

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 13-CR-25</b>
<b>v.</b>	*	<b>SECTION: H(3)</b>
<b>GERARD J. HOFFMAN, JR.</b>	*	<b>VIOLATION: 18 U.S.C. § 371</b>
	* * *	

**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, **GERARD J. HOFFMAN, JR.** (“**HOFFMAN**” or the “defendant”).

The defendant, **HOFFMAN**, 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 or around 1976 through in or about 2012, the defendant, **HOFFMAN**, was employed at the Orleans Parish Sheriff’s Office (“**OPSO**”). **HOFFMAN** rose to the rank of Colonel at the **OPSO** and was in charge of **OPSO** maintenance. During this period of time, **HOFFMAN** was in a position to receive bids/proposals from various vendors and contractors

doing maintenance work at the OPSO and held a role in selecting the winning bidder for various maintenance projects at the OPSO. In addition, **HOFFMAN**, as the head of the maintenance at OPSO, had a role in some cases in reviewing and approving invoices from contractors. In this role, **HOFFMAN** 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, Businessman B, a maintenance contractor at the OPSO, would submit bids for various maintenance jobs to, among others, **HOFFMAN**, as the Colonel in charge of maintenance at the OPSO. Businessman B would submit a bid on behalf of his own company, but would also submit phony bids in the name of other contractors. These other bids would almost always be higher than Businessman B's bid and the purpose of submitting these fraudulent bids was to give the appearance of competition in the bid selection process. **HOFFMAN**, as well as others at the OPSO, knew many of the bids submitted by Businessman B were phony and were done, as stated above, to give the appearance of competition. Despite this rigged bidding, **HOFFMAN** had a role in steering work to Businessman B and would, in some cases, approve Businessman B's invoices at the OPSO. An example of this rigged bidding process took place on or about April 21, 2010, when Businessman B submitted a bid in the name of his company for an OPSO project worth approximately \$20,000. In addition to his own bid, with the knowledge of, among others, **HOFFMAN**, Businessman B submitted a phony or fraudulent bid in the name of a local company, which was intentionally higher than the real bid submitted by Businessman B. As a

result, with **HOFFMAN**'s knowledge and participation in this rigged bidding scheme, the work was awarded to Businessman B and his company.

In exchange for his official acts, during this same period of time, Businessman B, among others, gave things of value to **HOFFMAN**, including but not limited to free maintenance and construction work at a residence owned by **HOFFMAN**, as well as a trailer and storage container. **HOFFMAN** corruptly accepted these things of value from, among others, Businessman B, intending to be rewarded in connection with his official duties at the OPSO. The total value of goods and services received by **HOFFMAN** from Businessman B in exchange for his official acts, including the rigged bid process set forth above, was more than \$5,000 but less than approximately \$10,000.

#### **Limited Nature of a Factual Basis**

This proffer of evidence is not intended to constitute a complete statement of all facts known by **HOFFMAN** and described by **HOFFMAN** 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 **HOFFMAN**'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 contractors, as well as 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

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GERARD J. HOFFMAN, JR.  
Defendant

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Date