

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

| | | |
|-------------------------------|-------------------------------|----------------------------|
| TO: AIGI | File Number: I90030015 | Date: 02 March 2002 |
| Subject: Closeout Memo | | Page 1 of 1 |

There was no closeout written at the time this case was closed. The following information was extracted from the file in conformance with standard closeout documents.

Our office was informed that the subject¹ was alleged to have committed embezzlement, theft, or diversion of grant funds. The subject pleaded guilty to embezzlement on June 7, 1990 and was sentenced to 8 months imprisonment and 2 years probation on July 30, 1990.

Accordingly this case is closed.

¹ Susan Jeanette Kassinger, University Corporation for Atmospheric Research.

| | | | | |
|-------------------|--------------|-------------|-------------|------|
| Name: | Prepared by: | Cleared by: | | |
| | Agent: | Attorney: | Supervisor: | AIGI |
| Signature & date: | | | | |



**EMBEZZLEMENT OF NSF GRANT FUNDS
FROM THE UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH (UCAR)**

(Investigative Report-Case No. 90030015)

The University Corporation for Atmospheric Research (UCAR) of Boulder, Colorado, is a science research center funded almost exclusively by NSF.

UCAR's [REDACTED] advised NSF in February 1990 that a UCAR internal auditor had determined that a UCAR administrative assistant had embezzled \$68,681 while using a false social security number. The funds embezzled were NSF grant funds and therefore were federal funds. It is a federal crime to embezzled federal money and NSF grant funds remains money of the United States within the meaning of federal embezzlement statutes, 18 USC 641 and 666, even after being deposited in a bank account of the grantee.

UCAR presented the evidence it had to federal and local law enforcement officials in Denver. The prosecution of this case was coordinated by an Assistant United States Attorney, with assistance from the Office of Inspector General, Department of Health and Human Services, which has jurisdiction over social security fraud, and from our Office of Inspector General.

On June 7, 1990, in the U. S. District Court for the District of Colorado, Criminal Case No. 90-CR-166, Susan Jeanette Kassinger plead guilty to 18 USC 641, Embezzlement of funds from the University Corporation for Atmospheric Research (UCAR), Boulder, Colorado, an entity funded directly by the National Science Foundation. On July 30, 1990, Ms. Kassinger was sentenced to a term of 8 months imprisonment at the U. S. Bureau of Prisons and upon release from imprisonment Ms. Kassinger will be on supervised release for two years. Restitution was not ordered by the court.

UCAR submitted a claim to its insurance carrier in connection with the loss from the embezzlement. On July 3, 1990, UCAR received a check for \$65,865 in settlement of the claim. UCAR was not paid \$2,500, which was the policy deductible. In addition, UCAR has implemented new internal controls as safeguards to prevent future losses.

All matters have been resolved and this file is accordingly closed.

September 5, 1990

NATIONAL SCIENCE FOUNDATION
WASHINGTON, D.C. 20550



Office of
Inspector General

MEMORANDUM

DATE: August 14, 1990

REPLY TO
ATTN OF: [REDACTED] Special Agent

SUBJECT: UCAR Embezzlement Case, Final Report

CASE: 90030015

TO: AIG for Internal Audit and Investigations
Counsel to the IG
Inspector General

On February 26, 1990, [REDACTED] University Corporation for Atmospheric Research (UCAR), called [REDACTED] DGC, and notified her of an alleged embezzlement of NSF funds from the Unidata program. Ms. [REDACTED] notified [REDACTED] DGC, of the allegation and Mr. [REDACTED] followed up the telephone call with a letter, dated March 6, 1990. In addition, [REDACTED] ATM, learned of the alleged embezzlement and sent a letter to Dr. [REDACTED] UCAR, requesting to be informed of the situation and possible actions. OIG was notified of the allegation on March 15, 1990, when [REDACTED] delivered copies of the letters to Cliff Bennett, AIG, External Audit.

On March 29, 1990, Mr. [REDACTED] was contacted by the Investigations Unit and stated that an UCAR internal auditor had determined that the total embezzled by Susan J. Kassinger was \$68,681.07. Mr. [REDACTED] stated that when the embezzlement was discovered, he called Ms. [REDACTED] NSF, and the FBI. The FBI told him to refer the case to the local police to investigate the embezzlement. Mr. [REDACTED] stated that Officer [REDACTED] Boulder Police, (303) 441-[REDACTED] had been investigating the case for the Boulder Police.

Mr. [REDACTED] then added that the investigation discovered that Ms. Kassinger used a false social security number to embezzle the money and that Special Agent [REDACTED], HHS-OIG, [REDACTED] was also investigating the embezzlement. [REDACTED] was working with AUSA Andrew Vogt, [REDACTED]. Mr. [REDACTED] stated that Ms. Kassinger had been arrested and the AUSA would seek restitution. If restitution could not be made, which Mr. [REDACTED] doubted, UCAR will file an insurance claim for employee theft and should receive complete reimbursement except for \$2,500 deductible. The Investigation Unit called Agent [REDACTED] but Agent [REDACTED] was not available.

