

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES F. HIRNI,

Defendant.

Criminal Number:

CR-08-348

VIOLATION:
18 U.S.C. § 371
(Conspiracy)

FILED

NOV 21 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ROBERTS, J. RWR

INFORMATION

The United States charges that:

COUNT ONE

18 U.S.C. § 371 - Conspiracy to Commit Honest Services Wire Fraud

All dates in this Information are "on or about" the specific date stated.

Introduction

1. In February 2003, defendant JAMES F. HIRNI began working as a lobbyist at a law and lobbying firm in Washington, D.C. In December 2003, defendant HIRNI left the law and lobbying firm to take a lobbying job at Firm B, another law and lobbying firm in Washington, D.C.
2. During 2003 and 2004, Staffer D worked for the House of Representatives Committee on Transportation and Infrastructure (the "Transportation Committee").
3. During 2003 and 2004, Trevor Blackann worked as a legislative assistant to a United States Senator who served on the Senate Committee on the Environment and Public Works (the "EPW Committee").

4. In August 2003, defendant HIRNI and his law and lobbying firm employer acquired as a lobbying client a construction equipment rental company ("Equipment Rental Company").
5. In 2003, Person #1 worked at Equipment Rental Company, and Person #1 was defendant HIRNI's main point of contact at Equipment Rental Company.
6. At about the same time that Equipment Rental Company hired defendant HIRNI, it also hired Lobbyist D and his employer, Firm B, to work with defendant HIRNI and defendant HIRNI's lobbying firm.
7. Among other things, defendant HIRNI, Lobbyist D, and Person #1 sought a legislative amendment that would encourage state public works agencies to rent rather than purchase construction equipment ("Equipment Rental Amendment"). Defendant HIRNI, Lobbyist D, and Person #1 also sought a legislative amendment that would encourage state public works agencies to contract only with those companies -- such as Equipment Rental Company -- which had large dollar amounts of liability insurance coverage ("Liability Insurance Amendment"). Defendant HIRNI, Lobbyist D, and Person #1 sought to have these amendments inserted into legislation re-authorizing a federal highway funding bill which was pending before both chambers of Congress (hereafter "Federal Highway Bill"). In the House of Representatives, the Transportation Committee, where Staffer D worked, had responsibility for the Federal Highway Bill. In the Senate, the EPW Committee had responsibility for the Federal Highway Bill.

Rules of the House of Representatives and the Senate

8. During 2003 and 2004, the U.S. Senate and the House of Representatives had in effect rules and codes of conduct that governed their Members and employees, including Staffer D and Blackann. Those rules included but were not limited to rules governing the solicitation and receipt of gifts; the solicitation, receipt, and public reporting of travel paid for by third parties; and the public reporting and filing of financial information. As a former Congressional staffer, defendant HIRNI was generally familiar with and aware of these rules.

Conspiracy to Defraud the House of Representatives and the Senate of the Honest Services of Staffer D and Blackann

9. During 2003 and 2004, in the District of Columbia, and elsewhere, the defendant,
- JAMES F. HIRNI,**
- did knowingly conspire, confederate and agree with Lobbyist D, Person #1, Staffer D, Blackann, and other persons known and unknown to the United States to commit offenses against the United States, that is, to devise a scheme and artifice to defraud and deprive the House of Representatives, the United States Senate, and the people of the United States of their right to the honest services of Staffer D and Blackann performed free from deceit, fraud, concealment, bias, conflict of interest, self enrichment and self dealing, and to use the interstate wires in furtherance of the conspiracy, in that defendant HIRNI, Lobbyist D, and Person #1 corruptly provided things of value to Staffer D and Blackann, which things of value were concealed from the U.S. House of Representatives and the U.S. Senate, and which things of value were given to influence, induce, and reward official action favorable to Equipment Rental Company.

PURPOSES OF THE CONSPIRACY

10. It was a purpose of the conspiracy for defendant HIRNI, Lobbyist D, and Person #1 to use corrupt means to solicit and receive favorable official action from Staffer D and Blackann.
 11. It was a further purpose of the conspiracy for Staffer D and Blackann to unjustly enrich themselves by receiving things of value provided by defendant HIRNI, Lobbyist D, and Person #1, and to conceal this receipt from the House of Representatives, the Senate, and the people of the United States.
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MANNER AND MEANS

12. The conspiracy was carried out through the following manner and means:
 - a. Defendant HIRNI, Lobbyist D, and Person #1 provided things of value to Staffer D and Blackann, including an all-expenses-paid trip to Game One of the 2003 Baseball World Series in New York City ("World Series Trip"), meals and drinks, and tickets to professional sporting events.
 - b. Being influenced, induced, and rewarded by these things of value, Staffer D and Blackann agreed to provide favorable official action to, and to use their influence on behalf of, defendant HIRNI, Lobbyist D, Person #1, and Equipment Rental Company.
 - c. Staffer D and Blackann concealed the things of value they received from defendant HIRNI, Lobbyist D, and Person #1, including by Staffer D failing to report his receipt of things of value on his annual financial disclosure form.

OVERT ACTS

Acts to Further the Scheme to Defraud the House of Representatives and the Senate of the Honest Services of Staffer D and Blackann

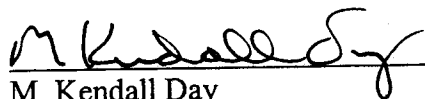
13. From October 18 through October 19, 2003, defendant HIRNI and Person #1 provided Staffer D and Blackann with the World Series Trip, a trip which included round-trip airfare, souvenir baseball jerseys, a hotel stay, chauffeured transportation, entertainment, meals, drinks, and other incidental expenses, with total costs for the group well exceeding \$4,000, and during which defendant HIRNI and Person #1 discussed with Staffer D and Blackann the Federal Highway Bill and Equipment Rental Company.
14. On October 22, 2003, Lobbyist D emailed a draft of the two amendments sought by Equipment Rental Company to Blackann.
15. On October 22, 2003, defendant HIRNI emailed a draft of the two amendments sought by Equipment Rental Company to Staffer D.
16. On November 10 and 11, 2003, defendant HIRNI and Blackann convinced a Senate staff member to offer Equipment Rental Amendment and Liability Insurance Amendment.
17. In January 2004, defendant HIRNI, Lobbyist D, and Person #1 supported efforts by Blackann to protect the Equipment Rental Amendment, which was being challenged by small business owners and companies which sold and distributed - rather than rented - construction equipment.
18. On June 15, 2004, in filing his annual financial disclosure form for the 2003 calendar year, Staffer D did not report as gifts the round-trip airfare, souvenir baseball jersey, hotel stay, chauffeured transportation, entertainment at the strip club, meals, drinks, and other

incidental expenses paid for by Equipment Rental Company and its representatives during the World Series Trip, even though federal law required him to do so.

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

Dated: 11/21/08

WILLIAM M. WELCH II
Chief, Public Integrity Section



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U.S. Department of Justice