

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
FILED

APR 30 2018

IN OPEN COURT
BY: JAMES W. McCORMACK, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA)
)
vs.)
)
HENRY WILKINS IV)

No. 4:18CR 186

18 U.S.C. § 371

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTION

At all times material to this Information:

1. The Arkansas House of Representatives (“House”) and Arkansas Senate (“Senate”) were political subdivisions within the State of Arkansas.
2. In fiscal years 2010-2014, the State of Arkansas received more than \$10,000 per year in funds from the United States Government in the form of grants, contracts, subsidies, loans, guarantees, insurance, and other forms of federal assistance.
3. The Arkansas House consisted of 100 members (“Representatives” or “legislators”), each elected from a specific electoral district from across the state. The Arkansas Senate consisted of 35 members (“Senators” or “legislators”) each representing a specific electoral district.
4. An Arkansas Representative’s or Senator’s duties included, but were not limited to:
(a) investigating, studying, reporting, making recommendations, and amending or substituting measures or matters related to the jurisdiction of the House or Senate, or the Representative’s or Senator’s Committee; (b) scheduling and holding public hearings and meetings, summoning witnesses, and hearing testimony related to measures or matters within the jurisdiction of the House or Senate, or the Representative’s or Senator’s Committee; (c) drafting, filing, and voting

on bills of law, resolutions, and substitute measures; and (d) appraising, approving, and overseeing budgets and the appropriation of state monies. Members of the Arkansas House and Senate were agents of the State of Arkansas as that term is defined in Title 18 U.S.C. § 666(d)(1).

5. Article 19, Section 20 of the Arkansas Constitution requires that all Arkansas “Senators and Representatives, and all judicial and executive, State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices, shall take and subscribe to the following oath of affirmation: ‘I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of _____, upon which I am now about to enter.’” Arkansas House Representatives and Senators owe a fiduciary duty to provide honest services to the State of Arkansas and its citizens.

6. HENRY WILKINS IV was a resident of the Eastern District of Arkansas.

7. HENRY WILKINS IV (“WILKINS”) served as a Representative of House District 17 in the Arkansas House of Representatives from 1999 to 2001, and again from 2011 to 2015. WILKINS also served as a Senator representing District 5 in the Arkansas Senate from 2001 to 2011. Both House District 17 and Senate District 5 are located in the Eastern District of Arkansas.

8. WILKINS also served as a pastor at St. James United Methodist Church (“SJUMC”) located in Pine Bluff, Arkansas.

RELEVANT INDIVIDUALS, ENTITIES, AND PROGRAMS

9. “Entity A” was a Missouri-based nonprofit corporation that provided a variety of services to individuals in Missouri, Arkansas, Kansas, Oklahoma and Illinois, including mental and behavioral health treatment and counseling, substance abuse treatment and counseling, employment assistance, aid to individuals with developmental disabilities, and medical services.

10. "Person #1" was an employee of Entity A, serving as an executive overseeing Entity A's operations in the state of Arkansas. Person # 1 was also a registered lobbyist in the State of Arkansas and operated Lobbying Firms B, C and D. In 2013 and 2014, the lobbying firms operated by Person #1 represented and were paid by, among other clients, the Behavioral Health Provider's Association of Arkansas, Arkansas Youth Services Providers, CHMS Provider's Association of Arkansas, Entity A and Entity F to advance their interests in the legislature.

11. Eddie Wayne Cooper ("Cooper") was an Arkansas State Representative from 2006 through 2011, and a lobbyist registered with the Arkansas Secretary of State from January 20, 2011 onward. On April 20, 2009, Entity A hired Cooper as a full-time employee, with the job title of "Regional Director." Cooper's employment with Entity A ended on April 26, 2017. From October 2009 through May 2015, Cooper also was a member of Entity A's Board of Directors. Cooper also worked for Lobbying Firm B as a lobbyist, and received payments from Lobbying Firm B as a contract employee.

12. Lobbying Firm B was an Arkansas C-corporation and lobbying organization registered with the Arkansas Secretary of State. Lobbying Firm B was solely owned and operated by Person #1, and purported to provide political services, including lobbying, consulting, and advocacy. On or about January 30, 2008, Person #1 opened a bank account ending in 2316 at Bancorp South in the name of Lobbying Firm B, with Person #1 as the sole signatory to the account. From July 1, 2013 to December 31, 2014, Entity A paid Lobbying Firm B in excess of \$1,000,000.00. From 2012 through July 26, 2013, Entity F paid Lobbying Firm B in excess of \$60,000.

