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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	1:13-CR-00053-PA
v.)	
)	<u>INDICTMENT</u>
STEVEN METHENY and)	
LEVI PHILLIPS,)	
)	[18 USC §§ 1341, 1343, 1349,
Defendants.)	1001, 32(a)(7), 659]

THE FEDERAL GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

General Overview

1. In 2008, the United States Forest Service solicited bids for helicopter services for firefighting operations. Defendants were employed by Carson Helicopters, Inc. in Grants Pass, Oregon. As part of a scheme to defraud, defendant Metheny, aided by defendant Phillips, submitted contract bid proposals on behalf of Carson Helicopters, Inc. to the United States Forest Service knowing that they contained falsified helicopter weight and balance charts and falsely

altered helicopter performance charts to be used in determining whether the helicopters met minimum contract specifications and the awarding of contracts. As a result of these materially false and fraudulent representations and the subsequent awarding of contracts, Carson Helicopters, Inc. received over \$20,000,000. Further, defendant Metheny knowingly distributed, either personally or through others unwittingly, the falsified helicopter weight and balance charts, as well as other falsely altered helicopter performance charts, to pilots and helicopter flight manuals for use in the field. The falsified charts were then used by pilots, unaware of the false nature of the charts, in performing firefighting flight operations including calculating the helicopter's maximum payload capacity during firefighting operations thereby endangering the safety of the helicopters in flight.

Forest Service National Exclusive Use and Call-When-Needed Contracts

2. The United States Forest Service (FS), an agency of the Department of Agriculture of the United States, administers and manages the nation's federal forests and grasslands. In 2008, as part of its responsibilities in the management of wildland fire on federal forests and grasslands, the FS issued solicitations for bids from private contractors for National Exclusive Use Helicopter and Call-When-Needed Helicopter contracts for firefighting operations. On March 3, 2008, the FS issued a solicitation for bids for the Large Fire Support Exclusive Use Contract (LFS Contract). On April 4, 2008, the FS issued a solicitation for bids for the Interim Call-When-Needed Contract (CWN #1 Contract). On May 16, 2008, the FS issued a solicitation for bids for the Initial Attack Exclusive Use Contract (IA Contract). On June 19, 2008, the FS issued a solicitation for bids for the Call-When-Needed Contract (CWN #2 Contract).

3. To qualify, the contracts required that helicopters meet certain minimum performance specifications. In evaluating whether those specifications were met they required, among other

things, the actual weighing of each helicopter prior to the bid proposal and within a prior 24 month period, as well as calculating its payload capability using the appropriate Federal Aviation Administration (FAA) approved performance charts. Contractors were prohibited from submitting bids using an estimated empty weight of the helicopters because it was a crucial factor in determining helicopter payload capability meeting contract specifications and for ultimate flight safety. Further, helicopter performance was to be based on minimum engine specifications and calculated only from FAA approved performance charts that were based on minimum specification engine performance. Any performance enhancing data was not to be used and would not be considered for the evaluation of the bid proposals.

4. Private contractors were to submit the required information for each helicopter in their bid proposal. The information in the bid proposal was then used by the FS in evaluating whether to award a contract for a specific helicopter.

The Defendants

5. Steven Metheny (Metheny) was Vice President of the West Coast Operations for Carson Helicopters, Inc. (CHI) at its Grants Pass, Oregon office. Metheny was also Vice President of Carson Helicopter Services, Inc. (CHSI). Metheny's responsibilities included managing the facilities, operations and staff of CHI in Grants Pass as well as overseeing CHSI's business operations. Metheny was also responsible for bidding on FS helicopter contracts, including determining which helicopters were to be included in each bid proposal and the contents of each proposal.

6. Levi Phillips (Phillips) was Director of Maintenance for CHI and CHSI at its Grants Pass, Oregon facility and reported directly to Metheny.

The Helicopter Aircraft

7. The following ten Sikorsky S-61N model helicopters owned by CHI were included in contract bid proposals submitted to the FS: Helicopter N612AZ (N612AZ); Helicopter N725JH (N725JH); Helicopter N410GH (N410GH); Helicopter N905AL (N905AL); Helicopter N103WF (N103WF); Helicopter N61NH (N61NH); Helicopter N116AZ (N116AZ); Helicopter N612RM (N612RM); Helicopter N7011M (N7011M); and, Helicopter N4503E (N4503E).

