

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term
Grand Jury Sworn in on November 6, 2006

UNITED STATES OF AMERICA)	Criminal No.
)	
)	Count 1: Obstruction
)	18 U.S.C. § 1505
v.)	
)	
)	Counts 2 to 5: False Statements
)	18 U.S.C. § 1001
DAVID HOSSEIN SAFAVIAN)	

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Unless specified otherwise, at all times relevant to this Indictment:

Background

1. On or about May 16, 2002, defendant **DAVID HOSSEIN SAFAVIAN** was named Senior Advisor and Acting Deputy Chief of Staff to the Administrator of the United States General Services Administration (“GSA”). The GSA Administrator was the highest ranking official at GSA. In or about June 2002, defendant **SAFAVIAN** was named Chief of Staff to the Administrator of GSA, a position he held through in or about January 2004. From in or about November 2004 to September 2005, defendant **SAFAVIAN** held the position of Administrator of the Office of Federal Procurement Policy in the Office of Management and Budget, Executive Office of the President. Defendant **SAFAVIAN** was an attorney admitted in Michigan, Missouri, and the District of Columbia.

2. Jack A. Abramoff (“Abramoff”) was a Washington, D.C. lobbyist whose clients

included Native American tribes. Defendant **SAFAVIAN** and Abramoff worked together at a law firm in Washington, D.C. beginning in or about 1995 through in or about 1997.

3. Entity A was a private school established and supported by Abramoff.

The General Services Administration

4. GSA was an agency of the executive branch of the United States Government. Among other things, GSA was responsible for the development and management of property owned or leased by the Government and the disposition of property no longer used by the Government.

5. The Old Post Office (“OPO”) was a building in Washington, D.C. that was managed by GSA. The OPO, built in 1899, once served as the post office for Washington, D.C. During the summer of 2002, GSA was considering ways to develop the OPO.

6. The Naval Surface Warfare Center-White Oak (“White Oak”) was a property consisting of approximately 600 acres in Silver Spring, Maryland that was managed by GSA. During the summer of 2002, GSA was considering ways to develop White Oak.

Abramoff’s Efforts to Acquire and Redevelop GSA-Controlled Property

7. Beginning shortly after defendant **SAFAVIAN** joined GSA in May 2002, Abramoff repeatedly contacted defendant **SAFAVIAN** about the possibility of leasing the OPO for his clients and the possibility of acquiring or leasing a portion of White Oak for Entity A.

8. On or about July 2, 2002, defendant **SAFAVIAN** in an e-mail to Abramoff stated in substance and in part that GSA was still determining how to develop White Oak. In the same e-mail, defendant **SAFAVIAN** also stated in substance and in part that Abramoff “should know” that Native American tribes have “‘hub-zone’ status, which provides for enterprise zone-like status.” Defendant **SAFAVIAN** suggested in the e-mail that he and Abramoff continue discussing these matters.

9. On or about July 22, 2002, Abramoff sent defendant **SAFAVIAN** an e-mail requesting defendant **SAFAVIAN**'s comments on a draft letter, which supposedly would be sent by two Members of the United States House of Representatives urging the GSA Administrator to consider providing certain entities, such as Abramoff's tribal clients, with preferential contracting opportunities in developing the OPO.

10. On or about July 25, 2002, defendant **SAFAVIAN** forwarded by e-mail to Abramoff an internal GSA e-mail entitled "Old Post Office and leases" discussing internal GSA strategy on proposed changes in regulations for leasing the OPO.

11. On or about July 26, 2002, Abramoff sent an e-mail to defendant **SAFAVIAN**'s personal e-mail address seeking defendant **SAFAVIAN**'s advice on a draft letter ostensibly from the Headmaster of Entity A to the GSA Commissioner of Public Buildings requesting a lease of White Oak to Entity A.

12. On or about July 26, 2002, defendant **SAFAVIAN** forwarded to Abramoff internal GSA e-mails discussing problems with disposing of land at White Oak to Entity A.

13. On or about July 28, 2002, defendant **SAFAVIAN** sent an e-mail from his personal e-mail address to Abramoff making suggestions about how to draft the proposed letter ostensibly from Entity A's Headmaster to GSA.

14. On or about July 30, 2002, defendant **SAFAVIAN** forwarded to Abramoff an internal GSA e-mail that outlined GSA land use requirements and indicated that Entity A's lease of any land at White Oak would be problematic.