The Investigations Unit then called AUSA Andrew Vogt, [REDACTED], whom stated that Ms. Kassinger admitted that she embezzled UCAR money when she was arrested, and in his opinion, she will not contest the charges against her. AUSA Vogt stated that she could be charged her with 18 USC 408g, "False use of Social Security Number," but that he wanted to charge her with 18 USC 641, "Embezzlement." AUSA Vogt stated that he was not sure that he could charge her with the embezzlement because he did not know if the UCAR funds retained their federal character after being deposited into UCAR's account. AUSA Vogt asked this office for assistance in clarifying the status of these funds. We agreed to research the matter for him.

The Investigations Unit found a case, Hayle v. US, CA2 (NY) 1987, 815 F.2d 879, where the court stated, "Federal grant money remains money of the United States within meaning of federal embezzlement statute (641) even after being deposited in bank account of the grantee, and even if commingled with nonfederal funds, so long as the government exercises supervision and control over funds and their ultimate use." Control of funds can be proven by having audit authority. The NSF Grant General Conditions states that NSF has audit authority over NSF grant funds.

This information was immediately relayed to AUSA Vogt. AUSA Vogt stated that he would now charge Ms. Kassinger with 18 USC 641 and expected a plea agreement to be worked out shortly. AUSA Vogt stated that he would contact the Investigations Unit when the plea agreement was made or if he needed additional information.

On March 29, 1990, AUSA Vogt called to say that Ms. Kassinger's counsel has agreed that Ms. Kassinger will plead guilty to one count of embezzlement (18 USC 641). The plea should be accepted by the court within the next few weeks and sentencing should occur 6 weeks later. AUSA Vogt stated that he would send copies of the plea agreement and sentencing order. AUSA Vogt added Ms. Kassinger has a previous conviction for embezzlement in Colorado.

On June 7, 1990, in the U. S. District Court for the District of

Colorado, Criminal Case No. 90-CR-166, Susan Jeanette Kassinger plead guilty to 18 USC 641, Embezzlement of funds from the University Corporation for Atmospheric Research (UCAR), Boulder, Colorado, an entity funded directly by the National Science Foundation. On July 30, 1990, Ms. Kassinger was sentenced to a term of 8 months imprisonment at the U. S. Bureau of Prisons and upon release from imprisonment Ms. Kassinger will be on supervised release for 2 years. Restitution was not ordered by the court.

UCAR submitted a claim to its insurance carrier in connection with the loss from the embezzlement. On July 3, 1990, UCAR received a check for \$65,865.99 in settlement of the claim. UCAR was not paid \$2,500, which was the policy deductible. In addition, UCAR has implemented new internal controls as safeguards to prevent future losses.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 90-CR-166

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUSAN KASSINGER,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 30 1990

JAMES R. MANSPEAKER
CLERK

JUDGMENT

Pursuant to a plea of guilty to the single count information, the court finds the defendant guilty of embezzlement of public money in violation of 18 U.S.C. § 641. The parties agree that the applicable guideline range is 8-14 months. As part of the plea agreement, the government recommends a sentence at the low end of that range. The court has determined that the appropriate sentence is 8 months with 2 years of supervised release. The defendant does not and will not have the ability to pay a fine, restitution or costs of confinement or supervision. Upon the foregoing, it is

ORDERED that the defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8 months, and it is

FURTHER ORDERED that upon release from imprisonment the defendant shall be on supervised release for a term of 2 years, during which she shall not commit another federal, state or local crime, shall not possess any firearms or illegal drugs and shall be subject to close monitoring of her financial affairs, and it is

FURTHER ORDERED that the defendant shall pay the \$50.00 special assessment required by 18 U.S.C. § 3013 and it is

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that the foregoing is a true copy of an original document remaining on file and record in my office.

WITNESS my hand and SEAL of said Court this 24 day of August, 1990

JAMES R. MANSPEAKER

By J. Manspeaker
Deputy



UCAR

University Corporation for Atmospheric Research
P.O. Box 3000, Boulder, CO 80307-3000 U.S.A.
Tel: (303) 497-1000

July 17, 1990

Mr. [REDACTED]
[REDACTED]
National Science Foundation
1800 G Street, N.W., [REDACTED]
Washington, D.C. 20550

Dear Mr. [REDACTED]:

This is to advise you of the current status of the Susan Kassinger theft. As I told you in my letter of April 24, negotiations were going on between the U.S. Attorney and Ms. Kassinger's attorney concerning charges. The negotiations were based, at least in part, on the premises that Ms. Kassinger could and would make full and immediate restitution. In return, the case would be moved to the Colorado court. However, Ms. Kassinger was unable to make full and immediate restitution so the matter stayed in Federal court. Ms. Kassinger pleaded guilty to embezzlement and sentencing will take place on July 24, 1990. We will advise you of the sentencing. Enclosed for your information is a copy of the Rearraignment document, dated June 7, 1990.