Relevant Aviation and Contract Terms

Supplemental Type Certificate (STC)

8. A Supplemental Type Certificate (STC) is a certificate issued by the FAA approving a major modification to an existing type certified aircraft, engine or propeller. It adds to an existing Type Certificate issued by the FAA to an aerospace manufacture after a particular design has fulfilled FAA airworthiness requirements. The STC defines the product design change, how the modification affects the existing type design, the aircraft affected and identifies the certification basis listing specific regulatory compliance for the design change. An STC may be developed and owned by a person or entity other than the aircraft or equipment manufacturer.

Weight and Balance Documents – Charts A, B & C

9. A complete weight and balance record for a Sikorsky S-61 helicopter comprises three charts: A, B and C. When a helicopter is weighed, Charts A and B are prepared. Chart A is a tabulation of all operating equipment that is or may be installed on the helicopter and identifies precisely how it is configured at the time of weighing. Chart B is used for recording the scale weighing data and computing the empty weight and center of gravity of the helicopter.

10. Between each helicopter weighing, Chart C is used to compute changes in weight and balance due to the removal and addition of equipment. It is a varying list that updates the weight

obtained from Chart B as equipment is added or removed and shows a continuous history of the helicopter's weight, equipment changes, moment arm and moment resulting from structural and equipment changes in service.

Interagency Helicopter Load Calculation (IHLC)

11. An IHLC is a form listing a helicopter's technical capability and is used in calculating the helicopter's allowable payload. The FS required each contract bid proposal submitted to include an IHLC for each helicopter offered along with the helicopter performance data used to compute the IHLC. Among the items represented in the IHLC was the helicopter's equipped weight based on the Chart B weight and balance data of the actual weighing of the helicopter.

SCHEME TO DEFRAUD THE UNITED STATES FOREST SERVICE

12. Beginning in and about March 2008 and continuing to in and about October, 2008, Metheny and Phillips intentionally devised and carried out a material scheme to defraud the FS and obtain money by means of materially false and fraudulent pretenses, representations and omissions of fact. In accomplishing this scheme, defendants knowingly caused items to be delivered by commercial interstate carrier and defendants knowingly caused the use of interstate wire facilities.

MEANS USED TO ACCOMPLISH THE SCHEME TO DEFRAUD

Contract Bid Proposals

Weight and Balance Documents

13. In preparation for the FS contract proposals, Metheny assigned Phillips the task of obtaining weight and balance documents for each helicopter to be included in the contract bid proposals. Phillips attempted to obtain information from maintenance personnel assigned to the various helicopters located in the field. On March 24, 2008, Phillips sent an email to CHI headquartered in Perkasio, Pennsylvania, requesting Charts A, B & C for each of the four

Sikorsky S-61N helicopters located in Perkasio, N725JH, N905AL and N410GH and N612AZ. In response, Phillips was emailed weight and balance documents for two of the helicopters, N612AZ and N725JH. However, the other two helicopters in Perkasio were disassembled and had not been weighed, N410GH and N905AL. Phillips provided Metheny with the information he was able to acquire from CHI in Perkasio and maintenance personnel in the field.

14. Metheny and Phillips discussed determining the empty weight of both N410GH and N905AL and estimating the weight by using information from N725JH, a similarly configured aircraft. Phillips created a mathematical formula for Metheny to complete a Chart B weight and balance for both helicopters and emailed it to Metheny in an Excel format. The formula allowed for the calculation of the necessary three-point scale readings of the aircraft's left main point, right main point and nose/tail point to achieve the desired empty weight of the aircraft for the Chart B, as well as a center of gravity. Estimating the empty weight of the helicopters as part of the bid submissions to the FS was a direct violation of contract requirements, known to both defendants. Later, Metheny and Phillips discussed adjusting the weight between the left main point and the right main point in order that each scale reading would not be identical and the weights were then adjusted accordingly to further deceive the FS and in violation of FS contracting requirements.

15. Each contract bid proposal submitted to the FS included copies of Charts A, B and C for each of the applicable helicopters. Phillips is listed as having prepared the Chart B weighing for each of the following S-61N helicopters: N116AZ, N612AZ, N4503E, N612RM, N61NH, N7011M, N410GH and N905AL. Phillips did not weigh or prepare the Chart B's for these helicopters, the helicopters were not weighed on the scales as represented, they were not weighed on the dates listed and they were not actually weighed as represented.

