

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION
DIVISION OF FINANCIAL INSTITUTIONS



IN RE:

RICHARD A. WICKETT, Administrative Proceeding No. 0399-B-3/07
_____ /

EMERGENCY ORDER OF SUSPENSION AND PROHIBITION
WITH NOTICE OF RIGHTS

The State of Florida, Office of Financial Regulation (hereinafter "Office"), gives notice that it, having determined that Richard A. Wickett (hereinafter "Wickett"), a financial institution-affiliated party, has been charged with multiple felony violations involving fraud, theft, or moral turpitude, files this Emergency Order of Suspension and Prohibition with Notice of Rights (hereinafter "Emergency Order"), pursuant to the provisions of Sections 655.012 and 655.037(6)(b), Florida Statutes (2006), against Wickett, immediately suspending Wickett from serving as a financial institution-affiliated party of Eastern Financial Florida Credit Union and any other state financial institution, subsidiary, or service corporation, and immediately prohibiting Wickett from participation in any manner in the affairs of Eastern Financial Florida Credit Union and any other state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Eastern Financial Florida Credit Union ("EFFCU") is a Florida state-chartered credit union, charter number 40669, with its principal place of business at 3700 Lakeside Drive, Miramar, Florida, 33082-9514, and thus a state financial institution, as that term is defined in Section 655.005(1)(p), Florida Statutes.

2. On March 8, 2007, Wickett was a member of the Board of Directors (a "director")

for EFFCU. Thus, Wickett is a financial institution-affiliated party, as that term is defined in Section 655.005(1)(i), Florida Statutes.

3. On March 8, 2007, a Grand Jury indictment was filed in the United States District Court, Southern District of Florida, Miami Division, in the case styled United States of America v. Richard A. Wickett, Case No. 1:07-cr-20145-UU. The indictment charged Wickett with thirteen felony count violations of federal law, including Title 18, United States Code, Sections 371, 1001, 1341, 1343, and 1346 (18 U.S.C. §§ 371, 1001, 1341, 1343, and 1346), for conspiracy to commit mail and wire fraud, mail fraud, wire fraud, conspiracy to make false statements, and making false statements. The counts allege violations on various dates during the period from approximately January 1990 through April 2003. See attached Exhibit 1 which is hereby incorporated by reference as if set forth in its entirety.

4. Violations of 18 U.S.C. §§ 371, 1001, 1341, and 1343 are felonies punishable by imprisonment for up to 5 years (18 U.S.C. §§ 371 and 1001) and 20 years (18 U.S.C. §§ 1341 and 1343).

5. Violations of 18 U.S.C. §§ 371, 1001, 1341, and 1343 involve fraud, theft, or moral turpitude.

6. The Office is responsible for the enforcement of the laws governing financial institutions authorized or chartered by the State of Florida, and financial institution-affiliated parties associated with such institutions, their subsidiaries, and service corporations, including but not limited to directors, officers, employees, and agents, as well as former directors, officers, employees, and agents. §§ 655.001, 655.005, 655.012, 655.037, Fla. Stat.

7. Wickett's suspension, resignation, termination of employment or participation, or separation from EFFCU does not affect the jurisdiction and authority of the Office to issue any

notice and to proceed against Wickett under Section 655.037, Florida Statutes, which states in part:

The resignation, termination of employment or participation, or separation from a state financial institution, subsidiary, or service corporation of the financial institution-affiliated party does not affect the jurisdiction and authority of the office to issue any notice and proceed under this section against such financial institution-affiliated party, if such notice is served before the end of the 6-year period beginning on the date such person ceases to be such a financial institution-affiliated party with respect to such state financial institution, subsidiary, or service corporation.

8. Section 655.037(6)(b), Florida Statutes, further states, in pertinent part:

Whenever any financial institution-affiliated party is charged with a felony in a state or federal court, or in the courts of any foreign country with which the United States maintains diplomatic relations, and such charge alleges violation of any law involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude and the charge under such foreign law is equivalent to a felony charge under state or federal law, the office may enter an emergency order suspending such financial institution-affiliated party or restricting or prohibiting participation by such financial institution-affiliated party in the affairs of that particular state financial institution, subsidiary, or service corporation or any other financial institution, subsidiary, or service corporation, upon service of the order upon the state financial institution, subsidiary, or service corporation and the financial institution-affiliated party so charged.

