

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**BILL OF INFORMATION FOR CONSPIRACY TO COMMIT BRIBERY
CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS**

UNITED STATES OF AMERICA	*	CRIMINAL NO.
	*	SECTION:
RICHARD P. MOLENAAR, III	*	VIOLATION: 18 U.S.C. § 371
	*	

The United States Attorney charges that:

COUNT 1

(Conspiracy to Commit Bribery Concerning Programs Receiving Federal Funds)

A. AT ALL TIMES MATERIAL HEREIN:

1. Beginning in at least 2007 and continuing until early 2012, the defendant, **RICHARD P. MOLENAAR, III** ("**MOLENAAR**"), worked as a contractor or subcontractor at the Orleans Parish Sheriff's Office ("**OPSO**") through one of a number of companies he owned, including Ricky's A/C, Inc., Landmark Mechanical Contractors, LLC, and Custom Carpentry Renovations, LLC. During this period of time, **MOLENAAR** bid for and won numerous projects at the OPSO to do, among other things, maintenance and construction work. **MOLENAAR's** primary point of contact at the OPSO was John P. Sens ("**Sens**"), the Director of Purchasing at the

OPSO, who had a role in selecting **MOLENAAR** and his various corporations for particular projects and jobs, as well as securing payments for, and approving invoices from, **MOLENAAR** at the OPSO.

2. As noted above, from in or around 2006 until early 2013, Sens was employed at the OPSO. During most of that time, Sens worked as the Director of Purchasing. In his role as the Director of Purchasing, Sens was in charge of, among other things, receiving bids and selecting the winning bidders for particular OPSO jobs, as well as approving invoices from, and securing payments to, the various contractors who were bidding on OPSO jobs and projects. In his role as the Director of Purchasing, Sens acted as an agent of the OPSO.

3. For almost all OPSO projects that were put out to bid under their purview, pursuant to official OPSO policy and state law, Sens and others at the OPSO required at least three bid proposals from various contractors to ensure competition for the work.

4. From in or around 2007 through in or around 2011, **MOLENAAR** and Sens, among others, engaged in a rigged bidding process in which real bids would be submitted, along with phony bids to give the appearance of competition. More specifically, during this period of time, with the knowledge and participation of Sens (among others), **MOLENAAR** would submit real bids for projects in the name of his companies, but would also submit phony bids, in the name of other companies, so that the requirement of three bids was reached. Almost every time this was done, as **MOLENAAR** and Sens knew, the real bids submitted by the companies owned by **MOLENAAR** would be awarded the work by Sens, as the phony bids were higher quotes than the real ones.

5. From in or around 2007 through in or around 2011, the period of time in which

MOLENAAR, among others, engaged in this rigged bid scheme, millions of dollars in OPSO work was awarded and paid to **MOLENAAR** for various projects.

6. In exchange for the official acts of Sens, as set forth below, from in or around 2007 through in or around 2011, **MOLENAAR** provided various things of value to Sens, including free maintenance or construction work, as well as cash.

7. 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.

B. THE CONSPIRACY:

Beginning in at least January 1, 2007 and continuing until December 31, 2011, in the Eastern District of Louisiana and elsewhere, the defendant, **RICHARD P. MOLENAAR, III**, together with others known to the United States Attorney, including Sens, did willfully and knowingly combine, conspire, confederate and agree together and with each other to commit the following offenses against the United States and to conceal their commission: to corruptly give, offer, and agree to give anything of value to any person, intending to influence or reward an agent of an organization, government, or agency that receives more than \$10,000 under a federal program during any one year period in connection with any business, transaction, and series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2).

C. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY:

On or about the following dates, in furtherance of and to conceal the conspiracy and accomplish its purposes, the defendant, **RICHARD P. MOLENAAR, III**, along with others,

committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. In or around March and April 2009, **MOLENAAR** paid for the digging, installation, and finishing of a pool at Sens's house in Waveland, Mississippi. The approximate value of **MOLENAAR**'s home repair work for Sens totaled \$25,000. Sens did not pay anything for this work.
2. On or about January 13, 2010, **MOLENAAR** submitted a bid in the name of one of his companies, Ricky's A/C, Inc., for an OPSO project worth over \$20,000. In addition to his own bid, with the knowledge of, among others, Sens, **MOLENAAR** submitted a phony or fraudulent bid in the name of another local company. The phony bid was intentionally higher than **MOLENAAR**'s bid and, as a result, **MOLENAAR** was awarded the OPSO project by Sens.
3. On or about February 26, 2010, **MOLENAAR** submitted a bid in the name of one of his companies, Landmark Mechanical Contractors, for an OPSO project worth approximately \$10,000. In addition to his own bid, with the knowledge of, among others, Sens, **MOLENAAR** submitted a phony or fraudulent bid in the name of another local company. This phony bid was intentionally higher than **MOLENAAR**'s bid and, as a result, **MOLENAAR** was awarded the OPSO project by Sens.
4. From in or around January 1, 2008, through in or around December 31, 2011, **MOLENAAR** paid Sens approximately \$30,000 in cash in exchange for the official acts Sens was undertaking to steer him OPSO work, as set forth above.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Bill of Information are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 371, 666, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense(s) alleged in Count 1, defendant, **RICHARD P. MOLENAAR, III**, shall forfeit to the United States pursuant to Title 18, United States Code,

Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to the conspiracy to violate Title 18, United States Code, Section 666, including but not limited to:

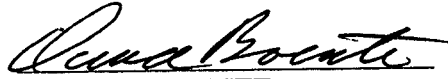
- a. At least \$67,903.25 in United States Currency and all interest and proceeds traceable thereto.
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

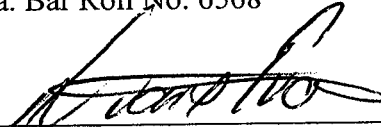
All in violation of Title 18, United States Code, Sections 371, 666, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).



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New Orleans, Louisiana
April __, 2013