

FILED

APR 18 2019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Greeneville

UNITED STATES OF AMERICA

v.

FRANKLIN RABY

CRIMINAL NO. 2:19-cr-54  
(Conspiracy to Commit Bribery and  
Disclosure of Procurement Information,  
18 U.S.C. § 371)

INFORMATION

The United States of America charges that:

GENERAL ALLEGATIONS

1. From in or about between July 2015 and May 2018, both dates being approximate and inclusive, Defendant FRANKLIN RABY was employed by the U.S. Army as a "Range Operations Manager" at Mission Support Element Hawaii, Range Division, U.S. Army Pacific, Schofield Barracks, Hawaii ("the Range"). As part of his duties, RABY worked for the United States Army and engaged in procurement and contracting functions, in order to support the mission of the United States Army. By virtue of his position, RABY had access to sensitive federal procurement information. RABY presently resides in the Eastern District of Tennessee.

2. Company A was formed and registered with the Virginia State Corporation Commission on December 19, 2007. Company A's principal offices are located in Maine. Company A is a federal contractor that has been awarded multiple government contracts to assist in maintaining U.S. Department of Defense ("DOD") properties, including the Range at Schofield Barracks. Between July 2015 and May 2018, Company A received more than \$17 million in DOD contracts.

3. CC-1 was a senior employee at Company A. Following his retirement from DOD in 2018, RABY accepted a job as a consultant for Company A.

**COUNT ONE**

**(Conspiracy to Commit Bribery and Disclosure of Procurement Information)**

4. Paragraphs 1 through 3 of this Information are incorporated here.

5. From in or about between July 2015 and May 2018, both dates being approximate and inclusive, in the Eastern District of Tennessee and elsewhere, the defendant, FRANKLIN RABY, a public official employed by the United States Department of Defense, and others known and unknown, did knowingly and unlawfully combine, conspire, confederate, and agree to commit certain offenses against the United States, namely:

- a) bribery, that is, in return for being influenced in the performance of official acts and being induced to do and omit to do acts in violation of his official and lawful duties, all as opportunities arose, RABY would directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept things of value, including a car, travel expenses, and other things of value, in violation of Title 18, United States Code, Sections 201(b)(2)(A) and (C);
- b) disclosure of procurement information, that is, RABY would knowingly disclose contractor bid and proposal information and source selection information before the award of a Federal agency procurement contract to which the information related, and did so to exchange information for anything of value and to obtain and give a person a competitive advantage in the award of a Federal agency procurement contract, in violation of Title 41, United States Code, Sections 2102 (a)(1) and 2105(a);

and RABY and his co-conspirators took overt acts in furtherance of this conspiracy and to effect its unlawful objects.

**Purpose of the Conspiracy**

6. It was the purpose of the conspiracy for RABY, Company A, and other members of the conspiracy to enrich themselves by exchanging things of value for sensitive procurement information and assistance in contracting, and to conceal the conspiracy.

**Manner and Means of the Conspiracy**

7. In furtherance of the conspiracy, and to accomplish its objects, the following manners and means were used, among others:

- a) RABY would, directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept things of value.
- b) In return for these things of value, RABY provided Company A employees with proprietary, internal DOD information related to procurement of DOD contracts, and used his position and influence within DOD to advocate for and advance the interests of Company A, as opportunities arose.

### **Overt Acts in Furtherance of the Conspiracy**

8. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Eastern District of Tennessee and elsewhere:

- a) On or about August 22, 2017, CC-1 shipped a car, an antique 1969 Ford Galaxie to the Defendant in Greeneville, Tennessee. The Defendant did not pay CC-1 the value of the vehicle.
- b) On or about April 4, 2018, the Defendant emailed CC-1 and other Company A employees a document containing the Fiscal Year 2019 Work Plan for the U.S. Army Garrison of Hawaii, which included the projected budget for thirteen different projects, cumulatively valued at \$7,733,000. The fact that the government had budgeted \$7,733,000 for the projects was confidential bid or proposal information.

18 U.S.C. § 371.

### **FORFEITURE ALLEGATIONS**

9. The foregoing paragraphs of this Information are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

10. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 18, United States Code, Sections 201(b)(2)(A) and (C), in violation of Title 18, United States Code, Section 371, the defendant, FRANKLIN RABY, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation. The specific

property to be forfeited includes, but is not limited to, the following: A 1969 Ford Galaxie, a pair of diamond earrings, and a custom H&H 375 rifle.

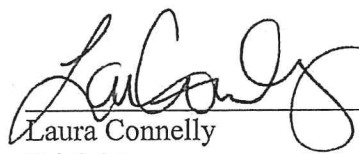
11. If any of the property described above, as a result of any act or omission of a defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

J. DOUGLAS OVERBEY  
UNITED STATES ATTORNEY

ROBERT A. ZINK  
ACTING CHIEF, FRAUD SECTION  
U.S. Dept. of Justice, Criminal Division

  
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Laura Connelly  
Trial Attorney  
Criminal Division, Fraud Section

19-54

**CRIMINAL CASE COVER SHEET**

**U.S. ATTORNEY'S OFFICE**

Defendant Name: FRANKLIN RABY

Place of Offense (City & County): Greeneville / Greene County

Juvenile: Yes ☐ No ☒ Matter to be Sealed: Yes ☐ No ☒

Interpreter: No ☒ Yes ☐ Language:

Total # of Counts:     Petty     Misdemeanor (Class    )    1    Felony

|  | <b>ORIGINAL INDICTMENT</b><br>U.S.C. Citation(s) and Description of Offense Charged | Count(s) |
|--|-------------------------------------------------------------------------------------|----------|
|  | 18 U.S.C. § 371 Conspiracy to Defraud the Unites States                             | 1        |
|  |                                                                                     |          |
|  |                                                                                     |          |

Current Trial Date (if set):                      before Judge                     

Criminal Complaint Filed: No ☒ Yes ☐

Defendant on Supervised Release: Yes ☐ No ☒

Violation Warrant Issued? No ☐ Yes ☐ Case No.                     

Related Case(s):

Case Number                  Defendant's attorney                  How related

**Criminal Informations:**

Pending criminal case: No ☒ Yes ☐ Case No.                     

New Separate Case                      Supersedes Pending Case                     

Name of defendant's attorney: Jonathan Cave

Retained: ☒ Appointed:                     

Date: April 18, 2019

Signature of AUSA: s/ Donald Wayne Taylor