13. Lobbying Firm C was a lobbying organization registered with the Arkansas Secretary of State, which listed a family member of Person #1 as its authorized representative. On or about November 4, 2009, Person #1 opened a bank account ending in 5171 at Bancorp South in

the name of Person #1 doing business as Lobbying Firm C. Person #1 was the sole signatory to the account. On or about February 5, 2013, Person #1 opened a bank account ending in 3124 at Bancorp South in the name of Person #1 doing business as Lobbying Firm C. Person #1 was the sole signatory to the account.

14. Lobbying Firm D was a lobbying organization registered with the Arkansas Secretary of State, which listed Cooper as its authorized representative. On or about January 20, 2011, Person #1 and Cooper opened a bank account ending in 5467, with Person #1 and Cooper as the authorized signatories, at Bancorp South, in the name of Lobbying Firm D.

15. Entity E was an Arkansas non-profit corporation incorporated by "Person #2" in 1991 which provided training, mental health, substance abuse assessments, and anger management for youth released from the Division of Youth Services. Entity E was located in Pine Bluff, Arkansas, which is in the Eastern District of Arkansas.

16. Entity F was an Arkansas non-profit corporation located in Magnolia, Arkansas, which was a provider of youth services to delinquent and at-risk youth. "Person #3" served as the Executive Director of Entity F and caused Entity F to make payments to Lobbying Firm B and Lobbying Firm D. Between January 2012 and July 2013 Entity F paid Lobbying Firm B more than \$60,000. Between August 2013 and November 2013, Entity F paid Lobbying Firm D approximately \$32,000.

17. Person #4 is the adult child of Person #1 and was allegedly engaged as a lobbyist for Entity F beginning on or about July 1, 2013.

18. Person #5, during all times material to this Information, served as Entity A's Chief Financial Officer. Person #5 had authority to approve and direct payments of funds, and enter into agreements on behalf of Entity A.

19. The Arkansas Department of Human Services (DHS) was an agency of the State of Arkansas that provided various services to individuals in the State of Arkansas to include behavioral health services, which were provided through the Division of Behavioral Health Services (DBHS).

20. The Arkansas Bureau of Legislative Research (BLR) is a non-partisan organization that services the Arkansas House and Senate by providing, amongst other services: general subject, legal, and budget research; drafting and amending of bills, resolutions, amendments and interim study proposals; committee staffing; and monitors rules as they are proposed by Arkansas state agencies. BLR's services are only available to Arkansas legislators.

21. The General Improvement Fund (GIF) was a fund established by the Arkansas General Assembly consisting of what was commonly referred to as "surplus" state revenues, which consisted of special revenues from various sources as specified by the General Assembly.

22. In 2013, the Arkansas General Assembly, pursuant to Act 818 and other Acts, appropriated GIF monies to DBHS for transfer to the Drug Abuse and Prevention Fund for behavioral health services for the citizens of Arkansas. In the process of distributing the funds allocated to DBHS, certain members of the Arkansas State Legislature, acting in their official capacity, exerted influence over DBHS in directing GIF grants to specific applicants.

23. On or about November 2, 2010, WILKINS won the general election as a Representative in the Arkansas House of Representatives. WILKINS was re-elected to the Arkansas House of Representatives on or about November 6, 2012. While in the Arkansas House of Representatives, WILKINS served during the 89th General Assembly.

24. "Senator A" served as a Senator in the Arkansas Senate from 2011 to present. Prior to his service in the Arkansas Senate, Senator A served as a Representative in the Arkansas House of Representatives from 2000 until 2007.

25. "Senator B" also served as a Senator in the Arkansas Senate during the 89th General Assembly.

26. On or about September 27, 1994, WILKINS opened the bank account ending in 4672 in the name of "Saint James United Meth. Church Discretionary Fund" at Pine Bluff National Bank, later renamed Relyance Bank ("Discretionary account"). WILKINS had signatory authority over the Discretionary account at all times relevant to this Information.