As I noted in my April 24 letter we submitted a claim of \$68,370.94 to our insurance carrier in connection with the loss. On July 3, 1990, we received a check for \$65,865.99 in settlement of the claim. The \$65,865.99 is our claim of \$68,370.94 less \$4.95 which was not paid out, but which was included in our claim less the \$2,500 policy deductible ($\$68,370.94 - \$4.95 - \$2,500 = \$65,865.99$).

As a result of this incident we have made some changes to strengthen our internal controls and procedures. The changes are:

1. We will sample 50% of all checks for the next 12 months for proper endorsement. And any anomalies will be reviewed and appropriate actions taken, if necessary and warranted. After 12 months we will access the results of the review and see if we should continue or if some greater or lesser percentage should be reviewed.

2. Visitor paychecks will either be distributed through electronic transfer or given directly to the visitor; no visitor's check will be given to a third party for distribution to the visitor.

- Member Institutions**
- University of Alaska
 - University of Arizona
 - California Institute of Technology
 - University of California at Davis
 - University of California at Irvine
 - University of California at Los Angeles
 - University of Chicago
 - Colorado State University
 - University of Colorado
 - Cornell University
 - University of Denver
 - Drexel University
 - Florida State University
 - Georgia Institute of Technology
 - Harvard University
 - University of Hawaii
 - University of Illinois at Urbana-Champaign
 - Iowa State University
 - Johns Hopkins University
 - University of Maryland
 - Massachusetts Institute of Technology
 - McGill University
 - University of Miami
 - University of Michigan
 - University of Minnesota
 - University of Missouri
 - Naval Postgraduate School
 - University of Nebraska at Lincoln
 - University of Nevada
 - New Mexico Institute of Mining and Technology
 - State University of New York at Albany
 - New York University
 - North Carolina State University
 - Ohio State University
 - University of Oklahoma
 - Oregon State University
 - Pennsylvania State University
 - Princeton University
 - Purdue University
 - University of Rhode Island
 - Rice University
 - Saint Louis University
 - Scripps Institution of Oceanography at the University of California at San Diego
 - Stanford University
 - Texas A&M University
 - University of Texas
 - University of Toronto
 - Utah State University
 - University of Utah
 - University of Virginia
 - Washington State University
 - University of Washington
 - University of Wisconsin at Madison
 - University of Wisconsin at Milwaukee
 - Woods Hole Oceanographic Institution
 - University of Wyoming
 - Yale University

#33
OIG/IA&I
7/23/90

[REDACTED] NSF

July 17, 1990

Page 2

3. All new employees will be required to receive their pay through direct deposit to their bank account. No payroll checks will be made out for new employees.

4. Outstanding travel advances will be followed-up on a more timely basis.

5. Training sessions will be scheduled to advise program managers that a critical part of their program is the Budget Status Report (BSR), and it needs to be reviewed by them.

6. Pay checks and deposit slips will be distributed by the Internal Auditor on a random basis. The distribution will be made to the named individual, not the group secretary or manager.

7. If an employee in a position with access to funds has a pattern of personal financial problems, the Internal Auditor will do a review of program funds and financial activities.

We believe the above measures will strengthen our internal controls and safeguards sufficiently to help prevent future occurrences of the problems encountered with Susan Kassinger. We have advised our insurance carrier of the above changes and so far we have not heard from the carrier. However, it may be that the carrier will have suggestions and/or recommendations concerning internal controls and safeguards. If this is the case we will advise you and the actions taken with respect thereto.

As soon as Ms. Kassinger has been sentenced, we will advise the Foundation. We assume that a part of any sentencing will be a requirement for restitution and we will be required to turn any monies received over to the insurance company until their payment has been satisfied. In the meantime, if you have any questions, feel free to call me at [REDACTED].

Sincerely,
[REDACTED]

[REDACTED]
cc: [REDACTED]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 90-CR-166

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUSAN JEANETTE KASSINGER,

Defendant.

**PLEA AGREEMENT AND STATEMENT OF FACTS
RELEVANT TO SENTENCING**

The United States, by and through Andrew A. Vogt, Assistant United States Attorney for the District of Colorado, and the defendant, SUSAN JEANETTE KASSINGER, personally and by counsel David B. Harrison, submit the following Plea Agreement and Statement of Facts Relevant to Sentencing pursuant to paragraph 4 General Order 87-5.