16. Metheny was listed as having prepared the Chart B weighing for N103WF and he signed it falsely representing he witnessed the weighing. Metheny did not weigh or witness N103WF being weighed as represented, it was not weighed on the date listed and it was not actually weighed as represented. In fact, N103WF was in a different country at the time of the alleged weighing. In addition, the Chart B weighing of the other S-61N helicopters submitted with the CWN #2 Contract bid proposal and purporting to have been prepared by Phillips was signed by Metheny falsely representing he witnessed the weighing of each helicopter. Metheny did not witness the weighing of these helicopters.

Performance Charts

17. Each contract bid proposal submitted to the FS also included copies of FAA Supplemental Type Certificate (STC) #SR02382NY and various performance charts for the Sikorsky S-61N model helicopters. STC #SR02382NY was issued by the FAA to CHI on May 18, 2007.

18. Under STC #SR02382NY, S-61N helicopter operation had to be in accordance with Rotorcraft Flight Manual Supplement No. 6 and its performance charts (RFMS #6). However, Metheny knowingly included a falsely altered performance chart within RFMS #6 that was submitted with each bid proposal. The falsely altered chart was labeled "RFMS #5" Power Available, Takeoff Power, 5 Min Twin, 30 Min OEI with an FAA approval date of February 7, 2008 (RFMS #5 Power Available chart). Rather than having a 5 Minute Takeoff Power Available chart as represented, it contained a performance enhancing 2.5 Minute, OEI (One Engine Inoperable), Power Available performance chart. The helicopter performance information provided to the FS by Metheny was based on the impermissible use of this performance enhancing chart, a chart intended for emergency power operations only or one

engine inoperative operations, and made it appear to reviewing FS officials that the helicopters had greater performance capability during firefighting operations than they actually did and were capable of carrying a higher payload.

Interagency Helicopter Load Calculation

19. An IHLC was submitted for each helicopter offered under each bid proposal. The weight and balance data of each helicopter's Chart B listing Phillips or Metheny as the preparer as described above was used in calculating the helicopter's equipped weight and used with the falsified performance enhancing RFMS #5 Power Available chart in determining the helicopter's allowable payload. Defendant's improper use of both weight and balance estimates and a performance enhancing power chart affected the IHLC for each helicopter under bid, making it appear to FS officials that they had greater performance capability, less weight and were capable of carrying a higher payload than allowed.

Submission of Bid Proposals

20. On about April 11, 2008, Metheny submitted the bid proposal on behalf of CHI for the LFS Contract, knowing that the information was false and contained misrepresentations in the weight and balance, performance power available and allowable payload of the helicopters. Metheny had it delivered to the FS at the National Interagency Fire Center (NIFC), the support center for wildland firefighting for the United States. Metheny offered the following ten Sikorsky S-61N helicopters for the contract: N4503E, N7011M, N116AZ, N612RM, N103WF, N61NH, N612AZ, N410GH, N905AL and N725JH.

21. On about April 14, 2008, Metheny submitted the bid proposal on behalf of CHI for the CWN #1 Contract, knowing that the information was false and contained misrepresentations in the weight and balance, performance power available and allowable payload of the helicopters. Again, Metheny had it delivered to the FS at the NIFC. Metheny offered a total of eight

helicopters in the bid proposal including the following six Sikorsky S-61N helicopters: N4503E, N7011M, N116AZ, N612RM, N103WF and N612AZ.

22. On about June 5, 2008, Metheny submitted a bid proposal on behalf of CHSI for the IA Contract, knowing that the information was false and contained misrepresentations in the weight and balance, performance power available and allowable payload of the helicopters. Metheny had it delivered to the FS at the NIFC. Metheny offered the following Sikorsky S-61N helicopters in the bid proposal: N4503E, N7011M, N103WF, N61NH, N612AZ and N725JH.

23. On about July 18, 2008, Metheny submitted the bid proposal on behalf of CHI for the CWN #2 Contract, knowing that the information was false and contained misrepresentations in the weight and balance, performance power available and allowable payload of the helicopters. Metheny had it delivered to the FS at the NIFC. Metheny offered a total of 13 helicopters in the bid proposal including the following ten Sikorsky S-61N helicopters: N4503E, N7011M, N116AZ, N612RM, N103WF, N61NH, N612AZ, N410GH, N905AL and N725JH.