27. WILKINS had a Discover credit card account ending in 3072 in the name of "HENRY WILKINS IV" from at least May 26, 2013, through April 25, 2014 ("Discover card"). WILKINS had a Discover credit card account ending in 1331 in the name of "HENRY WILKINS IV" from at least March 26, 2014, through June 25, 2014. WILKINS had a Discover credit card account ending in 5759 in the name of "HENRY WILKINS IV" from at least April 26, 2014, through June 25, 2014. WILKINS was the primary cardholder.

COUNT 1

CONSPIRACY TO COMMIT OFFENSES AGAINST THE UNITED STATES (Violation of 18 U.S.C. § 371)

28. Paragraphs 1 through 27 are re-alleged and incorporated by reference as though fully set forth herein.

Objects of the Conspiracy

29. From in or about 2010 through in or about 2014, in the Eastern District of Arkansas and elsewhere, the defendant, HENRY WILKINS IV, together with Person #1, Person # 5 and others known and unknown to the United States Attorney, did knowingly and unlawfully conspire, confederate, and agree together and with each other:

a. to corruptly give, offer, and agree to give, anything of value to any person, intending to influence and reward WILKINS, an agent of the state of Arkansas, in connection with

a business, transaction, and series of transactions of the state of Arkansas involving \$5,000 or more, in violation of 18 U.S.C. § 666(a)(2);

b. for WILKINS, an agent of the state of Arkansas, to corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the state of Arkansas, involving \$5,000 or more, in violation of 18 U.S.C. § 666(a)(1)(B); and

c. to devise and intend to devise a scheme and artifice to defraud and deprive the citizens of the State of Arkansas of their right to the honest services of WILKINS, a Member of the Arkansas House and Senate, through bribery, in violation of 18 U.S.C. §§ 1343 and 1346.

Purposes of the Conspiracy

30. The purposes of the conspiracy included, but were not limited to, the following:

a. For WILKINS to accept cash from Person #1 and checks from Entity A, Lobbying Firm B, Lobbying Firm C, Lobbying Firm D, and others known and unknown to the United States Attorney, through donations made to WILKINS's church, SJUMC, to be used at WILKINS's direction and discretion, in exchange for providing and agreeing to provide favorable official action for Person #1, Entity A, and Entity F and others known and unknown to the United States Attorney;

b. For Person #1 to enrich himself by providing and directing monies from Person #1, Lobbying Firm B, Lobbying Firm C, Lobbying Firm D, and Entity A, to WILKINS through donations made to WILKINS's church, SJUMC, in exchange for WILKINS taking and agreeing to take official action to benefit Person # 1, Entity A, and Entity F and others known and unknown to the United States Attorney; and

c. For Person #5 to enrich himself by providing and directing monies from Entity A to WILKINS through donations made to WILKINS's church, SJUMC, in exchange for WILKINS taking and agreeing to take official action to benefit Entity A.

Manner and Means

31. The manner and means by which WILKINS, the conspirators, and others known and unknown to the United States Attorney carried out the scheme included, but were not limited to, the following:

a. Person #1 paid WILKINS. In order to conceal the scheme and the payments, Person #1 directed monies in the form of checks from Entity A, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D that were deposited into WILKINS's church's Discretionary account. Also, Person #1, on at least one occasion, did pay WILKINS directly by giving WILKINS approximately \$5,000 in cash concealed in an envelope. Person #1's pattern and practice was to send money to WILKINS through SJUMC around times when Person #1 wanted WILKINS to perform official acts that were favorable to Person #1, Entity A and Entity F and others known and unknown to the United States Attorney. Person #1 and WILKINS would meet in person, sometimes at or near the Arkansas State Capitol building, and also communicated by telephone. In these meetings and telephone conversations, Person #1 would describe and explain what official acts Person #1 wanted WILKINS to perform.

b. Person #5 also paid WILKINS. In order to conceal the scheme and the payments, Person #5 avoided making payments directly to WILKINS and instead directed monies in the form of at least one check from Entity A that was deposited into WILKINS's church's Discretionary account.

c. In return for the cash and check payments, WILKINS performed and agreed to perform official acts in his capacity as an Arkansas legislator that were favorable to Person #1, Entity A, Entity F, and others known and unknown to the United States Attorney;

d. WILKINS used the funds deposited into the Discretionary account of SJUMC by Person #1, Entity A, Lobbying Firm B, Lobbying Firm C, Lobbying Firm D, and others known and unknown to the United States Attorney, for his personal benefit.