I. PLEA AGREEMENT

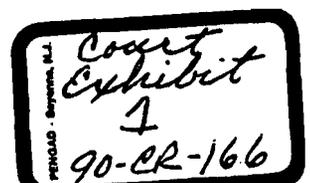
The defendant agrees to plead guilty to the Information and, in exchange, the government agrees to recommend to the Court that the defendant be sentenced to the minimum sentence as provided in the applicable guideline range of the federal sentencing guidelines.

II. MAXIMUM STATUTORY PENALTIES

The maximum statutory penalty for the offense is: not more than 10 years, not more than \$250,000 or both; \$50 special assessment fee; plus \$68,681.07 restitution. (There may also be a term of supervised release imposed of not more than 3 years, pursuant to 18 U.S.C. § 3583. A prison sentence may be imposed for violation of the supervised release.) Costs of supervision and/or incarceration may also be imposed.

**III. STIPULATION OF FACTUAL BASIS AND FACTS
RELEVANT TO SENTENCING**

The parties agree that there is no dispute as to the material elements which establish a factual basis of the offense of conviction.



Pertinent facts are set out below in order to provide a factual basis of the plea and to provide facts which the parties believe are relevant, pursuant to § 1B1.3, for computing the appropriate guideline range. To the extent the parties disagree about the facts relevant to sentencing, the statement of facts identifies which facts are known to be in dispute at the time of the plea. (§ 6B1.4(b))

The statement of facts herein does not preclude either party from presenting and arguing, for sentencing purposes, additional facts or factors not included herein which are relevant to the guideline computation (1B1.3) or to sentencing in general (1B1.4). Nor is the court or probation precluded from the consideration of such facts. In "determining the factual basis for the sentence, the court will consider the stipulation [of the parties], together with the results of the presentence investigation, and any other relevant information." (6B1.4 Comm.)

The parties agree that the government's evidence would show that the date on which conduct relevant to the offense (1B1.3) began is June 1986.

The parties agree that the government's evidence would be:

SUSAN JEANETTE KASSINGER was employed throughout the period June 1986 through December 1989 as an administrative assistant at the University Corporation for Atmospheric Research (UCAR), Boulder, Colorado, an entity funded directly by the National Science Foundation through annual Congressional appropriations. During the period June 1986 through December 1989, KASSINGER created a false and fictitious employee identity in the name of Susan Atkinson, using a false social security account number, and repeatedly prepared and submitted to the UCAR Accounting and Finance Section false payroll time sheets and travel advance and reimbursement documentation in the name of this fictitious employee. Additionally, KASSINGER prepared and submitted false payroll time sheets and travel advance and reimbursement documentation in the names of other real persons, including that of Lloyd Staley and others. KASSINGER usually forged the initials of her supervisor before submitting the false payroll documents for payment. KASSINGER received numerous UCAR checks made payable to these "employees" in net amounts totalling approximately \$57,621.00, resulting in a total loss to UCAR of \$68,681.07, in gross payments, including tax withholding and other required payments, made on the basis of the false documentation submitted by KASSINGER. KASSINGER wrote on the back of each check a signature endorsement purporting to be that of "Lloyd Staley," "Susan Atkinson," or other payee as applicable, the notation "pay to the order of Susan Kassingier," and her own signature endorsement and deposited the checks into

her own account, No. [REDACTED], at the University of Colorado Federal Credit Union.

On March 15, 1990, KASSINGER was interviewed by Special Agent [REDACTED], Office of Inspector General, Department of Health and Human Services, and admitted her actions in devising and implementing the above-described scheme.

IV. SENTENCING COMPUTATION

The parties stipulate that sentencing in this case will be determined by application of the sentencing guidelines, issued pursuant to Title 28, United States Code, Section 994(1), and Title 18, United States Code, Section 3553.

Any estimation by the parties herein regarding the estimated appropriate guideline application does not preclude either party from asking the court to depart from the otherwise appropriate guideline range at sentencing, if that party believes that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines. (§ 5K2.0)

The parties understand that the court may impose any sentence, up to the statutory maximum, regardless of any guideline range computed, and that the Court is not bound by any position of the parties. (§ 6B1.4(d)) The Court is free, pursuant to §§ 6A1.3 and 6B1.4, to reach its own findings of facts and sentencing factors considering the parties' stipulations, the presentence investigation, and any other relevant information. (§ 6B1.4 Comm.; § 1B1.4)

To the extent the parties disagree about the sentencing factors, the computations below identify the factors which are in dispute. (§ 6B1.4(b)) New facts which arise or are discovered may cause a party to change its position with regard to guideline computation or sentencing position.

A. The base guideline is § 2B1.1, with a base offense level of 4.

B. The following specific offense characteristics apply:

- a. The loss was more than \$40,000 but less than \$70,000; add 7 levels pursuant to 2B1.1(b)(1)(H).
- b. The offense involved more than minimal planning; increase by 2 levels pursuant to 2B1.1(b)(4).