Contract Evaluation – Payload and Performance Chart Variations

24. In 2006, the FS specifically informed Metheny that it had determined that the 2.5 minute power available performance charts were intended for emergency or one engine inoperative operations only; by allowing Sikorsky S-61 helicopters to use this enhanced performance data to better the helicopters' performance for bidding or dispatch purposes not only compromises safety, but gives them an unfair advantage over others in contracting with the FS. Consequently, the FS specifically instructed Metheny that it was prohibiting the use of the 2.5 Minute OEI Power Available charts for contract bidding or helicopter load calculations in the field.

25. In April 2008, during the contract evaluation process, the FS noticed that operators of Sikorsky S-61 helicopters had submitted various performance charts and payload numbers with their bid proposals. The CHI bid proposal indicated its S-61 helicopters could carry a significantly higher payload than the other Sikorsky S-61 operators. As a result, the FS contacted Metheny about the varying differences.

26. Metheny informed the FS that CHI had completed upgrades to their S-61 helicopters and, as a result, they had new performance charts with increased performance over the other S-61 operators which, for proprietary reasons, were not available to other operators. This was a knowingly misleading statement. On April 22, 2008, Metheny again sent to the FS, among other things, a copy of the same STC #SR02382NY and Rotorcraft Flight Manual Supplement No. 6 performance charts submitted with each of the contract bid proposals, including the RFMS #5 Power Available chart, the falsely altered performance enhancing 2.5 minute power available chart, in an attempt to convince the FS that their bids contained accurate information allowed for bidding purposes by the FS. The false information Metheny supplied to the FS gave CHI a competitive advantage over other helicopter operators bidding on the same contracts because by using such bogus information Metheny represented that CHI helicopters could accomplish firefighting operations with a higher payload capability than allowed and, therefore, at a lower cost and best value under FS contract specifications.

Forest Service Awards Contracts

27. As a result of the materially false and fraudulent pretenses, representations and omissions of fact by defendants, the FS awarded various helicopter contracts for firefighting operations to CHI and CHSI. On April 30, 2008, CHI received an award from the FS under the CWN #1 Contract for seven helicopters including the following five Sikorsky S-61N helicopters: N4503E,

N116AZ, N612RM, N103WF and N612AZ. The FS paid CHI under the CWN #1 Contract \$5,888,781.90.

28. As a result of the materially false and fraudulent pretenses, representations and omissions of fact by defendants, on June 6, 2008, CHI received an award from the FS for five contract items under the LFS Contract to CHI. After several contract modifications, contracts were awarded to the following Sikorsky S-61N helicopters: N116AZ, N612RM, N905AL and N612AZ. The FS paid CHI under the LFS Contract \$8,458,371.41 before the FS cancelled its contract with CHI.

29. As a result of the materially false and fraudulent pretenses, representations and omissions of fact by defendants, on June 20, 2008, CHSI received an award from the FS under the IA Contract for each Sikorsky S-61N helicopter that was offered: N4503E, N7011M, N103WF, N61NH and N725JH. The FS paid CHSI under the IA Contract \$8,467,872.31 before the FS cancelled its contract with CHSI.

30. As a result of the materially false and fraudulent pretenses, representations and omissions of fact by defendants, on August 22, 2008, CHI received an award from the FS under the CWN #2 contract that included the following nine Sikorsky S-61N helicopters: N4503E, N7011M, N116AZ, N612RM, N103WF, N61NH, N410GH, N905AL, and N725JH. The FS suspended the CWN #2 Contract with CHI before any orders for helicopter services were placed.

Distribution of Helicopter Charts

Weight and Balance Documents

31. Metheny knowingly caused, directly and indirectly through others, the distribution of the falsified helicopter weight and balance documents submitted with the contract bid proposals to the helicopter flight manuals and CHI personnel. Before the start of a particular contract, the

weight and balance documents were presented to the FS during their inspection of each helicopter to determine whether it met contractual requirements as represented with the awarding of the contract. In addition, these falsified weight and balance documents were then used by CHI pilots for flight operations under the FS contracts.

