

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 18-CR-00429-WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MYKHAEL KUCIAPINSKI,
2. KEVIN KUCIAPINSKI,
3. RANDOLPH STIMAC,

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count One
18 U.S.C. § 371

(Conspiracy to Commit Procurement Fraud and Defraud the United States)

1. Beginning on or about August 1, 2013 and continuing to on or about November 24, 2015, in the District and State of Colorado, defendants Mykhael Kuciapinski, Kevin Kuciapinski, and Randolph Stimac and others known and unknown to the grand jury did knowingly and voluntarily conspired and agree to (1) commit an offense against the United States, namely, to disclose and obtain source selection information prior to the award of the Signal Emitter Identification (SEI) contract, in violation of Title 41, United States Code, Section 2102; and (2) defraud the United States with respect to the contract, in violation of

Title 18, United States Code, Section 1031.

2. The plan and purpose of the conspiracy and scheme to defraud the United States was for defendants Kevin Kuciapinski and Randolph Stimac to provide a competitive advantage to defendant Mykhael Kuciapinski and her company by disclosing to defendant Mykhael Kuciapinski bid or proposal information and source selection information for the Signal Emitter Identification (SEI) contract. The Health and Human Services (HHS) SEI contract is numbered HHSN316201200115W-HHSP233201400203W, and is also titled as VESPERLILLET, hereinafter SEI contract. As to conduct that occurred prior to the award of the SEI contract, that conduct is referred to as being related to the SEI project.¹ It was also a plan and purpose of the scheme to defraud the United States by orchestrating the creation of the contract contrary to the applicable rules.

Background

3. The National Security Agency (NSA) is a United States Government (USG) intelligence agency with various offices and facilities. NSA's primary facility in this case was at Buckley Air Force Base in the District of Colorado at the Aerospace Data Facility - Colorado. The NSA is responsible for, among other things, providing Signals Intelligence (SIGINT) to the United States' policy-makers and military forces.

4. The National Reconnaissance Office (NRO) is the United States Government agency in charge of designing, building, launching, and maintaining America's intelligence satellites. Its mission is to provide innovative overhead intelligence systems for national

¹ The SEI contract is also called SIENE-X by the parties, including the defendants and Army TENCAP.

security. NRO systems play a crucial role in providing global communications, precision navigations, early warning of missile launches and potential military aggression, signals intelligence, and near real-time imagery to United States forces.

5. Signals Intelligence (SIGINT) is a category of intelligence that involves the collection, processing and dissemination of foreign communications in order to obtain foreign intelligence necessary to the national defense, national security or the conduct of the foreign affairs of the United States. (Many, if not all, of NSA's SIGINT programs, in place or being developed, are classified.) SIGINT is one of NSA's primary missions. Signal Emitter Identification (SEI) is a small part of SIGINT.

6. On or about September 8, 2014, the United States Department of Health and Human Services (HHS) issued the Request for Proposal (hereinafter RFP) for the SEI contract that included the Statement of Objectives (SOO), contract terms and conditions, and the evaluation factors. One of the main requirements contained in the RFP was that all key personnel needed to have a security clearance.

7. An official HHS Memorandum for the file, dated September 26, 2014, listed defendant Randolph Stimac as the Project Officer.

8. On or about September 18, 2014, a company that describes itself as the leading Enterprise Content Management (ECM) provider to Federal, Civilian Defense, and Intelligence agencies, referred to herein as "Parent Company," submitted a proposal, on behalf of a company. The second company referred to hereinafter as "Sister Company," was made up of nine mid-tier and small companies with health industry qualifications fused into one functional entity to conduct business with the National Institutes of Health

(NIH) and the National Institutes of Health Information Technology Acquisition and Assessment Center (NITAAC). The proposal was in response to the HHS RFP on a contract involving SEI technology, listing Mykhael Kuciapinski as a key person for the effort, along with her company, "Company G," as a key subcontractor.