Overt Acts in Furtherance of the Conspiracy

24. In furtherance of the conspiracy, and to accomplish its purposes, WILKINS, Person #1, Person #3, Person #4, Person #5, Entity A, Lobbying Firm B, Lobbying Firm C, Lobbying Firm D, Entity F and others known and unknown to the United States Attorney, committed the following acts in the Eastern District of Arkansas and elsewhere:

Payments and Meetings

25. The following payments were deposited into the Discretionary account of SJUMC by a written check that was submitted, or caused to be submitted, by Person #1, Person #5, Entity A, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D, in furtherance of the conspiracy. The settling of each of the submitted checks listed below involved a writing, signal or sound that was transmitted, and was caused to be transmitted, by means of wire communications in interstate commerce:

Date	Source	Amount
6/24/2010	Lobbying Firm B	\$ 5,000.00
2/22/2012	Lobbying Firm B	\$ 3,000.00
6/8/2012	Lobbying Firm B	\$ 2,000.00
9/27/2012	Lobbying Firm B	\$ 1,500.00
10/16/2012	Lobbying Firm B	\$ 2,500.00
11/5/2012	Lobbying Firm C	\$ 2,500.00
12/19/2012	Lobbying Firm C	\$ 1,000.00
2/1/2013	Lobbying Firm D	\$ 1,000.00
3/11/2013	Lobbying Firm B	\$ 1,000.00

3/18/2013	Lobbying Firm D	\$ 1,000.00
3/29/2013	Lobbying Firm B	\$ 1,200.00
6/4/2013	Lobbying Firm B	\$ 1,500.00
6/14/2013	Lobbying Firm B	\$ 5,000.00
6/26/2013	Lobbying Firm B	\$ 4,000.00
8/12/2013	Lobbying Firm B	\$ 1,200.00
8/12/2013	Lobbying Firm B	\$ 1,200.00
9/12/2013	Lobbying Firm B	\$ 2,400.00
11/12/2013	Lobbying Firm B	\$ 2,000.00
12/18/2013	Entity A	\$ 30,000.00
2/3/2014	Lobbying Firm B	\$ 1,000.00
2/6/2014	Lobbying Firm B	\$ 1,000.00
5/8/2014	Lobbying Firm B	\$ 3,000.00
8/1/2014	Lobbying Firm B	\$ 1,000.00
8/12/2014	Lobbying Firm B	\$ 2,000.00
11/20/2014	Lobbying Firm B	\$ 1,000.00
1/16/2015	Lobbying Firm B	\$ 1,000.00
3/20/2015	Lobbying Firm B	\$ 1,000.00
8/13/2015	Lobbying Firm B	\$ 1,000.00
11/30/2015	Lobbying Firm B	\$ 1,000.00
1/20/2016	Lobbying Firm B	\$ 1,000.00

25. During 2012 to 2014, on one occasion, while Person #1 was meeting with WILKINS, Person #1 gave WILKINS approximately \$5,000 in cash concealed in an envelope. On two other occasions, Person #1 gave WILKINS cash totaling approximately \$5,000.

26. At or near the times WILKINS was receiving the above payments, Person #1 and WILKINS would meet in person, sometimes at or near the Arkansas State Capitol building, and also communicated by telephone. During these meetings and telephone conversations, Person #1 would describe and explain what official and legislative acts Person #1 wanted WILKINS to perform in favor of Entity A and Entity F, in exchange for the monies being paid to WILKINS. From February 2013 to December 2013 alone, Person #1 contacted, or attempted to contact, WILKINS by telephone approximately 344 times.

Legislative Acts & Person # 1's Request for Official Acts

House Bill 1328 (HB 1328)

27. Person #1 on behalf of lobbying Firms B, C, and D represented youth service providers around the state of Arkansas during the 89th General Assembly and, among other things, lobbied to prevent the Arkansas Department of Youth Services (DYS) from adopting new rules and regulations deemed burdensome by the youth service providers and which were not contained in the original contracts between DYS and the youth service providers. Specifically, in late 2012 and throughout 2013, Person #1, in furtherance of his lobbying on behalf of youth service providers including Entity F, formulated legislation that would require the State to appear before legislative committees prior to changing youth service provider contracts. That bill would later become Act 321 of 2013.

