

JUDGE PHILIP MARTINEZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED
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WESTERN DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

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INFORMATION

**ROBERT EDWARD JONES, a.k.a., Bob
Jones,**

Defendant.

Cause No. EP-09-CR- 1871

EP09CR1871

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

1. The Texas Constitution, Article 16, Section 1, provides that elected officials must support the Constitution of the United States and the Constitution and laws of the State of Texas and must faithfully discharge the duties of their office.
2. Vernon's Texas Statutes and Codes Annotated, Penal Code, Section 36.02 (a)(1), provides that a person commits the offense of bribery if he intentionally and knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another (1) any benefit as consideration for the recipient's decision, recommendation, or other exercise of official discretion in a judicial proceeding.
3. Vernon's Texas Statutes and Codes Annotated, Penal Code, Section 36.02(b) provides that it is no defense to a bribery prosecution that the person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or he lacked jurisdiction, or for any other reason.
4. A Request for Proposal (RFP), as it relates to this Indictment, is an announcement by a government entity of a willingness to consider proposals for the performance of a specified project or program component.
5. Texas Education Code, Section 44.031 provides that all school districts in the state of Texas which enter into contracts valued at more than \$25,000 in the aggregate for each 12-month period shall follow one of the methods prescribed in the statute which also provides the best value for the district. An RFP is one of the methods by which a school district may enter into a contract.

6. Texas Education Code, Section 44.031 lists the following factors which may be considered when a school district, acting through a Board of Trustees, determines to whom to award a contract, among others: the purchase price, the reputation of the vendor and of the vendor's goods and services, the quality of the vendor's goods and services, the extent to which the goods and services meet the district's needs, the vendor's past relationship with the district, the total long term cost to the district to acquire the vendor's goods and services, and any other relevant factors specifically listed in the request for bids or proposals.

7. Texas Education Code, Section 44.032, Enforcement of Purchase Procedures: Criminal Penalties; Removal; Ineligibility, makes it a crime (misdemeanor) for an officer or employee of a school district to, with criminal negligence, violate Section 44.031(a) or (b) or to knowingly violate Section 44.031 in a manner other than that prescribed in the section requiring criminal negligence.

8. The Texas Local Government Code, Chapter 271, Purchasing and Contracting Authority of Municipalities, Counties, and Certain other Local Governments, which includes school districts under section 271.003(4), in Sections 271.0065 and 271.0245, Additional Competitive Procedures, require the following:

(a) In any procedure for competitive bidding under this subchapter, the governing body shall provide all bidders with the opportunity to bid on the same items on equal terms and have bids judged according to the same standard as set forth in the specifications.

(b) A governmental agency shall receive bids or proposals under this subchapter in a fair and confidential manner.

COUNT ONE

(18 U.S.C. §§ 1341,1343, 1346 AND 1349)

**CONSPIRACY TO COMMIT MAIL FRAUD, WIRE FRAUD
AND THE DEPRIVATION OF HONEST SERVICES**

The Introduction to this Information is incorporated by reference as if fully recited herein.

Beginning on or about late 1998, and continuing through and including March 6, 2006, in the Western District of Texas and elsewhere, defendant,

ROBERT EDWARD JONES, a.k.a., Bob Jones,

conspired and agreed together with at least twenty-four known conspirators, not charged herein, and others known and unknown, to commit offenses against the United States, that is to knowingly

devise a scheme and artifice to defraud the County of El Paso, the El Paso Independent School District (EPISD), the Ysleta Independent School District (YISD), and the Socorro Independent School District (SISD), and the citizens of Texas living and voting in the County of El Paso, the EPISD, the YISD, and the SISD of the right to the honest services of elected members of the El Paso County Commissioner's Court, the Board of Trustees of the EPISD and an administrator of EPISD, the Board of Trustees of the YISD, and the Board of Trustees of the SISD in the affairs of each of the aforementioned government subdivisions located in El Paso County, Texas; and conspired to knowingly devise a scheme to obtain money and property by means of material false and fraudulent pretenses, representations and promises; that is:

(I.) the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, Co-conspirator-One (CC-1) and CC-2 agreed to pay cash money and other bribes in the form of campaign contributions and gratuities to EF, CC-4, CC-5, and CC-6, elected members of the El Paso County Commissioner's Court, and said members of the El Paso County Commissioner's Court agreed to receive cash money, campaign contributions and other gratuities in exchange for their support, influence and vote in their official capacity as elected members of the El Paso County Commissioner's Court, in violation of their fiduciary duty as elected members of the El Paso County Commissioner's Court, in exchange for agreements between El Paso County and Access Healthsource (Access), a third party administrator of health care services for self-employed government subdivisions, and Access' related business entities, seeking business as a vendor with El Paso County ; and in furtherance of the scheme to deprive the County of El Paso and its citizens of the honest services of the elected members of the El Paso County Commissioner's Court, and to

obtain money and property by material false and fraudulent pretenses, representations and promises the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, and his uncharged co-defendants sent and caused to be sent and delivered, by the United States Postal Service, invoices, bills, reimbursement payments, and other correspondence required as a result of the contracts entered into between El Paso County and Access;