32. Between September 26, 2008 and October 2, 2008, the FS weighed CHI helicopters that were under contract to the FS. All of the Sikorsky S-61N model helicopters weighed by the FS were discovered to have been over both the contract bid proposal weight submitted to the FS and the current Chart C weight, some by as much as 600 lbs. or more.

33. Based on an actual weighing of N612AZ in early 2008 by CHI personnel at their Perkasio facility, N612AZ was over both the contract bid proposal weight submitted to the FS and the current Chart C weight by more than 1,400 lbs.

Distribution of Different Falsely Altered Performance Charts to Helicopters and Pilots

34. During and between April 2008 and July 2008, Metheny knowingly caused, directly and indirectly through others, the distribution of falsely altered FAA performance charts for the Sikorsky S-61N helicopters to the helicopter flight manuals, CHI pilots, and others. The falsely altered FAA performance charts were from STC #SR02507NY issued by the FAA to CHI on February 7, 2008 for the installation of a rescue hoist system. The falsely altered performance charts were labeled RFMS #8, Power Available, Takeoff Power, 5 Min Twin, 30 Min OEI, Figure 4, Page 15 of 19 (RFMS #8 Power Available chart) and RFMS #9, Power Available, Takeoff Power, 5 Min Twin, 30 Min OEI, Figure 4, Page 15 of 19 (RFMS #9 Power Available chart), both with an FAA approved date of February 7, 2008. Rather than having a 5 Minute Takeoff Power Available chart as represented, both contained the performance enhancing 2.5

Minute Power Available performance chart. These falsely altered performance charts were then used by CHI pilots for flight operations under the FS contracts.

Helicopter Crash

35. On August 5, 2008, N612AZ based at the Trinity Helibase near Weaverville, California crashed. On August 14, 2008, Metheny submitted a request to the FS to replace N612AZ with N410GH. As part of that request, Metheny included an IHLC form with falsified data and falsified weight and balance documents for N410GH. These were the same false charts submitted earlier to the FS with the contract bid proposals and included the Chart B containing falsified data purported to have been prepared by Phillips. As a result of the materially false and fraudulent representations and omissions of fact, the FS modified the LFS Contract by substituting N410GH in place of N612AZ as requested, and effective August 18, 2008.

COUNT 1 – CONSPIRACY TO DEFRAUD THE UNITED STATES FOREST SERVICE

Paragraphs 1-35 are re-alleged and incorporated herein.

Beginning in and about March 2008 and continuing to in and about October 2008, in the District of Oregon and elsewhere, STEVEN METHENY and LEVI PHILLIPS did unlawfully and knowingly conspire, confederate and agree with each other and with others known and unknown to the grand jury to commit Mail and Wire Fraud, which offenses are more particularly described in Counts 2-7 of this Indictment and set forth in the overt acts below, in violation of Title 18 United States Code, Sections 1341 and 1343.

Overt Acts

In furtherance of the conspiracy and in order to effect the objects thereof, one or more of the conspirators committed and caused to be committed one or more of the following acts, among others:

A) Paragraphs 13-16, 18-23, 26, 31 and 34-35 are re-alleged and incorporated herein.

B) On or about April 14, 2008, Phillips did knowingly cause erroneous, false and misleading Chart A equipment list pages for N410GH and N905AL to be submitted to the Forest Service by means of a wire communication in interstate commerce through a facsimile from Grants Pass, Oregon to Boise, Idaho.

C) On or about April 14, 2008, Phillips did knowingly cause a falsified Chart A equipment list for N905AL to be submitted to the Forest Service to replace the existing equipment list by means of a wire communication in interstate commerce through email communication from Grants Pass, Oregon to Boise, Idaho.

D) On April 22, 2008, Metheny caused falsified weight and balance documents for N612AZ, N905AL and N410GH to be sent to the chief maintenance supervisor for CHI in Perkasié, Pennsylvania for use during an April 25, 2008 FS helicopter inspection.

E) Between June 23 and 25, 2008, while inspecting helicopters in various states to ensure they would comply with the FS contracts and pass inspection, Metheny placed falsified helicopter weight and balance documents that were submitted with the contract bid proposals in helicopter flight manuals.

F) On June 25, 2008, Metheny caused the falsified weight and balance documents for N612AZ and N905AL to be sent to the chief maintenance supervisor for CHI in Perkasié, Pennsylvania for use during the June 26, 2008 FS helicopter inspections.