28. On or about August 9, 2012, an employee with BLR emailed WILKINS with the subject line, "re: Bill Draft—DYS and Community Based Providers" and advised that he/she had a "lengthy conversation with [Person #1]" about the issues youth services providers are having with DYS and "as a result of my conversation with [Person #1], and the conversation we [meaning he/she and WILKINS] had on Tuesday, I have prepared the attached bill draft." Attached to this email was draft legislation that would later be filed as HB 1328.

29. On or about August 13, 2012, WILKINS forwarded the draft bill to Person #1, who then forwarded it on to Person #3 at Entity F.

30. On or about January 16, 2013, Person #1 forwarded the draft bill to Person #4 and Cooper stating, "Here is a copy of our legislation. We have [WILKINS] as our lead Sponsor in the House...".

31. On or about January 19, 2013, Person #1 wrote Senator A stating, "Hello my friend, Coop and I could use some help with you co-sponsoring this bill. Coop and I worked on to [sic]

bring DYS before the legislature before they can make any changes to providers [sic] contract and services. We would like you to co-sponsor the bill for us... Things has [sic] not gotten any better with DYS working with the Providers.”

32. On or about February 13, 2013, WILKINS filed House Bill 1328 (“HB 1328”). This bill was entitled “An Act to require DYS to appear before the legislature for any changes to Youth Provider contracts.” On or about February 19, 2013, HB 1328 was amended to add co-sponsors.

33. On or about February 22, 2013, HB 1328 passed the Arkansas House of Representatives with WILKINS voting in favor. On or about March 7, 2013, HB 1328 passed the Arkansas Senate and became Act 321 on March 11, 2013.

34. HB 1328 was favorable to the interests of the youth service providers including Entity F and thereby advanced the interests of Person #1, who was paid to lobby on their behalf. In exchange for the bribe payments from Person #1, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D, WILKINS agreed to advance the interests of the clients of those lobbying entities through this bill.

House Bill 2227 (HB 2227)

35. On or about February 13, 2013, an employee of BLR emailed Person #1 with copy to Senator A and WILKINS stating, “[Person #1], [a]ttached are the shell bills you requested on behalf of [Senator A] and [WILKINS]. They have NOT been run for introduction yet. Once hear from the member’s [sic], they will be run.” Shell bill is a term that commonly refers to a bill that is very general in nature and intended to be amended at a later time with more specific language, but filed because of certain legislative deadlines.

36. On or about February 13, 2013, Senator A wrote, “Please run for introduction. Im [sic] no[t] sure where we should start the bill (house or senate). [Person #1], any thoughts?”

37. On or about March 5, 2013, Person #1 wrote the employee of BLR, with copy to WILKINS and Senator A asking, "can you tell me if this bill (HB 2227) has been run for introduction and the bill number please. I can't find it anywhere. If it hasn't been ran yet, please hold off, we will have additional language tomorrow. Thank you so much, [Person #1]."

38. On or about March 7, 2013 at 8:51 a.m., Person #1 emailed an employee with BLR, Senator A and WILKINS stating, "here is the language for the shell bill. Will you please add this and prepare it for filing. Thank you very much." Attached to this email was a scan originating from an administrative office of Entity A. The title of the attached bill was "an Act to Avoid Unnecessary Expansion of Costs and Services under the Child Health Management Services Program."

39. On or about March 7, 2013, the BLR employee replied at 8:54 a.m., "of course. To be clear, you want the shell bill at this time, not the substantive language, correct?" At 8:59 a.m., the BLR employee then emailed Person #1, Senator A and WILKINS stating, "Please find the revised shell bill attached. If you are ready to run the bill for introduction, please let me know." Attached was the draft of a House Bill showing WILKINS as a sponsor entitled "An Act to avoid unnecessary expansion of costs and services under the child health management services program."

40. On or about March 7, 2013 at 9:22 a.m., Person #1 responded, "You may not need the shell bill since you have this language. We just need this language as filed bill. Whatever is easier and you think it best." At 12:43 p.m., Person #1 emailed the BLR employee, Senator A and WILKINS stating, "[w]e need this filed please. We have the language for an amendment next week."

41. On or about March 11, 2013, WILKINS filed House Bill 2227 ("HB 2227"), a shell bill entitled "an Act to avoid unnecessary expansion in Medicaid costs and services to early

intervention day treatment for children; to clarify that Code 20-48-101 and 20-48-105 apply to adults with developmental disabilities.”

