



## 2nd campaign aide to DC mayor faces federal charges

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 12:21 PM May 24, 2012

CBS News on May 24, 2012 released the following:

“WASHINGTON — A second former aide to District of Columbia Mayor Vincent Gray was charged Wednesday with a federal offense arising from Gray’s 2010 campaign and intends to plead guilty, a day after another aide’s guilty plea revealed the use of underhanded tactics to get Gray elected.

Howard Brooks, a 64-year-old campaign consultant to Gray, faces a single count of making a false statement to the FBI. He was charged in a criminal information, a document that typically means a defendant has reached a plea deal. A plea hearing was scheduled for Thursday afternoon in U.S. District Court.

According to the document, Brooks told FBI agents in April 2011 that he never gave any cash, money orders or other payments to the campaign of minor mayoral candidate Sulaimon Brown, when in fact Brooks did make such payments.

At some point after the agents interviewed him, Brooks began cooperating with the FBI.

The charges have rattled the first-term mayor, who has been the subject of a federal probe since Brown went public last March with allegations that he was paid by the Gray campaign and promised a job in the Gray administration in exchange for making disparaging comments about then-mayor Adrian Fenty on the campaign trail. Gray has denied knowledge of the payments.

Gray declined to comment Wednesday on the charges, citing the ongoing investigation.

“We’ll let the investigation play out as well as it should, and then we’ll see where we are,” Gray said before chastising reporters for not paying attention to “the good things that are going on in this city.”

Gray won the 2010 Democratic primary by 10 percentage points after tapping into widespread dissatisfaction with Fenty, perceived by many as aloof. Gray, 69, billed himself as the more ethical candidate, criticizing Fenty for steering lucrative government contracts to his

fraternity brothers. But Gray’s administration has been mired in scandal since shortly after he took office.

Thomas Gore, the acting treasurer for Gray’s campaign who pleaded guilty Tuesday, said in court that he was captured on a wiretap talking to Brooks about shredding evidence of payments to Brown. Brooks was not mentioned by name in court because he had not yet been charged.

Gore acknowledged at his plea hearing that he and Brooks conspired to convert undocumented cash contributions into money orders that were given to Brown, and that Brown was paid to stay in the race and disparage Fenty. The money orders contained the names of relatives and associates of Brooks, including his son Peyton Brooks. Gore admitted giving Brown \$660 in money orders, although Brown contends the Gray campaign gave him more.

Peyton Brooks’ attorney, Troy W. Poole, confirmed Wednesday that his client has been granted immunity from prosecution in the ongoing federal probe. Poole added that Howard Brooks’ guilty plea had nothing to do with his client receiving immunity.

The charge against Brooks is a felony that carries a maximum penalty of five years in prison, although Brooks would likely receive a much lighter sentence under federal guidelines. His cooperation also could lead to a reduced sentence.

Brooks’ attorney, Glenn Ivey, did not return a message seeking comment.

Brooks and the mayor are not close — Gray said in late 2011 that he had not spoken to Brooks all year — and Brooks is not well-known in district politics. He is, however, a close personal friend of Lorraine Green, Gray’s campaign chairwoman and closest adviser during his 2010 bid. Brown has said he also received money from Green before she delegated that task to Brooks.

Brooks was rewarded handsomely for his work on the Gray campaign, receiving \$44,000 in consulting fees. He was also paid \$34,500 by the Gray transition.

Council Chairman Kwame Brown is also the subject of a federal probe for actions during his 2008 campaign, and former

councilmember Harry Thomas Jr. is heading to prison after pleading guilty in January to embezzling from the city.

Several Gray campaign staffers have said Sulaimon Brown’s harsh rhetoric against Fenty at campaign forums amounted to a sideshow that did nothing to help Gray, although Brown has claimed his efforts were crucial. The Gray administration appointed Brown to a \$110,000-a-year position in January 2011 and fired him less than a month later.

In a statement emailed to reporters Wednesday morning before the charges against Brooks were filed, Brown called on Gray to resign for violating the public trust. He also praised U.S. Attorney Ronald Machen for his efforts.

“I was not looking for vindication for the truth need not be vindicated,” Brown wrote. “I was seeking justice.””

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# Houston-Area Physician and Local Businessman Charged in an Alleged Diagnostic Testing Fraud Scheme

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 3:42 PM May 24, 2012

The Federal Bureau of Investigation (FBI) on May 24, 2012 released the following:  
"HOUSTON— Dr. Donald Gibson, II, 56, of Sugarland, Texas, and Sunday Joseph Edem, 53, of Richmond, Texas, have been arrested for health care fraud and conspiracy to commit health care fraud relating medically unnecessary diagnostic testing and physical therapy, United States Attorney Kenneth Magidson announced today.

Both defendants were arrested without incident this morning and are expected to make an initial appearance tomorrow before U.S. Magistrate Judge Mary Milloy.

