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Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**CRIMINAL NO. 12-002 (ABJ)**
	:	**MAGISTRATE NO. 11-MJ-00260-DAR-1**
v.	:	
	:	**VIOLATIONS: 18 U.S.C. § 641**
STEPHEN E. HENDERSON,	:	**(Conversion of Public Money); and**
	:	**§ 2(a) (Aiding and Abetting)**
Defendant.	:	

STATEMENT OF OFFENSE

Pursuant to Fed. R. Crim. P. 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendant, Stephen E. Henderson, with the concurrence of his attorney, William J. Garber, agree and stipulate as follows:

The defendant is charged by Information with a felony count of Conversion of Public Money, aiding and abetting, pursuant to 18 U.S.C. § 641 and § 2(a).

At all times relevant, the United States Immigration and Customs Enforcement ("ICE") was a component of the United States Department of Homeland Security ("DHS"), which is a Department in the Executive Branch of the United States government. The Headquarters for ICE was in Washington, D.C.

At all times relevant, defendant Henderson was employed by a private company (hereinafter "Company") as a Senior Lead Intelligence Analyst, and did work in that position as a contractor for ICE, DHS, Office of Intelligence, Homeland Security Investigations, with his permanent residence in Tucson, Arizona. Defendant Henderson's official duty location with the Company was in Tucson, Arizona, until on or about August 26, 2009, when his Company changed it to Fairfax, Virginia.

At all times relevant, an individual known to the United States Attorney, but not named herein ("Individual #1"), was a supervisor in the Office of Intelligence at ICE. A second individual

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known to the United States Attorney, but not named herein ("Individual #2"), was employed first as a contractor to ICE and then at ICE as an Assistant to Individual #1. The official duty station at ICE for Individuals #1 and #2 was in Washington, D.C., and Individuals #1 and #2 lived in Virginia. Defendant Henderson's residence in Tucson, Arizona, was a rental house belonging to Individual #1.

At all times relevant, when a United States government employee or contractor was officially on duty in a location other than the employee's permanent duty station, that was referred to as Temporary Duty ("TDY") status. While an employee was on TDY, he or she was entitled to a per diem allowance of funds for lodging, meals and incidental expenses (the latter two categories commonly referred to as "M&IE"). The per diem rates for different locations were set by the U.S. General Services Administration. When the expenses were incurred by a contractor working on a contract with ICE, the contract employee submitted his voucher expenses, including lodging and M&IE, to the contractor which submitted the expenses to ICE under the contract.

From in or about November of 2007 though in or about August of 2009, defendant Henderson was officially TDY in Washington, D.C., at the request of Individual #1, although Individual #1 had defendant Henderson traveling to ICE offices around the United States. While defendant Henderson was on TDY, he lived at an apartment and then a house rented or leased by Individual #1 and others, initially rent free and thereafter defendant Henderson paid $500 a month to either Individual #1 or Individual #2. Defendant Henderson paid this monthly amount even when he was on travel to other ICE offices.

In or about late-May and early-June of 2008, while defendant Henderson was on TDY in Washington, D.C., Individual #1 told him to put in a travel advance and that they could use those

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funds to buy a boat. Defendant Henderson did as he was requested by Individual #1, obtained a travel advance of $6,000, and transferred $5,000 to Individual #1's bank account. Individual #1 used the money to buy a boat. Defendant Henderson went with Individual #2 to purchase the boat. The boat was initially registered in the name of defendant Henderson, at the request of Individual #1, but subsequently Individual #2 sent documents to defendant Henderson which were used to transfer the title of the boat to Individual #1.

After the purchase of the boat, Individual #2, at the direction of Individual #1, told defendant Henderson to file a 30-day travel voucher to fraudulently include lodging expenses so that he could recover the money he used to purchase the boat. Individual #2 created the voucher for defendant Henderson and defendant Henderson signed it. Individual #2 provided defendant Henderson with a fraudulent hotel receipt to submit with the travel voucher which defendant Henderson included with the submitted voucher. Defendant Henderson submitted his vouchers to the Company for which he worked, which expenses were then charged by the company to the government under the contract it had with ICE.

In or about October of 2008, the Company for which defendant Henderson worked changed to a new travel management system which required receipts. Thereafter, Individual #2 provided defendant Henderson with fraudulent hotel receipts to submit with his voucher for travel to Phoenix, Arizona, and Washington, D.C.

Thereafter, Individual #1 sent defendant Henderson on trips to ICE offices around the country, primarily in the southern and southwestern areas of the United States, and defendant Henderson submitted fraudulent vouchers showing lodging expenses he did not incur. The receipts for these expenses were provided to defendant Henderson by Individual #2. A significant amount

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of the money received by defendant Henderson from these fraudulent claims were then kicked back to Individuals #1 and #2 by defendant Henderson.

In or about October of 2009, Individual #2 told defendant Henderson that Individual #1 needed a significant amount of money, and suggested defendant Henderson submit a fraudulent travel advance. Defendant Henderson obtained the travel advance, and gave approximately $4,299 to Individual #2. Defendant Henderson thereafter justified this advance through fraudulent travel vouchers.

In or about August of 2009, because defendant Henderson's Company had transferred his official duty location to Fairfax, Virginia, Individual #1 sent him to Tucson, Arizona, on TDY, so that defendant Henderson, in part, could continue to submit fraudulent claims. Individual #2 told defendant Henderson he should not go into the ICE office when he was in Tucson, but rather to work from home, which he did.

As a result of the submission of the fraudulent advances and vouchers, defendant Henderson, aided and abetted by Individuals #1 and #2, received from ICE approximately $54,387.62 more than that to which he was entitled during the period of in or about July of 2008 and in or about October of 2010. Defendant Henderson contends that he paid to Individuals #1 and #2 a significant amount

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of the money he fraudulently received as part of this scheme to convert government funds through the submission of fraudulent advances and vouchers.

Respectfully submitted,

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DEFENDANT'S ACCEPTANCE

I have read every word of this Statement of Offense. Pursuant to Fed. R. Crim. P. 11, after consulting with my attorney, William J. Garber, I agree and stipulate to this Statement of Offense.

Date: 1/17/2012

Stephen E. Henderson
Defendant

I have discussed this Statement of Offense with my client, Stephen E. Henderson. I concur with his decision to stipulate to this Statement of Offense.

Date: 1/17/2012

William J. Garber, Esquire
Attorney for Defendant Stephen E. Henderson

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