



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2020 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

NIZAR FARHAT,

Defendant.

CR 5:20-cr-00246-JGB

I N D I C T M E N T

[18 U.S.C. § 201(c)(1)(B): Public Official Receiving Illegal Gratuity; 18 U.S.C. §§ 209(a), 216(a)(2): Public Official Receiving Compensation from Private Party for Government Services]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant NIZAR FARHAT ("FARHAT") was employed as a public official by the Department of Defense, an agency of the United States Government, as a Construction Manager, based at the Marine Corps Air Ground Combat Center, Twentynine Palms Base, Twentynine Palms, California.

1 2. U.S. Company #1 was a privately-owned construction company.

2 3. In May 2013, U.S. Company #1 was awarded a \$15 million
3 contract by the United States Navy to construct an aircraft hangar
4 and a telecommunications facility at the United States Navy Base at
5 Camp Lemonnier, Djibouti City, Republic of Djibouti ("Camp
6 Lemonnier").

7 4. Between June 2014 and December 2015, defendant FARHAT was
8 assigned a temporary duty to Camp Lemonnier to oversee, among other
9 responsibilities, U.S. Company #1's construction of the aircraft
10 hangar and telecommunications facility.

11 5. In April 2016, the Department of Defense certified that
12 U.S. Company #1 had completed the construction of the aircraft hangar
13 and telecommunications facility at Camp Lemonnier.

14 6. In April 2017, U.S. Company #1 submitted Requests for
15 Equitable Adjustment ("REAs") to the Department of Defense, seeking
16 approximately \$6.43 million in payments from the Department of
17 Defense for additional costs U.S. Company #1 incurred during the
18 construction of the aircraft hangar and telecommunications facility.

19
20
21
22
23
24
25
26
27
28

COUNT ONE

[18 U.S.C. § 201(c)(1)(B)]

1
2
3 7. The Grand Jury repeats, re-alleges, and incorporates by
4 reference the allegations set forth in Paragraphs 1 through 6 of this
5 Indictment as if fully set forth herein.

6 8. Beginning on or about December 18, 2015 and continuing
7 until on or about October 25, 2017, in Riverside County, within the
8 Central District of California, and elsewhere, defendant NIZAR FARHAT
9 ("FARHAT"), a public official, otherwise than as provided by law for
10 the proper discharge of official duties, directly and indirectly,
11 corruptly demanded, sought, received, accepted, and agreed to receive
12 and accept something of value personally, namely, approximately
13 \$20,000 in cash, in return for and because of official acts performed
14 and to be performed by defendant FARHAT, namely: (1) recommending
15 that the Department of Defense certify the completion of U.S. Company
16 #1's projects at Camp Lemonnier; and (2) recommending that the
17 Department of Defense approve and pay the REAs U.S. Company #1
18 submitted.

19
20
21
22
23
24
25
26
27
28

COUNT TWO

[18 U.S.C. §§ 209(a), 216(a)(2)]

1
2
3 9. The Grand Jury repeats, re-alleges, and incorporates by
4 reference the allegations set forth in Paragraphs 1 through 6 of this
5 Indictment as if fully set forth herein.

6 10. Beginning on or about December 20, 2015, and continuing
7 until on or about April 14, 2017, in Riverside County, within the
8 Central District of California, and elsewhere, defendant NIZAR FARHAT
9 ("FARHAT"), being an officer and employee of the executive branch of
10 the United States Government, that is a Construction Manager employed
11 by the Department of Defense, knowingly and willfully received
12 salary, and contribution to and supplementation of salary, from a
13 source other than the United States Government, as compensation for
14 defendant FARHAT's services as an officer and employee of the
15 executive branch of the United States Government, that is,
16 approximately \$14,000 in cash in exchange for providing advice and
17 for drafting the REAs U.S. Company #1 submitted to the Department of
18 Defense.

19
20
21
22
23
24
25
26
27
28

FORFEITURE ALLEGATION

[18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c)]

1
2
3 1. Pursuant to Rule 32.2 of the Federal Rules of Criminal
4 Procedure, notice is hereby given that the United States of America
5 will seek forfeiture as part of any sentence, pursuant to Title 18,
6 United States Code, Section 981(a)(1)(C) and Title 28, United States
7 Code, Section 2461(c), in the event of defendant's conviction of the
8 offenses set forth in any of Counts One through Two of this
9 Indictment.

10 2. Defendant, if so convicted, shall forfeit to the United
11 States of America the following:

12 a. all right, title, and interest in any and all
13 property, real or personal, constituting, or derived from, any
14 proceeds obtained, directly or indirectly, as a result of any of the
15 offenses; and

16 b. To the extent such property is not available for
17 forfeiture, a sum of money equal to the total value of the property
18 described in subparagraph (a).

19 3. Pursuant to Title 21, United States Code, Section 853(p),
20 as incorporated by Title 28, United States Code, Section 2461(c),
21 defendant shall forfeit substitute property, up to the value of the
22 property described in the preceding paragraph if, as the result of
23 any act or omission of defendant, the property described in the
24 preceding paragraph or any portion thereof (a) cannot be located upon
25 the exercise of due diligence; (b) has been transferred, sold to, or
26 deposited with a third party; (c) has been placed beyond the
27 jurisdiction of the court; (d) has been substantially diminished in
28

1 value; or (e) has been commingled with other property that cannot be
2 divided without difficulty.

3
4 A TRUE BILL

5
6 /S/

7 _____
Foreperson

8 NICOLA T. HANNA
United States Attorney

9
10 

11 CHRISTOPHER D. GRIGG
Assistant United States Attorney
Chief, National Security Division

12 ANNAMARTINE SALICK
13 Assistant United States Attorney
Chief, Terrorism and Export Crimes Section

14 DAVID T. RYAN
15 Assistant United States Attorney
Terrorism and Export Crimes Section

16
17
18
19
20
21
22
23
24
25
26
27
28