



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:15-CR-214
)	
BRIAN P. HEARING,)	
)	
Defendant.)	

STATEMENT OF FACTS

The United States and Defendant, BRIAN P. HEARING, stipulate that the allegations in the Information and the following facts are true and correct, and that had the matter gone to trial, the United States would have proven beyond a reasonable doubt with admissible and credible evidence that:

1. Defendant was employed by the National Geospatial-Intelligence Agency (“NGA”) as a civilian from July 2011 to January 2015. During that time, he served as a Research and Development Technologist, a Scientific and Technical Program Manager, and a Supervisory Scientific and Technical Program Manager within the Innovision Directorate, an applied science and technology research group within NGA.

2. While employed at NGA, Defendant co-founded a company (“Company A”) for the purpose of developing and commercializing a type of automated detection system.

3. Defendant inappropriately used his position with NGA to promote Company A. For instance, between in or about April 2014 and in or about July 2014, Defendant falsely represented that NGA was sponsoring Company A’s detection system to participate in a Department of Defense event; sponsorship by a government agency was a prerequisite for

participation in that event. Defendant also misused his position at NGA to introduce Company A to the Department of Homeland Security and to attend an Army workshop relevant to Company A's detection technology.

4. On or about September 19, 2014, at NGA Headquarters in Springfield, Virginia, a special agent with the Defense Criminal Investigative Service and an investigator with NGA's Office of Inspector General interviewed Defendant concerning NGA's involvement with Company A and Defendant's personal involvement with Company A. During the interview, Defendant made several materially false statements to conceal his conflict of interest, including the following:

a. Defendant falsely claimed that another individual was the only founder of Company A, when in fact, Defendant co-founded the company together with that individual.

b. Defendant falsely claimed that he did not have any financial or legal connections to Company A, when in fact, Defendant and the co-founder of Company A had a written agreement that they shared equal ownership of the company.

c. Defendant falsely claimed that he had not invested any money in Company A (other than a negligible amount to help the company establish a web presence); in fact, Defendant spent a considerable amount of his own money on equipment and travel for Company A.

d. Defendant falsely claimed that he played only a mentorship role in the development of Company A and had no affiliation with the company, when in fact, he played a direct role in the development of Company A and has acted on Company A's behalf since its inception.

5. The false statements Defendant made during his interview, including the statements described above, were made knowingly and deliberately, not by mistake, accident, or for any other innocent reason.

6. This Statement of Facts includes those facts necessary to support the Plea Agreement between Defendant and the Government. It does not include each and every fact known to Defendant or to the Government, and it is not intended to be a full enumeration of all of the facts surrounding Defendant's case.

Respectfully submitted,

RAYMOND N. HULSER
CHIEF, PUBLIC INTEGRITY SECTION
Criminal Division
United States Department of Justice

DANA J. BOENTE
UNITED STATES ATTORNEY


Heidi Boutros Gesch
Trial Attorney
Public Integrity Section, Criminal Division
1400 New York Avenue, N.W.
Washington, DC 20005
Phone: (202) 514-1412
Fax: (202) 514-3003
Heidi.Gesch@usdoj.gov


Paul J. Nathanson
Assistant U.S. Attorney
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
Phone: (703) 299-3700
Fax: (703) 299-3981
Paul.Nathanson@usdoj.gov

Defendant's Signature: After consulting with my attorney, and pursuant to the Plea Agreement entered into this day between myself and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 7/24/15 By: B. P. Hearing
Brian P. Hearing
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 7/27/15 By: Leslie McAdoo Gordon
Leslie McAdoo Gordon
Counsel for Defendant