G) On or about September 25, 2008, before the FS was to weigh N7011M and N61NH in Redmond, Oregon for contract compliance, Phillips attempted to have mechanics for the aircraft remove certain equipment including bifilars in order to get the weight of the aircraft closer to the contract weight.

H) On or about September 29, 2008, before the FS was to weigh N103WF in Redmond, Oregon for contract compliance, Metheny attempted to have a pilot for the aircraft have certain equipment removed including bifilars in order to get the weight of the aircraft closer to the contract weight.

In violation of Title 18 United States Code, Section 1349.

COUNT 2 - MAIL FRAUD – LARGE FIRE SUPPORT

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about April 10, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause the Carson Helicopters Inc. bid proposal for the Large Fire Support–Exclusive Use Contract to be sent and delivered to the United States Forest Service at the National Interagency Fire Center in Boise, Idaho, by FedEx, a commercial interstate carrier.

In violation of Title 18 United States Code, Section 1341.

COUNT 3 - MAIL FRAUD – INTERIM CALL-WHEN-NEEDED

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about April 14, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause the Carson Helicopters Inc. bid proposal for the Interim Call-When-Needed Contract to be sent and delivered to the United States Forest Service at the National Interagency Fire Center in Boise, Idaho, by FedEx, a commercial interstate carrier.

In violation of Title 18 United States Code, Section 1341.

COUNT 4 - MAIL FRAUD – INITIAL ATTACK

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about June 5, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause the Carson Helicopter Services Inc. bid proposal for the Initial Attack–Exclusive Use Contract to be sent and delivered to the United States Forest Service at the National Interagency Fire Center in Boise, Idaho, by FedEx, a commercial interstate carrier.

In violation of Title 18 United States Code, Section 1341.

COUNT 5 - MAIL FRAUD – CALL-WHEN-NEEDED

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about July 17, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause the Carson Helicopters Inc. bid proposal for the Call-When-Needed Contract to be sent and delivered to the United States Forest Service at the National Interagency Fire Center in Boise, Idaho, by FedEx, a commercial interstate carrier.

In violation of Title 18 United States Code, Section 1341.

COUNT 6 - WIRE FRAUD

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about April 22, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause a letter and attachments to be sent to the United States Forest Service regarding Sikorsky S-61N helicopters and operators authorized to use Carson Helicopters Inc.'s STC #SR02382NY that included a falsely altered performance chart (RFMS

#5 Power Available chart), by means of interstate wire through email communication from Grants Pass, Oregon to Boise, Idaho.

In violation of Title 18 United States Code, Section 1343.

COUNT 7 - WIRE FRAUD

Paragraphs 1-35 are re-alleged and incorporated herein.

On or about August 14, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, for purposes of executing the material scheme to defraud the United States Forest Service, did knowingly cause a load calculation form and weight and balance documents for helicopter N410GH to be sent to the United States Forest Service in Carson Helicopters Inc.'s request to have N410GH replace the crashed helicopter, N612AZ, by means of interstate wire through email communication from Grants Pass, Oregon to Boise, Idaho.

In violation of Title 18 United States Code, Section 1343.

COUNT 8 - FALSE STATEMENT – LARGE FIRE SUPPORT

Paragraphs 1-20, 24-26, 28, 31-33 and 35 are re-alleged and incorporated herein.

On or about April 10, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: false Chart B's of the actual weighing of helicopters N4503E, N7011M, N116AZ, N612RM, N103WF, N61NH, N612AZ, N410GH and N905AL and a falsely altered performance chart (RFMS #5 Power Available chart) in Carson Helicopters Inc. bid proposal for the Large Fire Support–Exclusive Use Contract, knowing the same to contain materially false, fictitious, and fraudulent statements or entries to-wit: that the helicopters were weighed as represented on the Chart B's including the type of scales used, dates of each weighing, the weight and center of gravity from an actual

helicopter weighing and that the RFMS #5 Power Available chart was a 5 Minute Takeoff Power Available chart rather than the performance enhancing 2.5 Minute Takeoff Power Available chart.

In violation of Title 18 United States Code, Section 1001.