C. There are no 1) victim-related, 2) role-in offense, and/or 3) obstruction adjustments.

D. The adjusted offense level would therefore be 13.

E. The defendant should receive the adjustment for acceptance of responsibility. The resulting offense level would therefore be 11.

F. The parties understand that the defendant's criminal history computation is tentative. The criminal history category is determined by the Court. Additional facts regarding the criminal history are as follows: The defendant was given a deferred judgment in Colorado District Court, Boulder County, on September 11, 1981, for theft of over \$200. The defendant performed 50 hours of community service and paid \$11,846.70 in restitution and the charges were dismissed on September 17, 1983. Based on that information, if no other information were discovered, the defendant's criminal history category would be I.

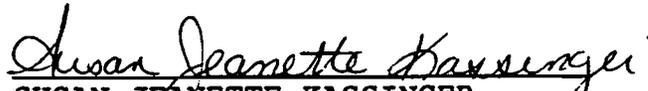
G. The career offender/career livelihood adjustments do not apply.

H. The guideline range resulting from the estimated offense level(s) of (E) above, and the (tentative) criminal history category of (F) above, is 8-14 months. However, in order to be as accurate as possible, with the criminal history category undetermined at this time, the estimated offense level(s) of (E) above could conceivably result in a range from 8 months (bottom of Category I), to 33 months (top of Category VI).

The sentence would be limited, in any case, by the statutory maximum.

Pursuant to guideline § 5E1.2, assuming the estimated offense level of (E) above, the fine range for this offense is \$2,000 to \$20,000, plus applicable interest and penalties.

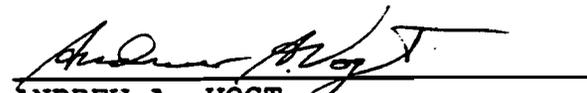
Date 5/31/90


SUSAN JEANETTE KASSINGER
DEFENDANT

Date 5/31/90


DAVID B. HARRISON
ATTORNEY FOR DEFENDANT

Date 6/1/90


ANDREW A. VOGT
ASSISTANT U.S. ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

RE ARRAIGNMENT

Judge RICHARD P. MATSCH

Date June 7, 1990

Deputy Clerk Jacob Gilmore

ECR OPERATOR Laurie A. Noble

Crim. No. 90-CR-160

USA v. Susan Kassing

Counsel for Govt. David Conner

Counsel for Deft. David B. Harris

Pretrial/Prob. Off. Beth Maltby

Interpreter: _____

3:00 Court in Session.

- Defendant's rights to trial to jury explained.
- Defendant and counsel execute Consent to Proceed Before the Magistrate.
- Waiver of Indictment executed; Felony Information filed.
- Information/Indictment () read to defendant. (X) Defendant waived reading.
- Plea of NOT GUILTY to counts _____.
- ORDERED: Judge _____ assigned to the case () by draw OR () as relate to _____.
- 30 day minimum to trial _____; 70 day maximum to trial _____
90 day custody limit _____.
- ORDERED: Discovery Conference set _____ before Mag. _____
- Defendant's appearance waived.
- ORDERED: Case set for trial before Mag. _____ at _____ on _____
- Plea of GUILTY to counts Singl Count Information.
- Defendant advised that restitution (X) MAY (X) MAY NOT be ordered at time of sentencing
- ORDERED: Defendant's plea of NOLO CONTENDERE is () ACCEPTED () NOT ACCEPT to _____.
- The Court finds that defendant () IS (X) IS NOT likely to flee or be a danger to himself or and it is ORDERED: (X) BOND CONTINUED () BOND REVOKED.
- ORDERED: Defendant remanded to custody of U.S. Marshal. () On Writ.
- ORDERED: Defendant appears on Cr. Summons and may continue to appear voluntarily.
- ORDERED: Entry of judgment is deferred pending pre-sentence investigation and report. Pleas is received and accepted

Court Exhibits 1 and 1-A attached

3:20 Court in Recess.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 90 CR 166

UNITED STATES OF AMERICA,

Plaintiff,

v.

Susan J. Kassinger

Defendant.

STATEMENT BY DEFENDANT IN ADVANCE OF PLEA OF GUILTY
(In accordance with the Sentencing Guidelines)

I hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights, that all representations contained herein are true and correct, and that my attorney has assisted me as I have reviewed and completed this form:

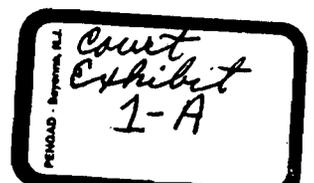
1. The nature of the charges against me has been explained to me by my attorney and the Court. I have had an opportunity to discuss with my attorney and with the Court the nature of the charges and the elements which the government is required to prove.