According to the indictment, returned Thursday, May 17, 2012, and unsealed today upon their arrests, Gibson ordered, prescribed, and authorized medically unnecessary diagnostic tests and other procedures, which included allergy tests, pulmonary function tests, vestibular tests, urodynamic tests, and physical therapy, among others. These services were then billed to Medicare and Medicaid for payment under Gibson's billing number.

From January 2007 through January 2012, Gibson allegedly caused more than \$19.4 million in medical claims to the Medicare and Texas Medicaid Programs.

As a result, Medicare deposited approximately \$8.5 million into a bank account owned and controlled by Gibson. The indictment also alleges Edem operated medical clinics under the names of other individuals to conceal his financial interest in the businesses. Edem and Gibson allegedly conspired with one another to cause the submission of false claims to the Medicare and Medicaid programs and share in the proceeds. Gibson and Edem paid patient recruiters for referring Medicare/Medicaid beneficiaries, according to the indictment, and also paid Medicare beneficiaries for showing up at the medical clinics.

This case is the result of a joint investigation involving multiple federal and state agencies, including agents and investigators of the Railroad Retirement Board, Secret Service, Drug Enforcement Administration, FBI, the Texas Attorney General's Medicaid Fraud Control Unit, and U.S. Department of Health and Human Services-Office of Inspector General. Special Assistant U.S. Attorney Justin Blan and Assistant U.S. Attorney Andrew Leuchtmann are prosecuting this case.

An indictment is a formal accusation of criminal conduct, not evidence. A defendant is presumed innocent unless convicted through due process of law."

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## Prosecutors: Former NFL player admits failing to file federal tax returns for several years

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:45 AM May 24, 2012

The Washington Post on May 23, 2012 released the following:

"By Associated Press,

CAMDEN, N.J. — Federal prosecutors in New Jersey say a former NFL player admitted that he intentionally failed to file federal income tax returns for several years.

William James of Woodland Park faces up to a year in prison and a \$100,000 fine after pleading guilty Wednesday to a complaint charging him with willful failure to file tax returns from 2005-09. He's due to be sentenced Sept. 21.

The 32-year-old James played for several teams during his 10-year NFL career, including the New York Giants and

Philadelphia Eagles. Prosecutors say he earned approximately \$9.2 million during the years he didn't file tax returns.

During that time, James repeatedly ignored notices from the IRS and warnings from his financial adviser and accountant that he was obligated to pay taxes and file returns."

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# Bout Defense Prepares Extradition Request and Appeals

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 12:00 PM May 24, 2012

RIA Novosti on May 24, 2012 released the following:

"The defense team for imprisoned Russian businessman, Viktor Bout, has started work on an appeal to Russian Ministry of Justice requesting his extradition from the U.S. as well as appeals to the U.S. Supreme Court and the International Court of Justice in the Hague, Bout's lawyer Albert Dayan said.

Under a convention between Russia and the U.S. dating from the 1980's the Russian Ministry of Justice may request the handing over of Russians sentenced in the U.S. Eric Holder, the current U.S. Attorney General, has said that the U.S. may consider an application for Bout, who has been sentenced to 25 years in jail, to serve his prison term in Russia if they receive the request.

"The appeal to the Justice Ministry is already at work, it will take months to prepare the necessary documents. We simultaneously work on three lengthy legal documents; on the appeal and the claim to International Court of Justice in the Hague," Dayan said.

Dayan added that the defense team had been extended to manage the volume of Attorney General Eric Holder Speaks at Drug Court Commencement and Phase Progression Recognition Ceremony

(USDOJ: Justice News)

Submitted at 10:11 AM May 24, 2012

"My colleagues and I across the Justice Department – and the entire Obama Administration – remain deeply committed to expanding this work through funding grants, training, and other forms of assistance. We're eager to continue partnering with leading jurists like those who serve this Court, tireless advocates like our allies at the PSA and NADCP, and determined drug court participants like each of you," said Attorney General Holder.

## U.S. Court Rules That Nation's Auto Dealers Are Required to Provide Complete Data on Car Loan Terms

(USDOJ: Justice News)

Submitted at 3:50 PM May 24, 2012

A federal judge in Washington has ruled that automobile dealers who engage in

work required.

"Victor Bout's appeal is not a personal letter from a Russian, not just a private request. We are working on a document that will prepare a legal base for the governments of Russia and the United States on his extradition. We are studying precedents, materials, bilateral and international agreements, and conventions. We are preparing arguments for the negotiations between Russia and the United States," Dayan said.

Dayan also noted that Bout is keeping his spirits up and believes he will return to Russia.

"Viktor Bout continues to believe that the country would stand for him. He works hard and hopes to return home", the lawyer said.

Bout, a former Soviet Air Force officer who was dubbed the "Merchant of Death" in the United States, has been sentenced to 25 years in a U.S. jail for conspiring to kill U.S. citizens and sell arms to Colombian militants. He maintains his innocence.