9. Although it is unnecessary to find or demonstrate that the reasons for concluding that the procedures employed herein are fair under the circumstances, since this action is in the context of an emergency suspension and prohibition pursuant to the provisions of Sections 655.031 and 655.037(6)(b), Florida Statutes, the Office nevertheless finds that the procedures used are fair, since the Office has used the very procedures contained within the provisions of Sections 655.031 and 655.037(6)(b), Florida Statutes.

10. The Office concludes, pursuant to Section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should Wickett request a post-suspension

hearing or appeal this Emergency Order, said hearings and proceedings shall be conducted as public proceedings, and that all documents related to such hearing will be public documents unless subject to a protective order or made confidential pursuant to federal or Florida law.

AGENCY ACTION

11. Based on the foregoing Statement of Facts and Conclusions of Law, it is ORDERED that:

a. Wickett is hereby IMMEDIATELY suspended from any and all positions he holds at EFFCU and any other state financial institution, subsidiary, or service corporation.

b. Wickett is hereby IMMEDIATELY suspended from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, for EFFCU and any other state financial institution, subsidiary, or service corporation.

c. Wickett is hereby IMMEDIATELY prohibited from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(i), Florida Statutes, for EFFCU and any state other financial institution, subsidiary, or service corporation.

d. Wickett is hereby IMMEDIATELY prohibited from participation in any manner in the affairs of EFFCU and any other state financial institution, subsidiary, or service corporation.

This prohibition includes, but is not limited to, matters of corporate governance and the following prohibitions regarding stock ownership, transfer, and voting:

(1) Wickett shall not vote any stock he owns or controls in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office.

(2) Wickett shall not solicit, procure, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, or service corporation.

(3) Wickett shall not solicit or procure any additional stock in any other state financial institution, subsidiary, or service corporation.

(4) Wickett shall not transfer or attempt to transfer: a) any stock he owns or controls in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office; or b) any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office.

e. Wickett is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for EFFCU and any other state financial institution, subsidiary, or service corporation.

f. Wickett is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for EFFCU and any other state financial institution, subsidiary, or service corporation, unless, prior to accepting appointment with, and prior to providing any services to, any state financial institution, subsidiary, or service corporation as a consultant or independent contractor, or other similar position:

(1) Wickett provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, or service corporation, with which Wickett seeks to serve as a consultant or independent contractor, or other similar position; and

(2) Wickett, and the chief executive officer and the chairman of the board of directors of the state financial institution, subsidiary, or service corporation with which Wickett seeks to serve as a consultant or independent contractor, or other similar position, provides written notification to the Office describing in detail the duties and responsibilities of the services Wickett desires to provide to the state financial institution, subsidiary, or service corporation; and

(3) Wickett is authorized by the Office, at its sole discretion, to accept the appointment with the state financial institution, subsidiary, or service corporation, as a consultant or independent contractor, or other similar position.

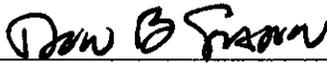
g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office Order finding that Wickett has demonstrated through a post-suspension hearing that his service to or participation in the affairs of any state financial institution, subsidiary, or service corporation does not pose a threat to the interests of the state financial institution's depositors, members, or stockholders, or threaten to impair public confidence in the state financial institution or the financial institution system.

h. This Emergency Order will remain in effect, unless otherwise rescinded or modified by Office Order, until the criminal charges are disposed of.

i. This Emergency Order shall become final if Wickett is convicted or pleads guilty or *nolo contendere* to any felony involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude, whether or not the Court enters an adjudication of guilt.

j. This Emergency Order will dissolve in the event of an acquittal, or the final, unappealed dismissal of all charges against Wickett. However, such dissolution does not prohibit the Office from instituting proceedings under Section 655.037(1), Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida, this day of March 14, 2007.