15. On or about July 30, 2002, defendant **SAFAVIAN** sent to various GSA officials an e-mail with the subject line, "[Entity A] & White Oak" in which he stated in part "Per our

conversation, how do you folks look for a meeting on this issue and possibly a quick trip to White Oak on Friday morning?”

16. On or about August 2, 2002, defendant **SAFAVIAN** attended a meeting he had arranged in the GSA Administrator’s office with other GSA officials, two Entity A representatives, Abramoff’s lobbying colleague and Abramoff’s wife to discuss the possibility of Entity A leasing from GSA portions of White Oak.

The August 3 to August 11, 2002 Trip

17. In or about July 2002, Abramoff invited defendant **SAFAVIAN** on a golf trip to Scotland planned for August 2002, to which Abramoff later added a weekend in London, England (hereinafter “August 2002 Trip”). On July 6, 2002, Abramoff sent an e-mail to defendant **SAFAVIAN** containing a draft itinerary for the August 2002 Trip. On July 17, 2002, Abramoff sent an e-mail to defendant **SAFAVIAN** asking for his golf handicap. On July 23, 2002, Abramoff sent by e-mail to defendant **SAFAVIAN** a revised itinerary for the August 2002 Trip.

18. On or about July 25, 2002, defendant **SAFAVIAN** sought an opinion from a GSA ethics officer about whether he could attend the August 2002 Trip when Abramoff was fully funding the cost of a chartered jet to Scotland. In the e-mail in which he sought this opinion, defendant **SAFAVIAN** stated in part that Abramoff “is a lawyer and lobbyist, but one that has no business before GSA (he does all of his work on Capitol Hill).”

19. A GSA ethics officer responded to defendant **SAFAVIAN** with an ethics opinion on or about July 26, 2002. The ethics opinion noted that the Standards of Ethical Conduct for Employees of the Executive Branch prohibited an employee from accepting a gift from a “prohibited source,” which was defined as one who was seeking official action by the employee’s agency; or

did business, or was seeking to do business, with the employee's agency; or has interests that may be substantially affected by performance or nonperformance of the employee's official duties. The ethics opinion provided: "You stated that neither [Abramoff] nor his firm does business with or is seeking to do business with GSA. Based upon the information you have provided, you may accept the gift of free transportation."

20. On or about July 26, 2002, defendant **SAFAVIAN** forwarded the ethics opinion directly to Abramoff and stated in part "[Abramoff] - fyi. It looks like Scotland is a go."

21. On or about August 3, 2002, defendant **SAFAVIAN**, Abramoff, and seven others, including, a Member of Congress, congressional staff, and other lobbyists who worked with Abramoff, boarded a chartered jet and flew to Scotland where they played golf on multiple well-known and historic golf courses, including the Old Course at St. Andrews. On or about August 8, 2002, defendant **SAFAVIAN**, Abramoff, and others continued on to London, England. On or about August 11, 2002, defendant **SAFAVIAN**, Abramoff, and others returned from London to the United States aboard the chartered jet. The total cost of the August 2002 Trip for nine people exceeded \$150,000.

COUNT ONE
(Obstruction)

22. The Grand Jury realleges paragraphs 1 through 21 as though fully stated herein.

23. The GSA Office of Inspector General ("GSA-OIG") was responsible for the investigation of illegal or improper activities involving GSA programs, operations, and personnel. GSA-OIG had authority to investigate allegations of illegal gratuities and bribes provided to GSA officials by, among others, persons who did business or sought to do business with GSA, persons who sought official action by GSA, and persons who had interests that may be substantially affected

by the performance or non-performance of a GSA employee's official duties. GSA-OIG also had authority to investigate allegations of improper or unethical conduct by GSA employees.

24. On or about March 26, 2003, GSA-OIG opened an administrative investigation pursuant to an anonymous hotline complaint regarding defendant **SAFAVIAN**'s participation in an "international golfing trip provided by lobbyists."

25. In Washington, D.C., on or about March 27, 2003, and again on or about April 25, 2003, the GSA-OIG Regional Inspector General for Investigations interviewed defendant **SAFAVIAN** as part of this GSA-OIG investigation. During these interviews, in discussing the August 2002 Trip, defendant **SAFAVIAN** stated in substance and in part that Abramoff had no business with GSA. Defendant **SAFAVIAN** further stated in substance and in part that he had paid Abramoff for the total cost of his share of the August 2002 Trip, including, airfare, hotels and golf green fees. Defendant **SAFAVIAN** provided to the GSA-OIG Regional Inspector General for Investigations a cancelled check in the amount of \$3,100 payable to Abramoff dated August 3, 2002, which is the date defendant **SAFAVIAN** boarded the private jet to Scotland. The memo line of the check stated: "Scotland Trip." During these interviews, in discussing the August 2002 Trip, Defendant **SAFAVIAN** discussed the time he spent in Scotland but failed to disclose the time he spent in London.