(II.) the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, CC-1, CC-2, and CC-3 agreed to pay cash money and other bribes in the form of campaign contributions and gratuities to CC-7, an EPISD vendor; SM; CC and CC-8, elected members of the EPISD Board of Trustees; and CC-9, an EPISD administrator, and said vendor, elected members of the EPISD Board of Trustees and the administrator agreed to receive cash money, campaign contributions and other gratuities in exchange for their support, influence and vote in their official capacity as elected members of the EPISD Board of Trustees and of the EPISD administration, in violation of their fiduciary duty as elected members of the EPISD Board of Trustees and as an EPISD administrator, in exchange for agreements between EPISD and Access Healthsource (Access), a third party administrator of health care services for self-employed government subdivisions, and Access' related business entities, seeking business as a vendor with the EPISD ; and in furtherance of the scheme to deprive the EPISD and its citizens of the honest services of the elected members of the EPISD Board of Trustees and of an EPISD administrator, and to obtain money and property by material false and fraudulent pretenses, representations and promises the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, and his uncharged co-defendants sent and caused to be sent and delivered, by the United States Postal Service, invoices, bills, reimbursement payments, and other correspondence required as a result of the contracts entered into between Access and the EPISD;

(III.) the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, CC-1, CC-2, CC-3, and CC-10, agreed to pay cash money and other bribes in the form of campaign contributions, gifts, loans and gratuities to CC-17, CC-18, and CC-19, elected members of the YISD Board of Trustees, and said members of the YISD Board of Trustees agreed to receive cash money, campaign contribution and other gratuities in exchange for their support, influence and vote in their official capacity as elected members of the YISD Board of Trustees, in violation of their fiduciary duty as elected members of the YISD Board of Trustees, in exchange for agreements between YISD and Access Healthsource (Access), a third party administrator of health care services for self-employed government subdivisions, and Access' related business entities, seeking business as a vendor with YISD; and in furtherance of the scheme to deprive the YISD and its citizens of the honest services of the elected members of the YISD Board of Trustees, and to obtain money and property by material false and fraudulent pretenses, representations and promises the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, and his uncharged co-defendants sent and caused to be sent and delivered, by the United States Postal Service, invoices, bills, reimbursement payments, and other correspondence required as a result of the contracts entered into between YISD and Access;

(IV.) the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, CC-1, CC-2, CC-3, CC-10, and others not identified herein, agreed to pay cash money and other bribes in the form of campaign contributions and gratuities to CC-17, CC-18, and CC-19, elected members of the YISD Board of Trustees, and said members of the YISD Board of Trustees agreed to receive cash money, campaign contribution and other gratuities in exchange for their support, influence and vote in their official capacity as elected members of the YISD Board of Trustees, in violation of their fiduciary duty as elected members of the YISD Board of Trustees, in exchange for agreements between YISD and Vendor-B, a vendor of services seeking business as a vendor with YISD ; and in furtherance

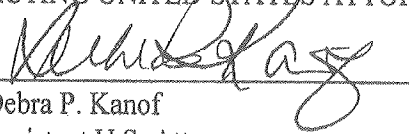
of the scheme to deprive the YISD and its citizens of the honest services of the elected members of the YISD Board of Trustees, and to obtain money and property by material false and fraudulent pretenses, representations and promises the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, and his uncharged co-defendants sent and caused to be sent and delivered, by the United States Postal Service, invoices, bills, reimbursement payments, and other correspondence required as a result of the contracts entered into between YISD and Access, and in furtherance of the schemes to defraud, the defendant and his uncharged co-conspirators transmitted and caused the transmission by wire, in interstate and foreign commerce, of writings, signs, signals, pictures and sounds including electronic mailing mail (e-mail) to and from CC-10 and CC-18, which included Vendor-B's invoices to YISD and communications facilitating the scheme and artifice; cellular telephone text messages; and facsimile transmissions; and

(V.) the defendant, **ROBERT EDWARD JONES, a.k.a., Bob Jones**, CC-1 and CC-2 agreed to pay cash money and other bribes in the form of campaign contributions and gratuities to CC-21 and CC-22, elected members of the SISD Board of Trustees, and said members of the SISD Board of Trustees agreed to receive cash money, campaign contributions and other gratuities in exchange for their support, influence and vote in their official capacity as elected members of the SISD Board of Trustees, in violation of their fiduciary duty as elected members of the SISD Board of Trustees, in exchange for agreements between SISD and Access Health Source (Access), a third party administrator of health care services for self-employed government subdivisions, and Access' related business entities, seeking business as a vendor with the SISD; and in furtherance of the scheme to deprive the SISD and its citizens of the honest services of the elected members of the SISD Board of Trustees, and to obtain money and property by material false and fraudulent pretenses, representations and promises the defendant, **ROBERT EDWARD JONES, a.k.a., Bob**

Jones, and his uncharged co-defendants sent and caused to be sent and delivered, by the United States Postal Service, invoices, bills, reimbursement payments, and other correspondence required as a result of the contracts entered into between Access and SISD, all in violation of Title 18, United States Code, Sections 1349, 1341, 1343 and 1346.

JOHN E. MURPHY
ACTING UNITED STATES ATTORNEY

By:


Debra P. Kanof
Assistant U.S. Attorney