



REDACTED FOR PUBLIC DISCLOSURE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

United States of America, Plaintiff,

vs.

Michael Dale Gilbert, Defendant.

No. CR-17-00670-PHX-GMS(DKD)

INDICTMENT

VIO: 18 U.S.C. § 641 (Theft and Unauthorized Sale of Government Property) Counts 1, 3-4

18 U.S.C. § 2314 (Interstate Transportation of Stolen Property) Count 2

18 U.S.C. § 981(a)(1)(C) 28 U.S.C. § 2461(c) (Forfeiture Allegation)

THE GRAND JURY CHARGES:

INTRODUCTION

1. At all times relevant to this Indictment, Kandahar Airfield was the largest military base in southern Afghanistan and was a NATO base supporting both Operation Enduring Freedom and the International Security Assistance Forces in the ongoing armed conflict in that country. Personnel at Kandahar Airfield included U.S. military forces, U.S. Department of State personnel, and U.S. contractors supporting these government functions.

2. Beginning in or around April 2012, defendant MICHAEL DALE GILBERT was employed as a contract employee with a private company ("Company #1") at Kandahar Airfield. He worked for Company #1 until on or about December 16, 2015.

1 Defendant GILBERT'S responsibilities with Company #1 involved assisting the  
2 Department of State in its work in Afghanistan.

3 3. Defendant GILBERT assisted the Department of State with the Foreign  
4 Excess Property ("FEP") program, which was the process by which usable government  
5 property that was no longer needed by the original user — i.e., "excess" property — was  
6 reallocated to other government users. Excess property transferred through the FEP  
7 program was in usable, and at times new, condition. Because there was no Department of  
8 State General Services Officer assigned to Kandahar Airfield to facilitate the FEP program  
9 there, defendant GILBERT was responsible for those duties on a part-time basis. Once  
10 excess equipment was requested by defendant GILBERT or others for use by the  
11 Department of State, defendant GILBERT arranged for its transfer within or from  
12 Kandahar Airfield. On at least one occasion, defendant GILBERT also assisted with the  
13 transfer of equipment identified for use by the U.S. Agency for International Development.

14 4. On or about April 18, 2014, defendant GILBERT shipped approximately 40  
15 boxes from Kandahar Airfield in Afghanistan to the parents of his wife who lived in Winter  
16 Haven, Florida. The boxes contained, among other things, government property, including  
17 computers, heavy construction items, work tools, and firefighting equipment.

18 5. In or around June 2014, defendant GILBERT, while on leave from Company  
19 #1 in Afghanistan and having returned to the United States, drove from his home in  
20 Phoenix, Arizona to Winter Haven, Florida to obtain the government property noted in  
21 paragraph 4. He purchased a trailer in Florida that he then used to transport the government  
22 property to his home in Arizona.

23 6. On or about December 12, 2014, defendant GILBERT shipped 24 additional  
24 boxes from Afghanistan to his home in Arizona, which contained, among other things,  
25 government-owned computer equipment and tools.

26 7. The property that defendant GILBERT shipped to the United States from  
27 Afghanistan included items that could be directly traced to the FEP program through serial  
28 numbers and/or other identifiers. FEP program procedures did not permit government

1 employees or contractors, like defendant GILBERT, to ship or otherwise take excess  
2 property for personal use. The government-owned property that defendant GILBERT  
3 shipped included: integrated services routers (including Cisco Integrated Service Routers);  
4 KVM switches; crimping tools; driver, socket, hole saw (for drilling circular holes), and  
5 other tool kits; a label maker; a sander; a reciprocating saw; nailers; and ignition timing  
6 lights. Of these items, defendant GILBERT, in 2013, personally caused a Department of  
7 State Management Officer at Kandahar Airfield to request through the FEP program, via  
8 email, two of the hole saw kits for purported use at Kandahar Airfield.

9 8. After shipping the government property from Afghanistan to the United  
10 States, as discussed above, defendant GILBERT, without authority from the United States,  
11 advertised for sale on eBay some of the government property contained in the boxes noted  
12 above, to wit, crimping tools, knockout kits (for punching holes in steel), and a speaker  
13 system. Thereafter, from in or about July 2014 through October 2014, defendant  
14 GILBERT sold, for approximately \$3,700, government property without authority from  
15 the United States; specifically, crimping tools, knockout kits, and a speaker system were  
16 sold by defendant GILBERT to others through eBay.