42. On or about March 21, 2013, HB 2227 was amended to include very similar language to the original bill Person #1 sent to the BLR employee on March 7, 2013. The amendments were proposed by WILKINS.

43. On or about March 28, 2013, HB 2227 passed the Arkansas House of Representatives with WILKINS voting in favor of its passage.

44. On or about April 4, 2013, HB 2227 passed the Arkansas State Senate and eventually became Act 1017 on April 8, 2013.

45. HB 2227 was favorable to the interests of Person #1, Lobbying Firm B, Lobbying Firm C, Lobbying Firm D, Entity A and Entity F. In exchange for the bribe payments from Person #1, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D, WILKINS agreed to advance the interests of the clients of those lobbying entities through this bill.

House Bill 2209 (HB 2209)

46. Prior to the 89th General Assembly, behavioral health service providers were scored on their ability to adhere to regulations. Many behavioral health providers across the state of Arkansas, including Entity A and Entity F, by and through their lobbying representative, Person #1, maintained that the score card system was unfairly applied as a compliance mechanism. In the 89th General Assembly, House Bill 2209 (“HB 2209”) was introduced by WILKINS in an effort to end the scoring system.

47. On or about March 11, 2013, WILKINS filed HB 2209, a shell bill, entitled “To Govern the Regulatory Compliance of Certain Medicaid Providers.”

48. On or about March 28, 2013, WILKINS introduced an amendment to HB 2209, adding substantive language to the shell bill.

49. On or about April 1, 2013, WILKINS's amendment of HB 2209 that was introduced on or about March 28, 2013, was engrossed.

50. On or about April 4, 2013, Person #1 sent an email to representatives of Entity A with the subject line "HB 2209" and stated, "We will pass this on the House Floor this afternoon or tonight. After we pass this medicaid [sic] has ask[ed] for a meeting with Senator Wilkins and [Senator A] and all of us for a tradeoff not to run the bill in the Senate. The tradeoff will be; something else other than the [Youth Outcomes Questionnaire], enhanced reconsideration until any regs are propagated then we will have the full appeal process. This means they will quit giving us bs reviews that are unfounded. Also, [t]he color code to grade us will be gone forever, they will halt the episodes of care until they can produce data of how many kids are no long[er] getting services due to the episodes. They must have approval on all ergs [sic] thru public health." Attached to the email was a copy of HB 2209 introduced by WILKINS.

51. On or about April 4, 2013, HB 2209 passed the Arkansas House of Representatives with WILKINS voting in favor.

52. Later in the legislative session, an agreement was reached between Person #1 and the company providing the scoring system, and HB 2209 died in the Senate Committee on Public Health, Welfare and Labor.

53. HB 2209 was favorable to the interests of behavioral health providers including Entity A and thereby advanced the interests of Person #1 who was paid to lobby on their behalf. In exchange for the bribe payments from Person #1, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D, WILKINS agreed to advance the interests of the clients of those lobbying entities through this bill.

GIF Funding and SB 507/Act 818

54. On or about February 26, 2013, Senate Bill 507 (“SB 507”) was introduced in the Arkansas Senate entitled “an Act to make an appropriation to the Department of Human Services—Division of Behavioral Health for Behavioral Health Services; and For Other Purposes,” by State Senator “B.”

55. On or about March 25, 2013, SB 507 passed the Arkansas Senate.

56. On or about April 2, 2013, SB 507 passed the Arkansas House of Representatives with WILKINS voting in favor.

57. On or about April 6, 2013, SB 507 was enacted as Act 818. Act 818 appropriated up to \$1,000,000 from the General Improvement Fund to DHS-DBHS for “behavioral health services to the citizens of the State of Arkansas” for the fiscal year ending on June 30, 2014.

58. On or about April 22, 2013, WILKINS voted in favor of House Bill 2232 which provided funding for the GIF appropriation legislation that had been approved previously, including \$365,000 in funding for SB 507/Act 818.

59. On or about April 23, 2013, WILKINS voted in favor of Senate Bill 364 which provided funding for the GIF appropriation legislation that had been approved previously, including \$365,000 in funding for SB 507/Act 818.

