

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Amended
10/24/2016
filed in open court

UNITED STATES OF AMERICA)

Case No.:

CR 16-286-S-BLW

v.)

STEPHEN M. BARTON,)

Count One: 18 U.S.C. § 1001(a)(1)
(False Statements)

Defendant.)

FACTUAL BASIS FOR PLEA

The United States of America, by and through its undersigned attorneys within the United States Department of Justice, Criminal Division, Public Integrity Section, and the defendant, STEPHEN M. BARTON, personally and through his undersigned counsel, hereby stipulate to the following facts pursuant to U.S. Sentencing Guideline § 6A1.1 and Rule 32(c)(1) of the Federal Rules of Criminal Procedure:

1. Beginning in or about September 2007, defendant BARTON worked for the Fish and Wildlife Service, U.S. Department of the Interior, as Chief of Administration and Information Management. The Fish and Wildlife Service of the U.S. Department of the Interior is a department or agency within the executive branch of the United States. Beginning in or about September 2007, defendant BARTON performed and fulfilled part of his duties and responsibilities as Chief of Administration and Information Management for the Fish and Wildlife Service while physically located in the District of Idaho.

2. Beginning in or about 2004 through early 2014, defendant BARTON also worked as Treasurer for ENTITY A, a non-profit association incorporated in the United States that received several grants and cooperative agreements from the Fish and Wildlife Service during defendant BARTON's tenure as Treasurer of ENTITY A. Beginning in or about 2004 through

early 2014, defendant BARTON performed and fulfilled part of his duties as Treasurer of ENTITY A while physically located in the District of Idaho.

3. As a senior employee of the Fish and Wildlife Service of the U.S. Department of the Interior and at all times relevant to this Factual Basis, defendant BARTON was required to complete, execute, certify, and submit annual Executive Branch Confidential Financial Disclosure Reports (*i.e.*, OGE Form 450 or OGE Optional Form 450-A) documenting, among other things, all sources of income in excess of \$200 during the preceding calendar year.

4. Confidential Financial Disclosure Reports provide the Government with a mechanism for determining actual or potential conflicts of interest between an employee's public responsibilities and his or her private interests and activities. It was material to defendant BARTON's supervisors and relevant ethics personnel that defendant BARTON respond accurately and truthfully about whether he received income in excess of \$200 from outside sources with business before the U.S. Department of the Interior, or whose business was affected by the U.S. Department of the Interior, because this information was used to determine whether defendant BARTON had actual or potential conflicts of interest.

5. Defendant BARTON received the following annual compensation from ENTITY A during the period 2008 to 2014:

Year	Income
2008	\$34,998.47
2009	\$41,966.74
2010	\$51,602.83
2011	\$56,361.48
2012	\$70,458.44
2013	\$109,242.74
2014	\$12,732.48

6. From in or about December 2010 through in or about January 2015, defendant BARTON knowingly and willfully falsified, concealed, and covered up by trick, scheme, and

device, material facts in a matter within the jurisdiction of the Executive Branch. Specifically, in government forms and reports that he filed from 2010 to 2015, defendant BARTON concealed income that he received from ENTITY A.

7. On or about December 13, 2010, defendant BARTON prepared, executed, and submitted for supervisory approval an official form entitled: "Request for Ethics Approval to Engage in Outside Work or Activity" (hereinafter, "Request for Ethics Approval Form"). Defendant BARTON indicated in this Request for Ethics Approval Form (1) that he intended to work for ENTITY A, (2) that he would not receive any salary or compensation for this work, (3) that he intended to work approximately 10 hours per week for ENTITY A, and (4) that he started to work for ENTITY A on August 1, 2004 and expected to continue this work through July 31, 2016. Defendant BARTON's Request for Ethics Approval Form was recommended for approval by his supervisor on December 13, 2010.

8. On or about February 2, 2011, defendant BARTON prepared, executed, and certified as "true, complete, and correct, to the best of [his] knowledge" a "Confidential Certificate of No New Interests (Executive Branch)" (a.k.a. OGE Optional Form 450-A) in which he concealed \$51,602.83 of income that he received from ENTITY A during the previous calendar year.

9. On or about February 9, 2012, while physically located in the District of Idaho, defendant BARTON prepared, executed, and certified as "true, complete, and correct, to the best of [his] knowledge" a "Confidential Financial Disclosure Report (Executive Branch)" (a.k.a. OGE Form 450) in which he concealed \$56,361.48 of income that he received from ENTITY A during the previous calendar year.

10. On or about February 14, 2013, defendant BARTON prepared, executed, and certified as “true, complete, and correct, to the best of [his] knowledge” a “Confidential Certificate of No New Interests (Executive Branch)” (a.k.a. OGE Optional Form 450-A) in which he concealed \$70,458.44 of income that he received from ENTITY A during the previous calendar year.

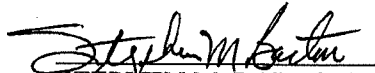
11. On or about February 20, 2014, defendant BARTON prepared, executed, and certified as “true, complete, and correct, to the best of [his] knowledge” a “Confidential Certificate of No New Interests (Executive Branch)” (a.k.a. OGE Optional Form 450-A) in which he concealed \$109,242.74 of income that he received from ENTITY A during the previous calendar year.

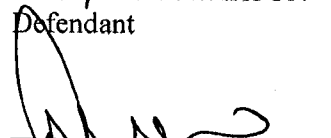
12. On or about January 15, 2015, defendant BARTON prepared, executed, and certified as “true, complete, and correct, to the best of [his] knowledge” a “Confidential Certificate of No New Interests (Executive Branch)” (a.k.a. OGE Optional Form 450-A) in which he concealed \$12,732.48 of income that he received from ENTITY A during the previous calendar year.

13. Defendant BARTON acted knowingly and willfully.

DATED: October 24th, 2016

FOR THE DEFENDANT:



STEPHEN M. BARTON
Defendant


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