9. The United States government estimated the initial value of the SEI contract as approximately \$1,450,191.89.

10. Defendant Randolph Stimac acted as the Technical Evaluation Team Leader for the SEI contract. After HHS reviewed the recommendation of the Technical Evaluation Team Leader, defendant Randolph Stimac, HHS awarded the SEI contract to Sister Company, with the understanding that Parent Company would be performing the work. Conduct that occurred prior to the award of the SEI contract, including negotiations, representations, presentations, and solicitation of funding is related to the SEI project.

Key Individuals and Parties

11. At all times relevant to this indictment, Kevin Kuciapinski was an active duty United States Air Force Major. Kevin Kuciapinski was assigned to the Aerospace Data Facility-Colorado on Buckley Air Force Base. Kevin Kuciapinski was the Technical Director of Experiment and Initiatives Division for the NRO. Kevin Kuciapinski completed NRO ethical training for years 2012, 2013, 2014, and 2015.

12. At all times relevant to this indictment, Randolph Stimac was an NSA employee at the Aerospace Data Facility- Colorado located on Buckley Air Force Base. Randolph Stimac was a technical expert for the NSA dealing with SIGINT.

13. At all times relevant to the indictment, C.W. served as the Director of the Office of

Congressional and Public Affairs for the NRO in Chantilly, VA.

14. At all times relevant to the indictment, S.K. was a senior staff member who worked under C.W. at the Office of Congressional and Public Affairs for the NRO in Chantilly, VA.

15. At all times relevant to this indictment, M.K. was the contracting officer for HHS.

16. At all times relevant to this indictment, S.C. was an employee for HHS.

17. At all times relevant to this indictment, Mykhael Kuciapinski was the owner and Chief Executive Officer (CEO) of Company G, a company that attempted to do business with the United States Government and is registered in Ohio and Colorado. Defendant Mykhael Kuciapinski, listed as key personnel on the SEI contract, was required to hold an active security clearance at the time the contract was awarded to Sister Company and subcontracted to her company. In order to do work on the SEI contract, key personnel needed to have access to classified data requiring a security clearance. Mykhael Kuciapinski was the wife of Kevin Kuciapinski through July 2015. Kevin Kuciapinski was an officer for Company G.

18. At all times relevant to this indictment, J.Y. was the president and CEO of Parent Company. J.Y. started Parent Company in 1995 to serve federal government clients and has ties to Mykhael Kuciapinski and her company, Company G. Parent Company is a member of the joint venture known as Sister Company.

Manners and Means By Which the Objects of the Conspiracy to Commit Procurement Fraud and to Defraud the United States Was To Be Accomplished

19. The objects of the conspiracy were to be accomplished in substance as follows:

- A. Defendant Kevin Kuciapinski used his position as the Technical Director of Experiment and Initiatives Division for the NRO to become assigned as the technical expert on the SEI project and travel to Washington, D.C. to solicit and obtain federal funding for the SEI project.
- B. Defendant Randolph Stimac, a technical expert for NSA on SIGINT, disclosed source selection information to defendant Mykhael Kuciapinski before the source selection information was authorized to be released to the public.
- C. S.K. introduced defendant Randolph Stimac and Kevin Kuciapinski to key employees of United States Federal Governmental Agencies that had the resources to fund the SEI project.
- D. Defendants Randolph Stimac, Kevin Kuciapinski, and Mykhael Kuciapinski exchanged correspondences, to include draft versions of initial portions of the SEI contract, in order to ensure that Sister Company was awarded the SEI contract.
- E. Defendant Mykhael Kuciapinski disclosed source selection information regarding the SEI contract to J.Y., president and CEO of Parent Company.

Overt Acts

20. In furtherance of the conspiracy and to affect the objects thereof, the following overt acts were carried out in the District and State of Colorado and elsewhere:

- A. On or about September 11, 2013, defendant Randolph Stimac sent an email message to co-defendant Mykhael Kuciapinski with the subject line, “SETA Support to MERIT and NSAC Technical SIGINT Marketing” that stated “make the marriage of [Company G] and the job to be done damned near inseparable.”