On May 11, the U.S. penitentiary authority said Bout would be sent from his Brooklyn jail to a super maximum security prison in Colorado, where convicted terrorists and other dangerous criminals are serving their sentences, often

## Residential Mortgage-Backed Securities (RMBS) Working Group Announces New Resources to Investigate RMBS Misconduct

(USDOJ: Justice News)

Submitted at 12:23 PM May 24, 2012

The Residential Mortgage-Backed Securities (RMBS) Working Group announced new resources today in the ongoing effort to investigate misconduct, including the launch of a RMBS website to report fraud and the creation of a coordination team to facilitate the various investigations underway around the country.

in solitary confinement."

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## Justice Department Issues Further Guidance on Accessibility Requirements for Existing Swimming Pools at Hotels and Other Public Accommodations

(USDOJ: Justice News)

Submitted at 1:34 PM May 24, 2012

The Justice Department released two technical assistance documents today regarding the application of the Americans with Disabilities Act (ADA) to swimming pools. The documents can be found at [www.ada.gov/qa\\_existingpools\\_titleIII.htm](http://www.ada.gov/qa_existingpools_titleIII.htm) and [www.ada.gov/pools\\_2010.htm](http://www.ada.gov/pools_2010.htm).

certain three-party financing transactions must disclose certain information to consumers who take out car loans if they are offered less favorable terms, such as a

higher interest rate, than the most favorable terms available to the majority of consumers



# Federal Case Against Fred Rosetti

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 11:08 AM May 24, 2012

WNEP on May 23, 2012 released the following:

by Dave Bohman

“We know more details today about the fraud case federal prosecutors have against the former head of the Northeast Intermediate Unit #19 Fred Rosetti.

The information is in response to Rosetti’s request to get back property and assets the government seized when he was charged with using the NEIU’s public money and manpower for his own personal use.

Rosetti was supposed to run an agency to help school districts in Lackawanna, Susquehanna and Wayne counties educate students with special needs.

In court papers, prosecutors accuse Fred Rosetti of exploiting NEIU #19 for his own needs.

While Rosetti is asking a federal judge to return money and property seized in February, federal investigators counter that for 12 years, Rosetti ran, “A scheme in which he fraudulently converted funds and property of (NEIU) for his own personal benefit and the benefit of his family.”

Among the details in the filings:

Prosecutors claim Rosetti ordered NEIU staffers to work on his Archbald home on taxpayer time.

According to court papers that work included snow removal, landscaping, swimming pool maintenance, building decks, sheds and sidewalks, lighting and plumbing, moving Rosetti’s daughter’s furniture.

In one instance, prosecutors claim an employee, “...spent the better part of an NEIU work day waiting at his (Rosetti’s) residence for a cable television man to arrive while he (Rosetti) and his wife kept an important date, on the golf course.”

Prosecutors also said Rosetti used NEIU to pay for UPS packages for wedding, birthday and holiday gifts, vacation, personal and sick leave that he never documented and false travel vouchers.

In the paperwork, prosecutors claim “...NEIU employees did what the defendant (Rosetti) ordered them to do,” and “were threatened with...the loss of their job if they offered resistance.

Fred Rosetti’s attorney’s claimed all his money and property was earned from his work. He pleaded not guilty and his trial is scheduled to start in November.”

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# FBI chemist unable to identify a user of performance enhancing drugs

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 3:14 PM May 24, 2012

Chron.com on May 24, 2012 released the following:

“FBI chemist Pamela Reynolds tested medical waste that Brian McNamee stored in a beer can for seven years — and found a number of controlled substances.

But the prosecution witness told the jury in Roger Clemens’ perjury trial today that she was unable to identify a user of the performance enhancing drugs.

“You can’t tell us who used them?” asked defense attorney Mike Attanasio.

“That’s correct,” she replied.

“You can’t tell us if anybody used them?” he continued.

“That’s correct,” Reynolds added

The chemist, saying she was unable to say whether anybody used the substances, said she was only able to place performance enhancing drugs within the beer can.

Also in evidence was a bottle of 309 white pills. The pills were all unmarked. A total of 308 of the pills were of uniform size and the only substance found during analysis was lactose, a sugar component,

Reynolds testified.

One of the pills was of a smaller size and when tested was found to contain a controlled substance.

However, as with the materials found in the beer can, Reynolds said was unable to determine how the one pill came to be in the container and who, if anyone was using it.

Following Reynolds’ testimony, prosecutors continued to build their case toward eventual testimony from lab scientists that traces of Clemens’ DNA were found on medical waste inside McNamee’s beer can cache of needles and cotton balls.

Jeremy Price, a former scientist with the Anti-Doping Research firm based in Los Angeles, told jurors that the firm’s tests of medical waste found steroid residue.

But Price, like Reynolds, was unable to link the steroid residue to Clemens or any other individual.

Price did tell jurors, however, the lab testing did not find traces of vitamin B-12 or lidocaine on the tested medical waste.

Those are the substances that Clemens claims he received in injections from McNamee.”

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