Don B. Saxon, Commissioner
Office of Financial Regulation

NOTICE OF RIGHTS

NOTICE IS HEREBY provided that the foregoing Emergency Order is entered pursuant to section 655.037(6)(b), Florida Statutes, and is accordingly effective immediately. Wickett is entitled to seek judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure, and are commenced by filing the original notice of appeal with the Clerk of the Office of Financial Regulation, Legal Services Office, The Fletcher Building, Suite 526, 200 East Gaines Street, Tallahassee, Florida 32399-0379, and a copy of the notice of appeal, accompanied by the filing fees prescribed by law, with the First District Court of Appeal, 301 Martin Luther King, Jr. Blvd., Tallahassee, Florida 32399, or the District Court of Appeal in the appellate district where the party resides, or as otherwise provided by law. The notice of appeal must be filed within thirty (30) days of rendition of the Emergency Order.

Wickett may also request a post-suspension hearing, to be conducted in accordance with the provisions of sections 120.569 and 120.57, Florida Statutes. Requests for such a post-suspension hearing must comply with the provisions of Rule 28-106.104, Florida Administrative Code, and must be filed with:

Clerk
Office of Financial Regulation
Legal Services Offices
The Fletcher Building, Suite 526
200 East Gaines Street
Tallahassee, Florida 32399-0379
(850) 410-9896

within twenty-one (21) days after Wickett, or his agent or representative, receives a copy of this Emergency Order. Should Wickett request a post-suspension hearing, he will have the right to be

represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on Wickett's behalf. Failure to respond within twenty-one (21) days of receipt of this Emergency Order shall be deemed to be a waiver of all rights to a post-suspension hearing, and this Emergency Order shall, without further notice, remain in effect until the criminal charges are disposed of. If Wickett is convicted of or pleads guilty or *nolo contendere* to the charges alleged, regardless of whether an adjudication of guilt is entered by the court, the Emergency Order shall become final.

Note that the acquittal of the financial institution-affiliated party charged, or the final unappealed dismissal of all charges against such person, will dissolve the Emergency Order, but will not prohibit the Office from instituting proceedings under section 655.037(1), Florida Statutes. Pursuant to section 120.573, Florida Statutes, Wickett is advised that mediation is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Order of Suspension and Prohibition with Notice of Rights has been furnished via certified U.S. Mail, return receipt requested, delivery to addressee only, to Mr. Richard A. Wickett, 100 Evening View Way, Travelers Rest, South Carolina 29690, and via certified U.S. Mail, return receipt requested, to Eastern Financial Florida Credit Union, through it counsel, Robert A. Vale, at 3700 Lakeside Drive, Miramar, Florida, 33082-9514, this day of March 14, 2007.



Bruce Kuhse (Fla. Bar No. 0308470)
Assistant General Counsel
Office of Financial Regulation
The Fletcher Building, Suite 526
200 East Gaines Street
Tallahassee, Florida 32399-0379
Tel: (850) 410-9896

Filed by *CB* D.C.
ELECTRONIC

MAR 08, 2007

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
07-20145-CR-UNGARO/O'SULLIVAN

CASE NO. _____

- 18 U.S.C. § 371
- 18 U.S.C. § 1341
- 18 U.S.C. § 1343
- 18 U.S.C. § 1346
- 18 U.S.C. § 1001
- 18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

RICHARD A. WICKETT,

Defendant.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The PBSJ Corporation (PBSJ) was an employee-owned national engineering and construction organization that provided a broad range of services related to transportation, environmental and civil engineering, and construction management. Its executive offices were located at 2001 N.W. 107th Avenue, in Miami-Dade County, Florida. Its common stock is registered with the Securities and Exchange Commission (SEC) pursuant to Section 12(g) of the Securities and Exchange Act of 1954, Title 15, United States Code, Section 781(g). The majority of PBSJ's client's are state and local governments. PBSJ also contracts with the federal government.

EXHIBIT

1

2. Seminole Development Corporation (Seminole) was a wholly-owned subsidiary of PBSJ. Seminole's sole purpose was to function as a real-estate holding company for PBSJ. It had no business functions other than the buying, selling, and maintaining of real estate.

3. The defendant, **Richard A. Wickett** (Wickett), was an officer and director of PBSJ. By October 1, 1989, Wickett became a Senior Vice President of PBSJ and its Treasurer/Controller. On January 1, 1993, he became Chief Financial Officer (CFO). On January 7, 1995, he became an Executive Vice President and CFO. On January 15, 1999, he became a Senior Executive Vice President, CFO and Senior Service Director. On January 18, 2002, he became Chairman of the PBSJ Board of Directors.