- B. On or about October 14, 2013 defendants Randolph Stimac and Mykhael Kuciapinski established Rene.Mathiss@gmail.com and Vessper.Lynd@gmail.com email accounts, for the purpose of communicating privately about the SEI contract.
- C. On or about October 14, 2013, through an email with the subject line “Handshake,” defendant Randolph Stimac sent a non-public draft Statement of Objectives (SOO) and an attached power point presentation that supported defendant Mykhael Kuciapinski’s position in receiving United States federal government work.
- D. On or about January 22, 2014, defendants Randolph Stimac and Kevin Kuciapinski traveled to Washington, D.C. in order to seek federal funding for the SEI project.
- E. On or about January 27, 2014, defendant Mykhael Kuciapinski sent an email to defendants Randolph Stimac and Kevin Kuciapinski with the subject line, “31JAN2014 Meetings and offices” that included a schedule and strategy for the meetings involving the United States Federal agencies that could fund the SEI project.
- F. On or about January 29, 2014, defendant Mykhael Kuciapinski sent an email to defendants Randolph Stimac and Kevin Kuciapinski reminding them about another meeting about the SEI project and signed the email as the “Lead Strategist.”
- G. On or about January 31, 2014, defendant Mykhael Kuciapinski sent an email to defendants Randolph Stimac and Kevin Kuciapinski with the subject line, “Modified Friday 31JAN2014 Calendar” informing defendants Randolph Stimac and Kevin Kuciapinski about a schedule change regarding their meetings about the SEI project.

- H. On January 31, 2014, defendants Randolph Stimac and Kevin Kuciapinski gave briefings and passed business cards to key employees of United States federal governmental agencies that had the resources to fund the SEI project when they sought funding for the SEI project.
- I. On or about February 4, 2014, defendants Randolph Stimac and Kevin Kuciapinski met with S.K. in Washington, D.C. seeking funding for the SEI project.
- J. On or about February 7, 2014, defendant Mykhael Kuciapinski sent an email to C.W. with the subject line, “Re: Coordination-Important” requesting S.K.’s phone number to pass to defendant Kevin Kuciapinski and inquired about another individual’s calendar who was briefed by defendant Kevin Kuciapinski about the SEI project.
- K. On or about February 10, 2014, defendant Kevin Kuciapinski drafted a proposed email regarding future meetings with key employees of United States federal agencies that had the resources to fund the SEI project and sent it to defendant Mykhael Kuciapinski for her review.
- L. On or about February 11, 2014, defendant Mykhael Kuciapinski edited her husband’s proposed email regarding future meetings about the SEI project and emailed him back her edits.
- M. On or about February 11, 2014, defendant Randolph Stimac sent an email to Mykhael Kuciapinski stating that her company was his only choice for the SEI contract and explained the steps that had to be taken to keep the project moving forward, including briefing the United States Air Force and United States Army for

funding options.

- N. On or about February 20, 2014, defendant Mykhael Kuciapinski sent an email to defendants Randolph Stimac and Kevin Kuciapinski with the subject line, “Current Status” that stated, “I invested nearly 8 months losing personal and professional productivity strategizing on the project and into many areas outside of the project, I identified resources and contract vehicles; made multiple high-level, authority-level introductions, edited proposals, drafted against the Joe Blows of the IC, advised, mentored, lost inordinate amounts of sleep, compromised personal objectives in academia, fitness, recreation, strained my resources beyond the limits, used my credentials to provide accesses that you otherwise would not have, and far, far more. Since then, I have tapped numerous connections, rattled people’s (resource providers and sponsors) cages, made promises and missed promised deadline after deadline, disappointed people, pissed people off, lost respect w/some people. All without any of the promised ADF-C protection. No holding of clearances to make my levels of effort to meet your requirements more logical and easier.”
- O. On or about February 27, 2014, defendant Mykhael Kuciapinski sent an email to defendant Kevin Kuciapinski with the subject line, “FWD: NITAAC Info Discussed Earlier” which included the method to get the funding for the SEI project onto a contract, known as a contract vehicle.
- P. On or about February 27, 2014, defendant Mykhael Kuciapinski sent an email to defendant Randolph Stimac that contained the link to the contract vehicle.
- Q. On or about April 3, 2014, defendant Mykhael Kuciapinski sent an email with a