26. Based in part on defendant **SAFAVIAN**'s statements that Abramoff had no business with GSA at the time of the August 2002 Trip and that defendant **SAFAVIAN** had fully paid for his share of the cost of the trip by providing Abramoff with a check for \$3,100, GSA-OIG closed its investigation.

27. From on or about March 27, 2003 to in or about May 2003, in the District of

Columbia and elsewhere, defendant,

DAVID HOSSEIN SAFAVIAN,

did knowingly and corruptly influence, obstruct, impede, and endeavor to influence, obstruct, and impede the due and proper administration of the law in a proceeding that he knew was then pending before a department and agency of the United States, that is, the official investigation being conducted by the GSA-OIG into defendant **SAFAVIAN**'s participation in an "international golfing trip provided by lobbyists."

In violation of Title 18, United States Code, Section 1505.

COUNT TWO
(False Statements to GSA Ethics Officer)

28. The Grand Jury realleges paragraphs 1 through 21 as though fully stated herein.

29. From in or about May 2002 to in or about August 2002, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

DAVID HOSSEIN SAFAVIAN,

did knowingly and willfully falsify by a trick, scheme, and device material facts, and knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, in connection with seeking and obtaining a GSA ethics opinion regarding the August 2002 Trip, defendant **SAFAVIAN** falsely stated in substance and in part to the GSA ethics officer that Abramoff did all of his work on Capitol Hill; when in truth and in fact, as defendant **SAFAVIAN** well knew, at the time he sought and obtained the GSA ethics opinion Abramoff was seeking to lease, purchase, acquire and redevelop GSA-controlled property.

In violation of Title 18, United States Code, Section 1001(a)(1) and Section 1001(a)(2).

COUNT THREE
(False Statements on Financial Disclosure Form)

30. The Grand Jury realleges paragraphs 1 through 21 and 23 through 26 as though fully stated herein.

31. The Ethics in Government Act of 1978 (“EIGA”) requires certain federal government officials to file a form disclosing specified financial transactions that the official engaged in during the prior calendar year (hereinafter a “Financial Disclosure Form”). A primary purpose of the Financial Disclosure Form is to disclose, monitor and deter conflicts of interest, thereby maintaining public confidence in the integrity of the federal government by demonstrating that public officials are able to carry out their duties without compromising the public’s trust.

32. On or about May 12, 2003, defendant **SAFAVIAN** filed and caused to be filed a signed document titled “Executive Branch Personnel Public Financial Disclosure Report” (hereinafter “2002 Financial Disclosure Form”), which required defendant **SAFAVIAN** to identify and report, among other items, gifts received by defendant **SAFAVIAN** at any time during calendar year 2002 from a single source other than the United States Government, if the aggregate value of the items received in that year was greater than \$260.

33. Defendant **SAFAVIAN** completed Schedule B, Part II of his 2002 Financial Disclosure Form titled “Gifts, Reimbursements, and Travel Expenses” in which he reported only one gift, which was from a national political committee. The gift was described as being “airline ticket and meals, plus rental car for personal activities unrelated to duties” and was listed as having a value of \$525. Defendant **SAFAVIAN** did not include any information on his 2002 Financial Disclosure Form regarding the August 2002 Trip.

34. Defendant **SAFAVIAN** certified that the statements he made on his 2002 Financial

Disclosure Form and all attached schedules were true, complete and correct to the best of his knowledge.

35. Defendant **SAFAVIAN** submitted his signed, certified 2002 Financial Disclosure Form to the GSA General Counsel whose responsibility it was to ensure defendant **SAFAVIAN**'s compliance with the applicable laws and regulations. Based on the information defendant **SAFAVIAN** provided on his 2002 Financial Disclosure Form, the GSA General Counsel concluded that the 2002 Financial Disclosure Form did not reveal a conflict of interest or the appearance of a conflict of interest with defendant **SAFAVIAN**'s official duties.

36. The United States Office of Government Ethics ("OGE") was a separate agency within the executive branch of the United States Government and was responsible for policies relating to the prevention of conflicts of interest on the part of officers and employees of the United States Government. Defendant **SAFAVIAN**'s 2002 Financial Disclosure Form was submitted to OGE for review and also was made available to the public.

