirator-1) in exchange for favorable treatment in connection with the award of an upcoming security services subcontract relating to the AIRP prime contract.

16. In or around April 2009, Burrows solicited a kickback from Vendor-2 to be paid, in part, to a prime contractor agent (Coconspirator-1) in exchange for favorable treatment in connection with the award of the Eastern Security Subcontract, a subcontract relating to the AIRP prime contract.

Overt Acts

In furtherance of the conspiracy and to effect the objects and purposes thereof, McMONIGLE and coconspirators committed and caused to be committed the following overt acts, among others, within the Eastern District of Virginia and elsewhere:

17. On or about February 24, 2009, McMONIGLE engaged in an e-mail exchange with Executive-1 from Vendor-1, who was within the Eastern District of Virginia, wherein McMONIGLE, among other things, represented that "we currently personally know the prime contractor to US AID [sic] and can definitely help get this for your company[.]" offered Vendor-1 the services of a business consultant whose services McMONIGLE said would give Vendor-1 a ninety plus percent chance of winning a security subcontract to be let by LBG, stated a preference to use

Executive-1's personal e-mail address, and asked Executive-1 not to forward the e-mail to others within Vendor-1.

18. On or about March 4, 2009, McMONIGLE met in Kabul, Afghanistan with Executive-1 from Vendor-1 regarding the upcoming security services subcontract which was to be awarded under the AIRP prime contract.

19. On or about April 16, 2009 Burrows engaged in a telephone conversation with Executive-2 of Vendor-2, who was within the Eastern District of Virginia, wherein Burrows told Executive-2 that he had a friend (Coconspirator-1) on the inside committee evaluating the Eastern Security Subcontract and in exchange for 1.5% of the value of the award, Burrows could have the Eastern Security Subcontract steered to Vendor-2.

(In violation of Title 18, United States Code, Section 371.)

COUNT 2

(Solicitation of a Kickback and Aiding and Abetting)

20. From in or about February 2009 to in or about May 2009, the exact dates being unknown to the Grand Jury, in the Eastern District of Virginia and elsewhere, RYAN SCOTT McMONIGLE knowingly and willfully aided, abetted and counseled the solicitation of a kickback from Vendor-1, headquartered within the Eastern District of Virginia, specifically, money, payments, and commissions to be paid, in part, to a prime contractor agent (Coconspirator-1), for the purpose of improperly rewarding and obtaining favorable treatment in connection with the award of a security services subcontract relating to the AIRP prime contract, a prime contract entered into by the United States, in violation of Title 41, United States Code, Sections 53 and 54 and Title 18, United States Code, Section 2(a).

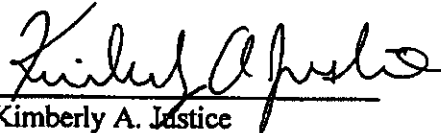
(All in violation of Title 41, United States Code, Sections 53 and 54, and Title 18, United States Code, Section 2(a).)

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

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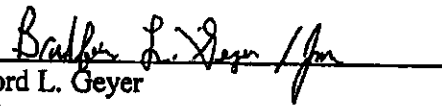
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