subject line, “NITAAAC ROEs Final” to defendant Randolph Stimac that included a talking point script for defendant Randolph Stimac to use when he spoke to S.C. with HHS about utilizing the contract vehicle for the SEI project.

- R. On or about April 4, 2014, defendant Randolph Stimac forwarded defendant Mykhael Kuciapinski a copy of the Statement of Objectives for the SEI project that had not yet been made public.
- S. On or about April 11, 2014, defendant Randolph Stimac contacted M.K., the HHS contracting officer for the SEI contract, and identified Sister Company as the company he wanted to use, and agreed to a competitive acquisition in order to award the SEI contract to Sister Company.
- T. On or about April 24, 2014 defendant Randolph Stimac sent an email to defendant Mykhael Kuciapinski with the Statement of Objectives that he provided to M.K.
- U. After M.K. emailed defendant Randolph Stimac on or about April 25, 2014, defendant Randolph Stimac forwarded M.K.’s email to defendant Mykhael Kuciapinski from his [rene.mathiss@gmail](mailto:rene.mathiss@gmail.com) account to her vessper.lynd@gmail.com account. In his email, M.K. stated to Stimac, “The next step would be to start the competitive acquisition process. We can use the CIO-SP3 and issue an RFP to all vendors listed in the schedule. Here is what we will need. 1. Funding MIPR for the first year of performance (cost estimate plus the fee) 2. SOO (I already have there is no need to resend) 3. Cost Estimate (note that this will be either a fixed price or a time and materials task order. It will not be cost reimbursement) 4. NITAA Source Selection package (example and template attached)

<https://nitaac.nih.gov/nitaac/tools-templates> 5. QASP (template attached) or we can have the vendors propose a QASP and include it as part of their proposal 6.

Certificate of COR training (from whom ever will be the COR). See DoD handbook for COR requirements 7. Any NSA/DoD specific security language that must be included in the task order. Please get me these documents as soon as possible because I cannot move forward without them. Regards, [M.K]”

- V. On or about April 27, 2014, defendant Randolph Stimac emailed Mykhael Kuciapinski the first version of the United States government’s estimate of what the contract will cost, known as the Independent Government Costs Estimate (IGCE).
- W. On or about April 28, 2014, defendant Randolph Stimac sent an email to defendant Mykhael Kuciapinski with source selection information, including technical evaluation criteria.
- X. On or about May 14, 2014, defendant Mykhael Kuciapinski sent an email to defendants Randolph Stimac and Kevin Kuciapinski with the subject line, “Reengagement Support” where she provided talking points to Randolph and Kevin for their telecom scheduled the next day, regarding the SEI project.
- Y. On or about May 15, 2014, defendant Kevin Kuciapinski emailed Mykhael Kuciapinski, his wife, his edits to the talking points that he would use in his telecom about the SEI project.
- Z. On or about July 26, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski source selection information, including the SEI project schedule and funding objectives before the award of the contract.

- AA. On or about August 3, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski a IGCE, a copy of United States Army funding Military Interdepartmental Purchase Request (MIPR), and the strategic vision that forms the basis of the SOO for the SEI project before the award of the contract by HHS.
- BB. On or about August 5, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski source selection information, including technical evaluation criteria for the SEI project before the award of the contract and requested that she compare it to the SOO he had sent her previously.
- CC. On or about August 5, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski the Department of Defense Contract Security Classification Specification for the SEI contract.
- DD. On or about August 11, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski source selection information before the award of the SCI contract, including the updated technical evaluation criteria, IGCE, and SOO for the SEI project.
- EE. On or about August 29, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski source selection information before the award of the SEI contract, including the updated technical evaluation criteria, IGCE, SOO, and project schedule for the SEI contract.
- FF. On or about September 3, 2014, defendant Randolph Stimac emailed defendant Mykhael Kuciapinski source selection information, including technical evaluation criteria for the SEI project ten separate times before the award of the SEI contract,

to include an email with a subject line “These Docs,” time stamped at 0753.