37. On or about May 12, 2003, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

DAVID HOSSEIN SAFAVIAN,

knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, defendant **SAFAVIAN** falsely reported and caused to be reported on his 2002 Financial Disclosure Form, which he then certified, signed, filed and caused to be filed, that during calendar year 2002 defendant **SAFAVIAN** received only one gift from a single source with an aggregate value of more than \$260 and certified that the statements he had made on the 2002 Financial Disclosure Form and all attached schedules were true, complete and

correct to the best of his knowledge; when in truth and in fact, as defendant **SAFAVIAN** well knew, he was required to report the August 2002 Trip, in full or in part, as a gift on his 2002 Financial Disclosure Form.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FOUR

(False Statements to the Senate)

38. The Grand Jury realleges paragraphs 1 through 21 and 23 through 26 as though fully stated herein.

39. In or about March 2004, the Committee on Indian Affairs of the United States Senate (the “Committee”) began an investigation into allegations of misconduct by Abramoff and others that had been made by several Native American tribes. A Member of the Committee and his staff had the responsibility to gather materials related to those allegations.

40. The Committee held public hearings on this matter on or about September 29, 2004 and November 17, 2004. Testimony and documents revealed that tribal funds were used by Abramoff to pay for a portion of the August 2002 Trip.

41. On or about February 23, 2005, a Member of the Committee caused to be sent to defendant **SAFAVIAN** a letter requesting information about the August 2002 Trip.

42. In or about March 2005, defendant **SAFAVIAN** spoke with an investigator from the Committee and represented in substance and in part that he had received approval for the August 2002 Trip in a GSA ethics opinion and that he had fully disclosed all relevant facts to the GSA ethics officer who prepared the opinion. Defendant **SAFAVIAN** further stated in substance and in part that the \$3,100 check dated August 3, 2002 payable to Abramoff did not include reimbursement for

the cost of defendant **SAFAVIAN**'s airfare for the August 2002 Trip.

43. On or about March 17, 2005, defendant **SAFAVIAN** responded to the Member's request for information with a letter in which he stated in part:

[w]hen the invitation was made, I was the chief of staff to the U.S. General Services Administration ("GSA"). [Abramoff] did not have any business before the agency at that time. Prior to departure, I consulted with the GSA Office of General Counsel to obtain guidance on the propriety of this trip. Counsel determined that I could accept the value of the trip *gratis*; it did not meet the definition of a 'gift from a prohibited source' under the applicable regulations, nor was it considered a gift given because of my official position. Nevertheless, in the exercise of discretion, I gave [Abramoff] a check for the value of the trip prior to departure.

44. Defendant **SAFAVIAN** enclosed with his letter to the Committee his July 25, 2002 e-mail seeking a GSA ethics opinion, the GSA ethics opinion regarding the August 2002 Trip, and a copy of the \$3,100 check payable to Abramoff dated August 3, 2002.

45. From in or about February 2005 to in or about March 2005, in the District of Columbia, in a matter within the jurisdiction of the legislative branch of the Government of the United States, defendant,

DAVID HOSSEIN SAFAVIAN,

did knowingly and willfully falsify by a trick, scheme, and device material facts, and knowingly and willfully made and caused to be made material false, fictitious, and fraudulent statements and representations, that is, during the course of an official investigation and review conducted pursuant to the authority of a Committee of the United States Senate, consistent with applicable rules of the Senate, defendant **SAFAVIAN**:

(A) falsely stated in substance and in part in a letter to the Committee that Abramoff did not have any business before GSA at the time defendant **SAFAVIAN** was invited on the August

2002 Trip; when in truth and in fact, as defendant **SAFAVIAN** well knew, at the time defendant **SAFAVIAN** was invited on the August 2002 Trip Abramoff was seeking to lease, purchase, acquire and redevelop GSA-controlled property;

(B) provided documentation to the Committee in which defendant **SAFAVIAN** falsely stated in substance and in part that, at the time defendant **SAFAVIAN** sought and obtained the GSA ethics opinion, neither Abramoff nor his firm did business with or was seeking to do business with GSA; when in truth and in fact, as defendant **SAFAVIAN** well knew, at the time defendant **SAFAVIAN** sought and obtained the GSA ethics opinion regarding the August 2002 Trip Abramoff was seeking to lease, purchase, acquire and redevelop GSA-controlled property; and

(C) falsely stated in substance and in part that defendant **SAFAVIAN** gave Abramoff a check for the value of the August 2002 Trip prior to departure; when in truth and in fact, as defendant **SAFAVIAN** well knew, the \$3,100 check payable to Abramoff dated August 3, 2002 did not cover the total cost of defendant **SAFAVIAN**'s share of the August 2002 Trip.