2. I know that when the Court sentences me, the Court will consider many factors, including certain Guidelines established by the United States Sentencing Commission pursuant to 18 U.S.C. § 3553, as those Guidelines pertain to the crime I admit I committed, my degree of involvement in that crime, and my personal history and background. I understand that the Court has discretion with respect to the application of the Sentencing Guidelines, and that I could be sentenced to serve the maximum term and to pay the maximum fine, as set out in Paragraph 3 below.

3. I know that the following penalties may be imposed upon me under the law, as a result of my guilty plea(s):

COUNT I

a. Imprisonment for a term of not less than _____ years, and not more than 10 years;



b. A term of supervised release of not more than 3 years, pursuant to 18 U.S.C. § 3583;

c. A fine of not more than \$250,000, pursuant to the statute I admit that I violated and/or the alternative fine schedule set out at 18 U.S.C. § 3571;

d. Restitution to my victim(s) of not more than \$8,681.07, pursuant to 18 U.S.C. §§ 3663 and 3664;

e. A Victim's Fund Assessment of \$0, pursuant to 18 U.S.C. § 3013;

f. An additional fine equal to the costs incurred by the government in incarcerating and supervising me, pursuant to 18 U.S.C. § 3553 and Sentencing Guideline §5E4.2(i);

g. Deportation from the United States if I am not a U.S. citizen and my crime is deemed to be one of moral turpitude, pursuant to 8 U.S.C. § 1251(a)(4).

COUNT _____

~~a. Imprisonment for a term of not less than _____ years, and not more than _____ years;~~

~~b. A term of supervised release of not more than _____ years, pursuant to 18 U.S.C. § 3583;~~

~~c. A fine of not more than \$_____, pursuant to the statute I admit that I violated and/or the alternative fine schedule set out at 18 U.S.C. § 3571;~~

~~d. Restitution to my victim(s) of not more than \$_____, pursuant to 18 U.S.C. §§ 3663 and 3664;~~

~~e. A Victim's Fund Assessment of \$_____, pursuant to 18 U.S.C. § 3013;~~

~~f. An additional fine equal to the costs incurred by the government in incarcerating and supervising me, pursuant to 18 U.S.C. § 3553 and Sentencing Guideline §5E4.2(i);~~

~~g. Deportation from the United States if I am not a U.S. citizen and my crime is deemed to be one of moral turpitude, pursuant to 8 U.S.C. § 1251(a)(4).~~

COUNT _____

~~a. Imprisonment for a term of not less than _____ years, and not more than _____ years;~~

b. A term of supervised release of not more than _____ years, pursuant to 18 U.S.C. § 3583;

c. A fine of not more than \$_____, pursuant to the statute I admit that I violated and/or the alternative fine schedule set out at 18 U.S.C. § 3571;

d. Restitution to my victim(s) of not more than \$_____, pursuant to 18 U.S.C. §§ 3663 and 3664;

e. A Victim's Fund Assessment of \$_____, pursuant to 18 U.S.C. § 3013;

f. An additional fine equal to the costs incurred by the government in incarcerating and supervising me, pursuant to 18 U.S.C. § 3553 and Sentencing Guideline §5E4.2(i);

g. Deportation from the United States if I am not a U.S. citizen and my crime is deemed to be one of moral turpitude, pursuant to 8 U.S.C. § 1251(a)(4).

4. I know that if I am convicted of more than one count, the sentences may be either concurrent or consecutive.

5. I know that the information set out in Attachment A, concerning the collection of fines, applies to me, and I acknowledge that I have read Attachment A.

JK Defendant's initials

6. xy I know that if the blank at the beginning of this sentence is checked, the information set out in Attachment B concerning the payment and collection of restitution, applies to me, and I acknowledge that I have read Attachment B.

JK Defendant's initials

7. I know that I can be represented by an attorney at every stage of this proceeding, and I know that if I cannot afford an attorney, one will be appointed to represent me at the government's expense.

8. I know that I have a right to plead "not guilty," and I know that if I do plead "not guilty," I can persist in that plea.

9. I know that I have a right to trial by jury, and I know that if I choose to stand trial:

a. I have a right to the assistance of an attorney at every stage of the proceeding;

b. I have a right to see and observe the witnesses who

testify against me;

c. My attorney can cross-examine all witnesses who testify against me;

d. I can call such witnesses as I desire, and I can obtain subpoenas to require the attendance and testimony of those witnesses;

e. If I cannot afford to pay the expenses that witnesses incur, the government will pay those expenses, including mileage and travel expenses, and including reasonable fees charged by expert witnesses;

f. I cannot be forced to incriminate myself and I do not have to testify at any trial;

g. I can testify at my trial if I choose to, and I do not have to decide whether to testify until after I have heard the government's evidence against me;

h. If I do not want to testify, the jury will be told that no inference adverse to me may be drawn from my failure to testify;

i. The government must prove each and every element of the offense(s) with which I am charged, beyond a reasonable doubt;

j. In order for me to be convicted, the jury must reach a unanimous verdict of guilty; and

k. If I were to be convicted, I could appeal, and if I could not afford to appeal, the government would pay the cost of the appeal, including the cost of the services of an appointed attorney;

10. I know that if I plead guilty, there will not be a trial of any kind.

11. I know that if I plead guilty, there will be no appellate review of the question of whether or not I am guilty of the offense(s) to which I have pled guilty.