17 9. In addition, on or about January 7, 2015, defendant GILBERT sold  
18 government property, including four Cisco Integrated Services Routers valued at  
19 approximately \$28,500, to an individual in California and received payment of  
20 approximately \$6,695 via PayPal.

21 10. The property that remained with defendant GILBERT or that was sold by  
22 defendant GILBERT through these and other means had a collective value of at least  
23 approximately \$48,900.

24 **COUNT 1**  
25 **Theft of Government Property**  
26 **[18 U.S.C. § 641]**

27 11. Paragraphs 1 through 10 of the Indictment are incorporated by reference as  
28 if fully set forth herein.

1           12. From in or about April 2014 to in or about December 2014, in the District of  
2 Arizona, and elsewhere, the defendant, MICHAEL DALE GILBERT, knowingly,  
3 willfully, and with the intent to deprive the owner of the use and benefit of things of value,  
4 did embezzle, steal, purloin, and knowingly convert to his own use and the use of another  
5 things of value of the United States and of any department and agency thereof, the value  
6 of such things of value, in the aggregate, exceeding the sum of \$1,000.

7           All in violation of Title 18, United States Code, Section 641.  
8

9                                   **COUNT 2**  
10                                  **Interstate Transportation of Stolen Property**  
  [18 U.S.C. § 2314]

11           13. Paragraphs 1 through 10 of the Indictment are incorporated by reference as  
12 if fully set forth herein.

13           14. In or around June 2014, in the District of Arizona, and elsewhere, the  
14 defendant, MICHAEL DALE GILBERT, did unlawfully transport, transmit, and transfer  
15 in interstate commerce from Winter Haven, Florida to Phoenix, Arizona, goods, wares and  
16 merchandise, that is, government-owned tools and equipment of the value of \$5,000 or  
17 more, knowing at the time that the goods, wares, and merchandise crossed state lines, that  
18 the goods, wares, and merchandise were stolen, converted, and taken by fraud.

19           All in violation of Title 18, United States Code, Section 2314.  
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21                                   **COUNTS 3-4**  
22                                  **Unauthorized Sale, Conveyance and Disposition of Government Property**  
  [18 U.S.C. § 641]

23           15. Paragraphs 1 through 10 of the Indictment are incorporated by reference as  
24 if fully set forth herein.

25           16. On or about the dates specified as to each count below, in the District of  
26 Arizona, and elsewhere, the defendant, MICHAEL DALE GILBERT, knowingly and  
27 willfully, and without authority and with the intent to deprive the owner of the use and  
28

1 benefit of things of value, did sell, convey and dispose of a thing of value of the United  
 2 States and of any department and agency thereof:

Count	Approximate Date(s)	Description of Goods and Property	Approximate Value of Goods and Property Sold
3	July 2014– October 2014	crimping tools, knockout kits, a speaker system	\$3,700
4	January 2015	Integrated Services Routers	\$28,500

7 All in violation of Title 18, United States Code, Section 641.

### FORFEITURE ALLEGATION

10 17. The allegations contained in Counts 1 through 4 of this Indictment are hereby  
 11 re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to  
 12 Title 18, United States Code, Sections 981(a)(1)(C), and Title 28, United States Code,  
 13 Section 2461(c).

14 18. Upon conviction of the offenses in violation of Title 18, United States Code,  
 15 Sections 641 and 2314 set forth in Counts 1 through 4 of this Indictment, MICHAEL  
 16 DALE GILBERT shall forfeit to the United States of America, pursuant to Title 18, United  
 17 States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any  
 18 property, real or personal, which constitutes or is derived from proceeds traceable to the  
 19 offense of conviction, including, but not limited to, a money judgment of at least  
 20 approximately \$48,900.

21 19. If any of the property described above, as a result of any act or omission of  
 22 the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been  
 23 transferred or sold to, or deposited with, a third party; (c) has been placed beyond the  
 24 jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been  
 25 comingled with other property that cannot be divided without difficulty, the United States  
 26 of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United  
 27

1 States Code, Section 853(p), as incorporated by Title 28, United States Code, Section  
2 2461(c).

3 20. All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title  
4 28, United States Code, Section 2461(c).

5 A TRUE BILL

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7 S/  
8 \_\_\_\_\_  
9 FOREPERSON OF THE GRAND JURY  
10 Date: May 16, 2017

11 ELIZABETH A. STRANGE  
12 Acting United States Attorney  
13 District of Arizona

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17 U.S. Department of Justice

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