All in violation of Title 18, United States Code, Section 1001(a)(1) and Section 1001(a)(2).

COUNT FIVE
(False Statements to FBI)

46. The Grand Jury realleges paragraphs 1 through 21, 23 through 26, and 39 through 44 as though fully stated herein.

47. The Federal Bureau of Investigation ("FBI") was a law enforcement agency within the executive branch of the United States Government. Among other powers, the FBI had authority to investigate allegations of illegal gratuities and bribes provided to public officials.

48. In or about 2004, the FBI opened an official investigation into public corruption allegations associated with Abramoff, including allegations that Abramoff paid for public officials

to attend the August 2002 Trip. In Washington, D.C., on or about May 26, 2005, a Special Agent of the FBI interviewed defendant **SAFAVIAN** as part of this investigation.

49. During this interview, defendant **SAFAVIAN** stated in substance and in part that it was “significantly well after” the August 2002 Trip that Abramoff asked him about obtaining White Oak for Entity A.

50. During this interview, defendant **SAFAVIAN** stated in substance and in part that none of Abramoff’s requests relating to White Oak or the OPO occurred while defendant **SAFAVIAN** was planning on attending the August 2002 Trip.

51. During this interview, defendant **SAFAVIAN** stated in substance and in part that at the time Abramoff invited him on the August 2002 Trip defendant **SAFAVIAN** would not have been able to help Abramoff with GSA-related activities if he wanted to since defendant **SAFAVIAN** was new at GSA.

52. During this interview, defendant **SAFAVIAN** stated in substance and in part that he paid for his share of expenses for the August 2002 Trip and that he did so in advance of the trip. Defendant **SAFAVIAN** further stated in substance and in part that he calculated an approximate cost for his airfare for the August 2002 Trip, and stated that the cost for his airfare was included as part of the \$3,100 check payable to Abramoff dated August 3, 2002.

53. On or about May 26, 2005, in the District of Columbia and elsewhere, in a matter within the jurisdiction of the executive branch of the Government of the United States, the defendant,

DAVID HOSSEIN SAFAVIAN,

knowingly and willfully made and caused to be made material false, fictitious, and fraudulent

statements and representations, that is, during the course of an official investigation being conducted by the FBI defendant **SAFAVIAN** falsely stated in substance and in part that:

(A) Abramoff asked defendant **SAFAVIAN** about acquiring White Oak for Entity A significantly well after the August 2002 Trip; when in truth and in fact, as defendant **SAFAVIAN** well knew, prior to the August 2002 Trip Abramoff sought defendant **SAFAVIAN**'s assistance in his efforts to lease and acquire White Oak;

(B) None of Abramoff's requests relating to White Oak or the OPO occurred while defendant **SAFAVIAN** was planning on attending the August 2002 Trip; when in truth and in fact, as defendant **SAFAVIAN** well knew, prior to and through the August 2002 Trip Abramoff requested defendant **SAFAVIAN**'s assistance in his efforts to lease, purchase, acquire and redevelop GSA-controlled property, to wit: White Oak and the OPO;

(C) at the time Abramoff invited him on the August 2002 Trip, defendant **SAFAVIAN** would not have been able to help Abramoff with GSA-related activities if he wanted to since defendant **SAFAVIAN** was new at GSA; when in truth and fact, as defendant **SAFAVIAN** well knew, at the time Abramoff invited him on the August 2002 Trip defendant **SAFAVIAN** assisted Abramoff with his efforts to lease, purchase, acquire and redevelop GSA-controlled property; and

(D) defendant **SAFAVIAN** paid for his share of expenses for the August 2002 Trip and that he did so in advance of the trip with the \$3,100 check payable to Abramoff dated August 3, 2002; when in truth and in fact, as defendant **SAFAVIAN** well knew, the \$3,100 check payable to Abramoff dated August 3, 2002 did not cover the total cost of defendant **SAFAVIAN**'s share of the August 2002 Trip.

All in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON

STEVEN A. TYRRELL
Chief, Fraud Section

WILLIAM M. WELCH II
Chief, Public Integrity Section

Criminal Division
United States Department of Justice

By:

NATHANIEL B. EDMONDS
Senior Trial Attorney, Fraud Section

JUSTIN V. SHUR
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