

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2018 OCT -4 PM 3:35

DEPUTY CLERK

NH

UNITED STATES OF AMERICA

v.

NO.

MARTHA ARPS

3-18CR-501-K

FACTUAL RESUME

In support of Martha Arps's plea of guilty to the offense in Count One of the Information, Arps, the defendant, J. Joseph Mongaras, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Misdemeanor Information, charging a violation of 18 U.S.C. § 208(a), that is, executive branch employee participating in a matter affecting the employee's financial interest, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant was an officer or employee of the executive branch or of an independent agency of the federal government;
- Second.* That the defendant participated personally and substantially in her official, governmental capacity through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;
- Third.* That the defendant did so in a judicial or other proceeding, application, request for a ruling or other determination, contract,

¹ Eric Wm. Ruschky, *Pattern Jury Instructions for Federal Criminal Cases*, District of South Carolina § 208 (2018 Online Edition).

claim, controversy, charge, accusation, arrest, or other particular matter;

Fourth. That the defendant knew that her spouse had a financial interest in that particular matter; and

Fifth. That the defendant did so knowingly.

STIPULATED FACTS


1. Martha Arps admits and agrees that from on or about January 13, 2017, to on or about June 19, 2017, in the Northern District of Texas and elsewhere, while an employee of the United States Postal Service, she did knowingly participate personally and substantially as a government employee through decision and recommendation in a particular matter in which, to her knowledge, her spouse had financial interests, namely, in awarding a contract in the amount of \$7,800.00 to A-1 Professional Detail, L.L.C. to power wash a United States Post Office, in violation of 18 U.S.C. § 208(a).

2. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Misdemeanor Information.

AGREED TO AND STIPULATED on this 13 day of October, 2018.

ERIN NEALY COX
UNITED STATES ATTORNEY


MARTHA ARPS
Defendant


A. JENNIFER BRAY
Special Assistant United States Attorney
Texas State Bar No. 00795844
1100 Commerce Street, Suite 300
Dallas, Texas 75242
Tel: 214-659-8674
Fax: 214-659-8746
Email: jennifer.bray@usdoj.gov


~~J. JONATHAN MONGARAS~~
Attorney for Defendant