

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

WILHELM DERMINASSIAN

* **Criminal No.: 05 CR 127**

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* **Filed: 04/11/05**

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* **Violations: 18 U.S.C. § 201(c)(1)(B)**

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18 U.S.C. §§ 1343, 1346

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INFORMATION

The United States of America, acting through its attorneys, charges:

I.

Count One (18 U.S.C. §§ 1343, 1346)

General Allegations

1. From approximately August 2000 through April 2003 Wilhelm DerMinassian (“Defendant”) served as the Associate Director in charge of the Traffic Services Administration, a division of the District of Columbia’s Department of Transportation (hereinafter collectively referred to as the “D.C. D.O.T.”).
2. At all times relevant to this Information Company A, not named as a defendant herein, provided traffic engineering services to the D.C. D.O.T. under its \$12.9 million Operational Support contract.
3. At all times relevant to this Information Person A-1, not named as a defendant herein, was a Project Manager for Company A and was in charge of the day-to-day operations of the Operational Support contract, and Person A-2, not named as a defendant herein, was a Vice-President for Company A with supervisory authority over Person A-1 and the Operational Support contract.

4. At all times relevant to this Information the Defendant, in his capacity as the Associate Director of the D.C. D.O.T., was responsible for the administration and oversight of the Operational Support contract.

The Scheme to Defraud

5. From approximately October 2001 through April 2003, in the District of Columbia and elsewhere, the Defendant, together with Company A, through Persons A-1 and A-2, did unlawfully and knowingly devise and participate in a scheme and artifice to deprive the District of Columbia and its citizens of their intangible right to his honest services as a public official, and to have those services performed free from deceit, favoritism, bias, conflict of interest and self-enrichment.

Overview of the Scheme

6. It was part of the scheme that from approximately October 2001 through October 2002 the Defendant solicited and accepted approximately \$20,000 in cash and other items of value from Company A, through Persons A-1 and A-2, in connection with the Operational Support contract, including:

- A. on or about October 2, 2001 the Defendant solicited and accepted \$2,500 in cash;
- B. on or about October 26, 2001 the Defendant solicited and accepted \$4,400 in cash;
- C. on or about April 30, 2002 the Defendant solicited and accepted \$300 in cash; and
- D. on or about September 27, 2002 the Defendant solicited and accepted \$10,544.99 in vehicle repair services.

7. It was further part of the scheme that the Defendant concealed his receipt of the cash and other items of value detailed in Paragraph 6 by, among other things, insisting in several instances on receiving payments in cash.

8. It was further part of the scheme that the Defendant solicited and accepted the cash and other items of value detailed in Paragraph 6 with the intent to be influenced to favor Company A in his oversight and administration of the Operational Support contract, thus depriving the District of Columbia and its citizens of their intangible right to his honest services as a public official.

9. It was further part of the scheme that from approximately October 2001 through April 2003 the Defendant had an undisclosed and improper conflict of interest in that he failed to report his receipt of the cash and other items of value detailed in Paragraph 6, thus depriving the District of Columbia and its citizens of their intangible right to his honest services as a public official.

10. It was further part of the scheme that between approximately October 2001 and April 2003 the Defendant, having been influenced by the cash and other items of value detailed in Paragraph 6, took official actions in connection with the Operational Support contract that benefitted the financial interests of Company A, including the recommendation and approval of additional work through non-competitive change orders to the Operational Support contract, thus depriving the District of Columbia and its citizens of their intangible right to his honest services as a public official.

11. It was further part of the scheme that between approximately October 2001 and April 2003

the Defendant, having been influenced by the receipt of the cash and other items of value detailed

in Paragraph 6, and having failed to disclose the conflict of interest arising therefrom, recommended and approved three separate change orders to the Operational Support contract worth a total of \$5,655,871.

12. It was further part of the scheme that from approximately October 2001 through April 2003 the Defendant intentionally deceived the District of Columbia and its citizens into believing that his official acts in connection with the Operational Support contract were free from the taint of favoritism, bias, conflict of interest and self-enrichment, when in fact he did have an undisclosed conflict of interest and had been influenced by his receipt of the cash and other items of value detailed in Paragraph 6.

Use of the Interstate Wires in Furtherance of the Scheme

13. For the purpose of executing the scheme and artifice to defraud detailed in Paragraph 5, on or about October 22, 2001 the Defendant caused Person A-1, who was in his office in Washington, D.C., to telephone Person A-3, who was in Annapolis, Maryland, which resulted in Person A-3 withdrawing cash from a bank account, \$4,400 of which Person A-1 later gave to the Defendant on or about October 26, 2001, such use of the interstate wires being foreseeable to the Defendant.

II.

Count Two (18 U.S.C. § 201(c)(1)(B))

General Allegations

1. Paragraph 1 of Count One of this Information is realleged and incorporated by reference as
though fully set forth herein.

2. At all times relevant to this Information Company B, not named as a defendant herein, provided traffic engineering services to the D.C. D.O.T. under its \$17.5 million Integrated Traffic Management System ("I.T.M.S.") contract.

3. At all times relevant to this Information Persons B-1 and B-2, neither of whom is named as a defendant herein, were principals, officers and owners of Company B with supervisory authority for its performance of the I.T.M.S. contract.

4. At all times relevant to this Information the Defendant, in his capacity as the Associate Director of the D.C. D.O.T., was responsible for the administration and oversight of the I.T.M.S. contract.

Description of the Offense

5. On or about October 18, 2002 the Defendant sought to have Company B, through Person B-2, provide him with an item of personal value, to wit, to pay a \$1,348.91 hotel bill on the Defendant's behalf, thus enabling the Defendant to make personal use of, and benefit from, a monetary travel advance previously issued to him by the District of Columbia.

6. On or about October 18, 2002 Company B, through Person B-2 after consultation with Person B-1, paid the Defendant's hotel bill detailed in Paragraph 5.

7. The Defendant's acceptance of the item of personal value detailed in Paragraphs 5 and 6 was not provided for by law for the proper discharge of the Defendant's official duty.

8. The Defendant, a public official, sought and accepted the item of personal value detailed in Paragraphs 5 and 6 for an official act to be performed by the Defendant, to wit, favorable treatment of Company B by the Defendant in his future administration and oversight of the I.T.M.S. contract.

III.

Jurisdiction and Venue

The offenses charged in this Information were carried out in the District of Columbia within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 18 UNITED STATES CODE, SECTIONS 201, 1343 AND 1346.

DATED: 04/11/05

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