COUNT 9 - FALSE STATEMENT – INTERIM CALL-WHEN-NEEDED

Paragraphs 1-19, 21, 24-27 and 31-33 are re-alleged and incorporated herein.

On or about April 14, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: false Chart B's of the actual weighing of helicopters N4503E, N7011M, N116AZ, N612RM, N103WF, and N612AZ and a falsely altered performance chart (RFMS #5 Power Available chart) in Carson Helicopters Inc. bid proposal for the Interim Call-When-Needed Contract, knowing the same to contain materially false, fictitious, and fraudulent statements or entries to-wit: that the helicopters were weighed as represented on the Chart B's including the type of scales used, dates of each weighing, the weight and center of gravity from an actual helicopter weighing and the witnessing of any weighing and that the RFMS #5 Power Available chart was a 5 Minute Takeoff Power Available chart rather than the performance enhancing 2.5 Minute Takeoff Power Available chart.

In violation of Title 18 United States Code, Section 1001.

COUNT 10 - FALSE STATEMENT – INITIAL ATTACK

Paragraphs 1-19, 22, 24-26, 29 and 31-33 are re-alleged and incorporated herein.

On or about June 5, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be

used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: false Chart B's of the actual weighing of helicopters N4503E, N7011M, N103WF, N61NH and N612AZ and a falsely altered performance chart (RFMS #5 Power Available chart) in Carson Helicopter Services Inc. bid proposal for the Initial Attack-Exclusive Use Contract, knowing the same to contain materially false, fictitious, and fraudulent statements or entries to-wit: that the helicopters were weighed as represented on the Chart B's including the type of scales used, dates of each weighing, the weight and center of gravity from an actual helicopter weighing and the witnessing of any weighing and that the RFMS #5 Power Available chart was a 5 Minute Takeoff Power Available chart rather than the performance enhancing 2.5 Minute Takeoff Power Available chart.

In violation of Title 18 United States Code, Section 1001.

COUNT 11 - FALSE STATEMENT – CALL-WHEN-NEEDED

Paragraphs 1-19, 23-26, 30-33 and 35 are re-alleged and incorporated herein.

On or about July 17, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: false Chart B's of the actual weighing of helicopters N4503E, N7011M, N116AZ, N612RM, N103WF, N61NH, N612AZ, N410GH and N905AL and a falsely altered performance chart (RFMS #5 Power Available chart) in Carson Helicopters Inc. bid proposal for the Call-When-Needed Contract, knowing the same to contain materially false, fictitious, and fraudulent statements or entries to-wit: that the helicopters were weighed as represented on the Chart B's including the type of scales used, dates of each weighing, the weight and center of gravity from an actual helicopter

weighing and the witnessing of any weighing and that the RFMS #5 Power Available chart was a 5 Minute Takeoff Power Available chart rather than the performance enhancing 2.5 Minute Takeoff Power Available chart.

In violation of Title 18 United States Code, Section 1001.

COUNT 12 - FALSE STATEMENT

Paragraphs 1-20, 23, 30 and 35 are re-alleged and incorporated herein.

On or about August 14, 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: a false Chart B of the actual weighing of helicopter N410GH, for Carson Helicopters Inc.'s request to have N410GH replace the crashed helicopter, N612AZ, knowing the same to contain materially false, fictitious, and fraudulent statements or entries to-wit: that the helicopter was weighed as represented on the Chart B including the type of scales used, the date of the weighing, the weight and center of gravity from the actual helicopter weighing.

In violation of Title 18 United States Code, Section 1001.

COUNT 13 - FALSE STATEMENT

Paragraphs 1-8, 11-12, 17-19, 24-27 and 34-35 are re-alleged and incorporated herein.

On or about July 1, 2008, in the District of Oregon, STEVEN METHENY, did willfully and knowingly make and cause to be made, and use and cause to be used, in a matter within the jurisdiction of the United States Forest Service, a part of the Executive Branch of the United States, a false writing or document, to-wit: a falsely altered performance chart (RFMS #8 Power Available chart), to be used by CHI pilots for the FS contract and to be sent to FS helicopter managers, knowing the same to contain a materially false, fictitious, and fraudulent statement or

entry to-wit: that the RFMS #8 Power Available chart was a 5 Minute Takeoff Power Available chart rather than the performance enhancing 2.5 Minute Takeoff Power Available chart.