GG. On or about September 3, 2014, defendant Mykhael Kuciapinski responded back to defendant Randolph Stimac’s email making changes to the technical evaluation criteria for the SEI project.

HH. On or about September 4, 2014, defendant Randolph Stimac declined the contracting officer’s suggestion to add the SEI project onto an existing United States Government contract.

II. On or about September 18, 2014, defendant Randolph Stimac informed defendant Mykhael Kuciapinski of the names of the competing companies and the status of their proposal submissions, which information was not available to the public.

JJ. On or about September 19, 2014 defendant Randolph Stimac emailed defendant Mykhael Kuciapinski the past performance questionnaire for the SEI contract, which was labeled “Source Selection Sensitive. Not for Public Release.”

KK. After receiving the status of competing companies from defendant Randolph Stimac, defendant Mykhael Kuciapinski provided Parent Company with this information on or about September 19, 2014.

LL. On or about September 19, 2014, defendant Randolph Stimac falsely signed and certified that he had “no conflicts of interest, real or apparent” which may result in a biased opinion or an unfair advantage for the offeror, identified subcontractors, and other affiliate organizations identified in the proposals regarding the SEI contract.

MM. On or about September 19, 2014, defendant Randolph Stimac falsely signed a

Certification of Nondisclosure stating he would “Abstain from contacting the submitter of the proposals concerning any aspect of its contents, unless authorized by the contracting officer.”

- NN. On or about September 22, 2014, defendant Randolph Stimac emailed defendant Kevin Kuciapinski informing him that Kevin’s inquiry to the senior leadership at NIH regarding the SEI contract status raised eyebrows in an effort to warn Kevin not to compromise all the hard work that Kevin and Stimac have accomplished since the SEI project was still in the acquisition process.
- OO. After reviewing the proposal submitted by Parent Company, on behalf of Sister Company, defendant Randolph Stimac on or about September 23, 2014, recommended to the contracting officer M.K. for HHS that the contract be awarded to Sister Company.
- PP. After the award of the SEI contract, on or about October 14, 2014 through October 27, 2014 defendants Kevin Kuciapinski and Randolph Stimac coordinate setting up a meeting with Army Tactical Exploitation of National Capabilities (Army TENCAP) through a chain of emails to discuss the SEI work that the parties have worked on together.
- QQ. On or about November 7, 2014, defendants Kevin Kuciapinski and Randolph Stimac met with the Army and provided false statements regarding the SEI contract.
- RR. On or about December 8, 2014, defendants Kevin Kuciapinski and Randolph Stimac informed the Army that a “Kick-off” or a meeting to discuss the beginning

work of the SEI contract would start in January of 2015 for the SEI contract, referred as SEINE-X project by the parties, after the Army inquired as to the date.

SS. On or about April 14, 2015 through May 7, 2015, the Army contacted defendants Kevin Kuciapinski and Randolph Stimac requesting information regarding the status of the SIENE-X contract and they responded by informing the Army as to their roles in a joint venture, which eventually leads the Army to contact NSA management regarding the progression of the SEI contract.

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

Counts 2 through 8

41 U.S.C. § 2102(a)

(Unlawful Disclosure of Procurement Information)

21. Paragraphs 3 through 7, 9-17, and 19 of this indictment are re-alleged and incorporated by reference as though set forth in full.