12. I know that once this Court sentences me, both the government and I may be able to seek appellate review of the sentence imposed, pursuant to 18 U.S.C. § 3742. I understand that any such appellate review will extend only to the question of whether a proper sentence was imposed. I understand that the Court of Appeals will not take up the question of whether I am guilty of the offense(s) to which I have pled guilty. I understand that I will have to serve my sentence that is imposed

by this Court, subject to modification of the sentence by order of the Court of Appeals and/or the United States Supreme Court.

13. No agreements have been reached, and no representations have been made to me as to what the sentence in this case will be, except that which is explicitly detailed in the document entitled PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING, which will be filed with the Court during this proceeding. I further understand that any agreements and stipulations in the document entitled PLEA AGREEMENT AND STIPULATION OF FACTS are binding on the Court only if the parties ask the Court in that document to be so bound, and only if the Court agrees to be so bound when it accepts my guilty plea(s).

14. The only plea agreement which has been entered into with the government is that which is set out in the document entitled PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING, which will be filed by the government and me in this case and which I incorporate herein by reference.

15. I understand that the Court can make no decision as to what my sentence will be until the Pre-sentence Report has been received and reviewed by the Court.

16. I know that when I enter my plea(s) of guilty, the Court may ask me questions under oath about the offense(s) to which I have pled guilty. The questions, if asked of me on the record and in the presence of my attorney, must be answered by me, and if I give false answers, I can be prosecuted for perjury.

17. I know that I have the right to ask the Court any questions that I have concerning my rights, these proceedings, and my plea(s) to the charge(s).

18. I am 36 years of age. My education consists of _____
JUNIOR IN UNIVERSITY OF COLORADO. I can cannot read and understand the English language. (Circle either "can" or "cannot.")

19. Other than the promises of the government set out in the document entitled PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING, no promises and no threats of any sort have been made to me by anyone to induce me or to persuade me to enter my pleas(s) in this case.

20. No one has promised me that I will receive probation or any other form of leniency because of my plea(s) of guilty.

21. I have had a sufficient opportunity to discuss this case and my intended plea(s) of guilty with my attorney. I do not wish to consult with my attorney and further before I enter my plea(s) of guilty.

22. I am satisfied with my attorney. I believe that I have been represented effectively and competently in this case.

23. My decision to enter the plea(s) of guilty is made after full and careful thought, with the advice of my attorney, and with a full understanding of my rights, the facts and circumstances of the case, and the potential consequences of my plea(s) of guilty. I was not under the influence of any drugs, medication or intoxicants when I made the decision to enter my guilty plea(s). I am not now under the influence of any drugs, medication or intoxicants.

24. I have no mental reservations concerning the entry of my plea(s).

25. Insofar as it shows conduct on my part, the summary of facts set out in the document entitle PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING is true and correct, except as I have indicated in that document.

26. I know that I am free to change or delete anything contained in this statement and that I am free to list my objections and my disagreements with anything contained in the document entitled PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING. I accept both documents as they are currently drafted.

27. I wish to plead guilty to the following charges:

18 USC 641 Embezzlement

(Specify which counts and relevant statute citations.)

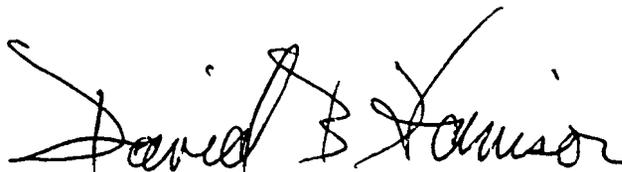
DATED this 31 day of May, 1990.

Juan J. Kassarjian
Defendant

I certify that I have discussed this statement and the document entitled PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING with the defendant; I certify that I have fully explained the defendant's rights to him and have assisted him in completing this form. I believe that the defendant understands his rights and this statement. I believe that the defendant is knowingly and voluntarily entering his plea(s) with full knowledge of his legal rights, and with full knowledge of the

possible consequences of his plea(s) of guilty. I believe that there is a factual basis for the plea(s) entered.

DATED this 31 day of May, 1990.

A handwritten signature in black ink, appearing to read "David B. Jamison". The signature is written in a cursive style with a large initial "D" and "J".