In violation of Title 18 United States Code, Section 1001.

COUNT 14 - ENDANGERING SAFETY OF AIRCRAFT-N612AZ

Paragraphs 1-5, 7-10, 13-16, 24-28 and 31-35 are re-alleged and incorporated herein.

In and between March 2008 and August 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N612AZ and a falsely altered performance chart (RFMS #8 Power Available chart) to CHI pilots and personnel and to the N612AZ flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N612AZ in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 15 - ENDANGERING SAFETY OF AIRCRAFT-N103WF

Paragraphs 1-5, 7-10, 13-16, 24-26 and 29-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N103WF and a falsely altered performance chart (RFMS #8 Power Available chart) to CHI pilots and personnel and to the N103WF flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N103WF in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 16 - ENDANGERING SAFETY OF AIRCRAFT-N61NH

Paragraphs 1-5, 7-10, 13-16, 24-26 and 29-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N61NH and a falsely altered performance chart (RFMS #8 Power Available chart) to CHI pilots and personnel and to the N61NH flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N61NH in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 17 - ENDANGERING SAFETY OF AIRCRAFT-N116AZ

Paragraphs 1-5, 7-10, 13-16, 24-28 and 30-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N116AZ and a falsely altered performance chart (RFMS #8 Power Available chart) to CHI pilots and personnel and to the N116AZ flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N116AZ in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 18 - ENDANGERING SAFETY OF AIRCRAFT-N612RM

Paragraphs 1-5, 7-10, 13-16, 24-28 and 30-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N612RM and a falsely altered performance chart (RFMS #9 Power Available chart), to CHI pilots and personnel and to the N612RM flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N612RM in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 19 - ENDANGERING SAFETY OF AIRCRAFT-N7011M

Paragraphs 1-5, 7-10, 13-16, 24-26 and 29-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N7011M and a falsely altered performance chart (RFMS #9 Power Available chart) to CHI pilots and personnel and to the N7011M flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N7011M in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 20 - ENDANGERING SAFETY OF AIRCRAFT-N4503E

Paragraphs 1-5, 7-10, 13-16, 24-27 and 29-34 are re-alleged and incorporated herein.

In and between March 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: false weight and balance information for helicopter N4503E and a falsely altered performance chart (RFMS #9 Power Available chart), to CHI pilots and personnel and to the N4503E flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating changes in the helicopter's weight and in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N4503E in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 21 - ENDANGERING SAFETY OF AIRCRAFT-N905AL

Paragraphs 1-5, 7-8, 24-26, 28, 30 and 34 are re-alleged and incorporated herein.

In and between April 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: a falsely altered performance chart (RFMS #8 Power Available chart) to CHI pilots and personnel and to the N905AL flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N905AL in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 22 - ENDANGERING SAFETY OF AIRCRAFT-N410GH

Paragraphs 1-5, 7-8, 24-26, 30 and 34-35 are re-alleged and incorporated herein.

In and between April 2008 and October 2008, in the District of Oregon and elsewhere, STEVEN METHENY, did knowingly and willfully communicate and cause the communication of information, to-wit: a falsely altered performance chart (RFMS #8 Power Available chart), to

CHI pilots and personnel and to the N410GH flight manual, knowing the information to be false, and under circumstances in which such information may reasonably be believed, including using it in calculating the helicopter's maximum payload capacity under given flight conditions for safe operation, thereby endangering the safety of N410GH in flight.

In violation of Title 18 United States Code, Section 32(a)(7).

COUNT 23 - THEFT FROM INTERSTATE SHIPMENT


On or about July 7, 2009, in the District of Oregon, STEVEN METHENY, did unlawfully and knowingly, and with intent to convert to his own use, steal, take and carry away from a flatbed trailer located at Carson Helicopters Inc., Grants Pass, Oregon, goods and chattels of a value in excess of \$1,000, to-wit: three helicopter tail rotor blades, which were part of and constituted an interstate shipment of freight or other property from Carson Helicopters Inc., in the State of Oregon, to Carson Helicopters Inc., in the State of Pennsylvania.

In violation of Title 18 United States Code, Section 659.

DATED this 1st day of February, 2013.

Presented by:

S. AMANDA MARSHALL
United States Attorney
District of Oregon


BYRON CHATFIELD
Assistant U.S. Attorney