Count 2

22. On or about April 28, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 3

23. On or about August 5, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal

agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 4

24. On or about August 11, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, an updated version of technical evaluation criteria and the Independent Government Costs Estimate for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 5

25. On or about August 29, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria, project schedule, and the Independent Government Costs Estimate for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 6

26. On or about September 3, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a

Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria and the Independent Government Costs Estimate for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 7

27. On or about September 18, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, names of competing companies and the status of their proposal submissions for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(a).

Count 8

28. On or about September 19, 2014, in the District and State of Colorado, defendant Randolph Stimac, an official of the United States, assisting with the award of a Federal agency procurement contract, knowingly disclosed source selection information before the award of a Federal agency procurement contract to which the information related, namely, the past performance questionnaire for the SEI contract that was marked source selection sensitive not for public release.

All in violation of Title 41, United States Code, Section 2102(a).

Counts 9 through 15

41 U.S.C. § 2102(b)
(Unlawfully Obtaining Procurement Information)

29. Paragraphs 3 through 19 of this indictment are re-alleged and incorporated by reference as though set forth in full.

Count 9

30. On or about April 28, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 10

31. On or about August 5, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 11

32. On or about August 11, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria and the Independent Government Cost Estimate for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 12

33. On or about August 29, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information relates, namely, technical evaluation criteria, the Independent Government Cost Estimate, and the project schedule for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 13

34. On or about September 3, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, technical evaluation criteria, and the Independent Government Cost Estimate.

All in violation of Title 41, United States Code, Section 2102(b).

Count 14

35. On or about September 18, 2014, in the District and State of Colorado, defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, names of competing companies and the status of their proposal submissions for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 15

36. On or about September 19, 2014, in the District and State of Colorado,

defendant Mykhael Kuciapinski, knowingly obtained source selection information before the award of a Federal agency procurement contract to which the information related, namely, the past performance questionnaire for the SEI contract.

All in violation of Title 41, United States Code, Section 2102(b).

Count 16

18 U.S.C. § 208

(Executive Branch Employee Participating in a Matter Affecting the Employee's Financial Interest)

37. Paragraphs 3 through 11 and 15 through 17 of this indictment are re-alleged and incorporated by reference as though set forth in full.

38. On or about January 1, 2014 through on or about May 15, 2014, in the District and State of Colorado, defendant Kevin Kuciapinski, being an officer and employee of the executive branch of the United States Government, willfully participated personally and substantially as a Government officer and employee, through recommendation, the rendering of advice, and otherwise, in an application, contract, and other particular matter, in which defendant Kevin Kuciapinski and his spouse, Mykhael Kuciapinski, had a financial interest, namely, the Health and Human Services SEI contract HHSN316201200115W-HHSP233201400203W for Contractor Support Services in the Intelligence Community. All in violation of Title 18, United States Code, Section 208.

Count 17

18 U.S.C. § 1001

(Making a False Statement)

39. Paragraphs 6, 8, 17, and 18 of this indictment are re-alleged and incorporated by reference as though set forth in full.

40. On or about September 18, 2014, in the District and State of Colorado, and elsewhere, defendant Mykhael Kuciapinski, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation, that is, she falsely claimed that she held a security clearance, in a matter within the jurisdiction of the executive branch of the Government of the United States, when she did not.

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

Counts 18-48
18 U.S.C. § 1343 and 2
Wire Fraud and Aiding and Abetting

41. The allegations contained in paragraphs 3 through 19 of this indictment are hereby re-alleged as if set out in full and incorporated by reference in these counts of the indictment.

