

Ex-TAD employee gets probation in scheme

He's ordered to pay back all proceeds from kickbacks

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A former Tooele Army Depot employee has been ordered to spend four years on probation and pay back all the proceeds he gained from a kickback scheme he engineered for contracting jobs at the military installation.

Muntaser Rashwan has just 90 days to return the \$175,500 in profits he received between March 1998 and December 2002. U.S. District Judge Bruce Jenkins also ordered Rashwan to pay a \$35,000 fine within the same 90-day period and file amended tax returns including the money within 10 days.

Rashwan, a former civil engineer at the depot, pleaded guilty in January to three criminal charges related to the scheme — bribery of a public official, making a false statement on his income tax return and money laundering. He admitted to furnishing contractor Raed Labban with information about other bids received for contracting jobs at the facility, enabling Labban to be the low bidder on a number of environmental and construction projects. Labban would then pay Rashwan 50 percent of his profits for the 11 projects.

Labban was sentenced earlier this year to one year probation and a \$100,000 fine.

Federal prosecutors on Thursday asked Jenkins to sentence Rashwan to 46 months in federal prison, citing his position of responsibility as a government employee charged with protecting the public trust.

Defense attorney Mark Moffat, however, urged Jenkins to impose a probationary term in light of Rashwan's unusual personal circumstances. Rashwan's wife has been diagnosed with a form of leukemia, which often leaves her bedridden and unable to care for the couple's two small children. Most of his family lives in Palestine, Rashwan's birth country, leaving no one to care for the family in his absence, he said.

Probation, Moffat said, is "wholly appropriate and wholly warranted given his unique circumstances."

Assistant U.S. Attorney Rob Lunnen, while noting the very difficult situation, said the case is not so unusual to warrant a sentence of no prison time. Further, he said, it was Rashwan's own actions that put his family in such an untenable position.

"This tragedy is not brought upon Mr. Rashwan's family by the government," Lunnen said.

Rashwan apologized for taking part in the kickback scheme Thursday, saying he took pride in his 14 years of service with the U.S. government.

"I have done a lot of good things in my life," he said. "This is the bad incident that I am not proud of."

Prosecutors have alleged throughout the case that Rashwan padded the contracts after their acceptance in order to increase his and Labban's profits, an allegation Rashwan denied Thursday.

"I gained money, but the government lost nothing," he said. "They received 100 percent of the work they asked for at a competitive price."

Jenkins, too, noted the lack of evidence that the government lost money through the scheme.

"There really is nothing in the record that suggests the United States has been victimized by way of a monetary loss," the judge said.

Given the compelling family situation facing Rashwan, the judge said he found probation to be an appropriate alternative to prison.

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