Attorney for the Defendant

Attachment A

COLLECTION OF FINE BY GOVERNMENT/PENALTY FOR FAILURE TO PAY
(See 18 U.S.C. §§ 3565 and 3611-3615)

1. I understand that with respect to any fine over \$2,500 or penalties for which payment is deferred, in whole or in part, interest shall accrue on the unpaid balance at the rate of 1.5% per month or 12% per annum..

2. I understand that with respect to any fine over \$2,500 or penalties for which payment (including any interest payments) is past due in whole or in part, interest shall accrue on the past due balance of such fine or interest at the rate of 1.5% per month or 12% per annum..

3. I understand that with respect to any fine or penalties for which payment (including interest payments) is past due for more than 90 days, I shall be required to pay a one-time penalty equal to 25% of the amount past due in addition to any amount otherwise payable.

4. I understand that if I do not make full payment on a fine or penalty, or portion thereof, when due, the entire unpaid balance may, at the discretion of the Attorney General, be made payable immediately.

5. I understand that in addition to any other collection procedures, any fine or penalty may give rise to the creation of a lien in favor of the United States upon my property and rights of property for payment of such fine (and interest and penalty), even if such property and rights of property are in the possession, control, or dominion of subsequent purchasers, holders of security interests, mechanic's lienors, or judgment creditors.

6. I understand that if I willfully fail to pay my fine, the Court may resentence me to any sentence which might originally have been imposed.

7. I know that if I willfully fail to pay my fine, I may be guilty of a separate offense (in addition to the offense(s) to which I am pleading guilty). I know that if I am convicted of this new offense, which is called "Criminal Default" and which is set out at 18 U.S.C. § 3615, I may be fined not more than twice the amount of the unpaid balance of the fine or \$100,000, whichever is greater, imprisoned for not more than one year, or both.

Attachment B

RESTITUTION

(See 18 U.S.C. §§ 3663, 3664 and 1565)

1. I know that in addition to any incarceration, supervised release, probation, fine and other penalties which may be imposed by the court, I also may be required to make restitution to any victim(s) of the offense(s) which I admit I committed, to compensate the victim(s) for any losses they may have sustained as a result of my conduct. I know that in determining whether to require me to pay restitution, and in determining the amount of any restitution, the court will consider my financial needs and resources and those of my dependents. I understand that in any dispute as to these financial needs and resources, the burden of demonstrating these needs and resources will be upon me.

2. I understand that if I fail to comply with a court order requiring me to make restitution, the court may, if appropriate, revoke my probation, modify any terms or conditions in effect while I am on supervised release, or hold me in contempt and punish me, pursuant to 18 U.S.C. § 3583(e).

3. I understand that an order of restitution may be enforced by the government in the manner provided for the collection of fines and penalties under 18 U.S.C. § 3565 (see Attachment A), or in the same manner as a judgment in a civil action. I further understand that any victim named in the restitution order may enforce the order in the same manner as he/she would enforce a judgment in a civil action.



UCAR

University Corporation for Atmospheric Research
P.O. Box 3000, Boulder, CO 80307-3000 U.S.A.
Tel: (303) 497-1000

April 24, 1990

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- Woods Hole Oceanographic Institution
- University of Wyoming
- Yale University

Mr. [REDACTED]
[REDACTED]
[REDACTED]
National Science Foundation
1800 G Street, N.W., [REDACTED]
Washington, D.C. 20550

Dear Mr. [REDACTED]:

This is a follow up to my letter to you of March 6, 1990 concerning the suspected theft by former UCAR employee Susan J. Kassinger. We have completed our internal investigation and determined that the total loss is \$68,370.94. Enclosed is a copy of "Notes To The File," dated April 23, 1990, prepared by our internal auditor, [REDACTED] which details the loss.

We have submitted our claim for the \$68,370.94 to our insurance carrier. The insurance company will have a local claim service company review the claim and all of the supporting documentation and based on this review determine how much of the claim they will pay. We believe that the documentation we have gathered will support the entire claim, but that remains to be seen. We will advise the Foundation as soon as we have reached a settlement with the insurance company.

We have advised the FBI and the local police. The U.S. District Attorney for the Denver area is aware of the matter and has filed charges against Ms. Kassinger. At the present time negotiations are still going on between Ms. Kassinger's attorney and the U.S. Attorney, so we do not know the final disposition of the matter. As soon as we are advised by U.S. Attorney of the outcome, we will advise the Foundation. However, it is our understanding that the final disposition will most likely include restitution and a guilty plea to a felony charge.

#25
OIG/IA&I
4/30/90

[REDACTED]
April 24, 1990
Page 2

In the meantime, if you have any questions, please call me
at [REDACTED].

Sincerely yours,
[REDACTED]

[REDACTED]
Enclosure

cc: [REDACTED]