42. On or about the dates enumerated as to each count below, in the District and State of Colorado, and elsewhere, for the purpose of executing the aforesaid scheme and artifice to defraud and for obtaining money and property by false and fraudulent pretenses, representations and promises, and attempting to do so, the defendants, Mykhael Kuciapinski and Kevin Kuciapinski, did knowingly transmit and cause to be transmitted in interstate commerce, and did aid and abet others to cause to be transmitted, from or to a place within the State of Colorado to or from places outside of Colorado, by means of wire communications, certain writings, signals and sounds, representing and constituting the following:

Count	Defendant(s)	Date	Wire Transaction
18	Mykhael Kuciapinski and Kevin Kuciapinski	January 27, 2014	Email from Mykhael Kuciapinski to Randolph Stimac and Kevin Kuciapinski attaching a schedule of meetings and strategy for those meetings for United States federal agencies that could fund the SEI project.
19	Mykhael Kuciapinski and Kevin Kuciapinski	January 29, 2014	Email from Mykhael Kuciapinski to Randolph Stimac and Kevin Kuciapinski about another meeting regarding the SEI project.
20	Mykhael Kuciapinski and Kevin Kuciapinski	January 31, 2014	Email from Mykhael Kuciapinski to Randolph Stimac and Kevin Kuciapinski informing them about a schedule change regarding a meeting about the SEI project.
21	Mykhael Kuciapinski and Kevin Kuciapinski	February 7, 2014	Email from Mykhael Kuciapinski to C.W. requesting S.K.'s phone number to provide to Kevin Kuciapinski and seeking information about another individual's calendar availability after this individual was briefed by Kevin Kuciapinski about the SEI project.
22	Mykhael Kuciapinski and Kevin Kuciapinski	February 11, 2014	Email from Mykhael Kuciapinski to Kevin Kuciapinski with edits to his draft email regarding future meetings about the SEI project.
23	Mykhael Kuciapinski and Kevin Kuciapinski	February 20, 2014	Email from Mykhael Kuciapinski to Randolph Stimac and Kevin Kuciapinski regarding her efforts over the last eight months on the SEI project and statement about not having a clearance.
24	Mykhael Kuciapinski and Kevin Kuciapinski	February 27, 2014	Email from Mykhael Kuciapinski to Kevin Kuciapinski about a method to get the funding for the SEI project onto a contract.
25	Mykhael Kuciapinski	February 27, 2014	Email from Mykhael Kuciapinski to Randolph Stimac that contained a link to the contract vehicle.
26	Mykhael Kuciapinski	April 3, 2014	Email from Mykhael Kuciapinski to Randolph Stimac that contained talking points about utilizing the contract vehicle for the SEI project.
27	Mykhael Kuciapinski and Kevin Kuciapinski	May 14, 2014	Email from Mykhael Kuciapinski to Randolph Stimac and Kevin Kuciapinski that contained talking points for Randolph's and Kevin's telecom meeting regarding the SEI project.
28	Mykhael Kuciapinski	September 3, 2014	Email from Mykhael Kuciapinski to Randolph Stimac making changes to the Technical evaluation criteria for the SEI project.
29	Mykhael Kuciapinski	September 19, 2014	Email from Mykhael Kuciapinski to Parent Company regarding the status of competing companies.