60. On or about July 1, 2013, Person #4 (the adult child of Person #1) was hired as a lobbyist for the non-profit Entity F and was to be paid \$60,000 per year. Entity F concluded their financial relationship with Lobbying Firm B on July 26, 2013, and instead employed Person #4 as their lobbyist. This hire was an indirect benefit to Person #1 who had been supporting Person #4. This lobbying activity was not disclosed to the United States government on Entity F’s IRS Form 990 as required by law.

61. In or about September of 2013, WILKINS spoke to Person #2, a representative of Entity E, and discussed with him the opportunity to apply for GIF funding under Act 818.
62. On or about October 1, 2013, Entity E deposited \$20,000 into the Discretionary account controlled by WILKINS.
63. On or about October 18, 2013, Person #1 sent an email to, amongst other individuals, Person #5, stating, "Act 818 is from [Senator B] (Senator WILKINS [sic] money but [Senator B's] bill). It is for [Entity A] for \$150,000.00 . . . this is [Senator B's] bill but WILKINS' money."
64. On or about October 29, 2013, Person #2, on behalf of Entity E, applied for \$100,000 in GIF funds available under Act 818.
65. On or about October 31, 2013, WILKINS sent a letter of support on behalf of Entity E to receive Act 818 GIF funds.
66. On or about October 31, 2013, WILKINS sent a letter of support on behalf of Entity A to receive Act 818 GIF funds.
67. On or about October 31, 2013, WILKINS sent a letter of support on behalf of Entity F to receive Act 818 GIF funds.
68. On or about November 1, 2013, Person #3, on behalf of Entity F, applied for \$99,895.67 in GIF funds available under Act 818.
69. On or about November 1, 2013, Person #1, on behalf of Entity A applied for \$200,000 in GIF funds available under Act 818.
70. On or about December 5, 2013, DBHS made disbursements from the funds appropriated by Act 818 to selected grant applications. From those funds, Entity A was granted \$122,564.93, Entity E was granted \$61,282.00, and Entity F was granted \$61,218.06.

71. Between December 23 and December 31, 2013, WILKINS wrote checks to himself from the Discretionary account for over \$7,000 and paid approximately \$10,602.88 toward the balance on his personal Discover card.

72. WILKINS accepted payments from Person #1, Entity A, Lobbying Firm B, Lobbying Firm C, and Lobbying Firm D and in exchange, WILKINS performed and agreed to perform official acts in his capacity as an Arkansas legislator that were favorable to Person #1, Person #5, Entity A, and Entity F, including but not limited to, using his official position as an Arkansas legislator to vote for the passage of legislation appropriating GIF monies to DBHS and then using his official position to influence the awarding of GIF grants to Entity A, and Entity F.

Acts to Conceal the Conspiracy

73. Paragraphs 1 through 73 of this Information are re-alleged and incorporated as though fully set forth herein.

74. WILKINS, together with Person #1, Person # 5 and others known and unknown to the United States Attorney, did take steps and committed acts to conceal the conspiracy. Such acts included, but were not limited to, the following:

75. The issuance of bribe payments to the Discretionary Account at SJUMC that was under WILKINS's control instead of to WILKINS directly.

76. In or about 2014, Person #1 contacted WILKINS requesting to meet with WILKINS. WILKINS agreed to meet with Person #1.

77. During the meeting between Person #1 and WILKINS in or about 2014, Person #1 informed WILKINS that Person #1 was being investigated by the Federal Bureau of Investigation. Person #1 stated to WILKINS that Person #1 needed to continue making payments to WILKINS's Discretionary fund even after WILKINS left the Arkansas legislature. Person #1 stated to

WILKINS words to the effect that Person #1 needed to do this to make it “look like I wasn’t paying you.”

78. WILKINS left the legislature at the end of the Arkansas 89th General Assembly, which records indicate was in session until July 2014. WILKINS was replaced in office as the House Representative of Arkansas House District 17 in January 2015.

79. Person #1 continued to direct payments to WILKINS’s Discretionary account from August 1, 2014 until at least January 20, 2016, even after WILKINS left office.

80. On or about February 20, 2015, in response to questions from auditors asking what the December 13, 2014 payment from Entity A to WILKINS’s Discretionary account was for, Person #5 stated it was a “Donation to a youth summer program in Pine Bluff AR, United Methodist Church. That is about it.”

All in violation of Title 18, United States Code, Section 371.

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