30	Mykhael Kuciapinski	October 6, 2014	Email from Mykhael Kuciapinski to J.Y. regarding her security clearance.
31	Mykhael Kuciapinski	November 9, 2014	Email from Randolph Stimac to Mykhael Kuciapinski informing her of Kevin Kuciapinski's actions at the Army TENCAP meeting.
32	Kevin Kuciapinski	January 14, 2014	Email from Kevin Kuciapinski to Nicholas Russo regarding the Washington DC roadshow to find funding.
33	Mykhael Kuciapinski and Kevin Kuciapinski	February 10, 2014	Email from Kevin Kuciapinski to Mykhael Kuciapinski regarding future meetings with United States federal agencies that had the resources to fund the SEI project.
34	Kevin Kuciapinski	February 19, 2014	Email from Kevin Kuciapinski to Randolph Stimac regarding the SEINE-X prop.
35	Kevin Kuciapinski	February 20, 2014	Email from Kevin Kuciapinski to C.W. regarding the Comm SEI (SEINE-X) Transition plan.
36	Kevin Kuciapinski	February 20, 2014	Email from Kevin Kuciapinski to C.W. regarding the Comm SEI (SEINE-X) Transition plan.
37	Kevin Kuciapinski	February 21, 2014	Email from Kevin Kuciapinski to Randolph Stimac regarding the SEINE-X Slides (FW: SEINE-X Stakeholders Meeting).
38	Kevin Kuciapinski	February 24, 2014	Email from Kevin Kuciapinski to Randolph Stimac regarding SIGINT POC Meeting (FW: Comm SEI (SEINE-X) Transition Plan).
39	Kevin Kuciapinski	February 27, 2014	Email from Kevin Kuciapinski to Elaine Martin regarding the Comm SEI (SEINE-X) Transition Proposal.
40	Mykhael Kuciapinski and Kevin Kuciapinski	May 15, 2014	Email from Kevin Kuciapinski to Mykhael Kuciapinski with his edits of the talking points for the telecom meeting regarding the SEI project.
41	Kevin Kuciapinski	August 28, 2014	Kevin Kuciapinski receives an email with the Military Interdepartmental Purchase Request from the finance individual regarding the SEI project.
42	Kevin Kuciapinski	September 22, 2014	Email from Randolph Stimac to Kevin Kuciapinski informing Kevin that Kevin contacting NIH regarding the contract status raised eyebrows.
43	Kevin Kuciapinski	October 16, 2014	Email from Kevin Kuciapinski to Elaine Martin informing her that he would assist in setting up a meeting for Army TENCAP regarding the SEI contract.
44	Kevin Kuciapinski	October 21, 2014	Email from Kevin Kuciapinski to Elaine Martin informing her that the meeting with Army TENCAP would be held on Friday, 07 Nov 2014.
45	Kevin Kuciapinski	November 9, 2014	Email from Randolph Stimac to Mykhael Kuciapinski informing her of Kevin Kuciapinski's actions at the Army TENCAP meeting.
46	Kevin Kuciapinski	December 8, 2014	Email from Randolph Stimac to Elaine Martin informing her about the date regarding the "Kick Off" on SEINE-X and Kevin Kuciapinski's work on algorithms.

47	Kevin Kuciapinski	March 19, 2015	Email from Elaine Martin to Randolph Stimac requesting a status update on SEINE-X, including the Statement of Work and the Kick-off meeting.
48	Kevin Kuciapinski	April 25, 2015	Email from Randolph Stimac to Elaine Martin indicating that the team he assembled have the proper clearances and experience, the roles that the parties have in a joint venture contract, and that the NITAAC contract vehicle prove a unique opportunity for “us in the SEI community.”

All in violation of Title 18 United States Code, Sections 1343 and 2.

Count 49

18 U.S.C. § 1031 and 2

(Major Fraud Against the United States)

43. Paragraphs 3 through 19 of this indictment are re-alleged and incorporated by reference as though set forth in full.

44. Beginning on or about August 1, 2013 and continuing to on or about November 24, 2015, in the District and State of Colorado and elsewhere, defendants Mykhael Kuciapinski, Kevin Kuciapinski, and Randolph Stimac, knowingly executed and attempted to execute a scheme and artifice with intent to defraud the United States, in any grant, contract, subcontract, and any other form of Federal assistance, including any procurement of property or services as a prime contractor with the United States or as a subcontractor and supplier on a contract in which there is a prime contract with the United States, and the value of such contract was \$1,000,000.00 or more, to wit, the Health and Human Services (HHS) Specific Emitter Identification (SEI) contract number HHSN316201200115W-HHSP233201400203W, also titled as VESPERLILLET.

All in violation of Title 18, United States Code, Sections 1031 and 2.

A TRUE BILL:

INK SIGNATURE ON FIL IN CLERK'S OFFICE

FOREPERSON

JASON R. DUNN
UNITED STATES ATTORNEY

By: s/ Jeremy Sibert
Jeremy Sibert
Assistant United States Attorney
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Telephone: (303) 454-0100
Fax: (303) 454-0402
Jeremy.Sibert@USDOJ.GOV