4. As an officer and director of PBSJ, Wickett owed a fiduciary duty to its shareholders, which included the provision of his honest services when conducting PBSJ's affairs.

5. H. Michael Dye was an officer and director of PBSJ. By October 1, 1985, he became a Senior Vice President and Marketing Director for PBSJ. On July 1, 1989, he became an Executive Vice President. On January 1, 1991, he became PBSJ's President and Chief Operating Officer. On January 1, 1996, he became President and CEO. On January 1, 2000, he became Chairman of the PBSJ Board of Directors.

6. As an officer and director of PBSJ, H. Michael Dye owed a fiduciary duty to its shareholders, which included the provision of his honest services when conducting PBSJ's affairs.

7. The Federal Election Commission (FEC) is an independent federal agency of the executive branch of the United States government. It enforces and administers the provisions of the Federal Election Campaign Act of 1971, as amended (FECA), 2 U.S.C. §§ 431-455.

8. The Federal Election Campaign Act of 1971 requires federal candidates and political committees supporting them to file accurate reports with the FEC which identify, among other matters, the true source of contributions to a campaign.

9. The Federal Election Campaign Act of 1971 also contains various restrictions which apply to federal campaign contributions. It places limits on the amount an individual can contribute to a candidate for any one election. 2 U.S.C. §§ 441a. It prohibits contribution of corporate funds to federal candidates. 2 U.S.C. § 441b. It prohibits contribution of funds from federal government contractors. 2 U.S.C. § 441c. It also prohibits disguised or reimbursed contributions, or in other words, contributions in the name of someone who is not the actual source of funds. 2 U.S.C. § 441f.

10. Individual states also have laws which regulate financing for elections in the particular state. Various states also require their candidates, or committees supporting their candidates, to file accurate reports with state authorities which identify the true source of contributions to a campaign. Individual states also prohibit disguised or reimbursed contributions, or in other words, contributions in the name of someone who is not the actual source of funds.

COUNT 1 ✓ AND WIRE
(Conspiracy to Commit Mail Fraud) (128)

1. Paragraphs 1 through 10 of the General Allegations portion of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. From a date unknown to the Grand Jury, but commencing at least as early as in or around January, 1990, and continuing thereafter to on or about April 14, 2003, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RICHARD A. WICKETT,

did knowingly and willfully combine, conspire, confederate and agree with others known and unknown to the Grand Jury, to commit certain offenses against the United States, namely, mail fraud,

in violation of Title 18, United States Code, Sections 1341 and 1346; and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

PURPOSE AND OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy for the defendant and others known and unknown to the Grand Jury to fraudulently conceal and disguise the diversion of PBSJ corporate funds from legitimate business uses to improper political donations, in order to increase the likelihood of procuring government contracts for PBSJ, despite the reasonably foreseeable risk of economic harm to PBSJ shareholders from this diversion of funds.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant^{FB} sought to accomplish the object of the conspiracy included, among others, the following:

1. **Wickett** and **Dye** instructed and authorized certain PBSJ employees to submit fraudulent expense reports making false claims for mileage that equaled money donated by the employees to candidates for elected office in order to improperly reimburse those donations and despite the reasonably foreseeable risk of economic harm to PBSJ shareholders from this practice.
2. **Wickett** and **Dye** opened and used a PBSJ corporate bank account for the purpose of issuing checks that concealed and omitted the PBSJ corporate name and address, causing others to provide those checks to candidates for elected office and committees supporting those candidates, and concealing or disguising the source of funds for those checks, despite the reasonably foreseeable risk of economic harm to PBSJ shareholders from this practice.
3. **Wickett** and **Dye** issued corporate checks from Seminole to improperly reimburse contributions to candidates for elected office, despite the reasonably foreseeable risk of economic harm to PBSJ shareholders from this practice.

4. **Wickett** and **Dye** arranged for so-called salary "bonuses" for **PBSJ** officers, directors and executives, which were in fact a means to pass corporate funds into **PBSJ** political action committees, and which were not for the use and benefit of **PBSJ** officers, directors, and executives, despite the reasonably foreseeable risk of economic harm to **PBSJ** shareholders from this practice.

OVERT ACTS

In furtherance of the conspiracy, and to achieve the objects thereof, at least one of the coconspirators committed or caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about February 27, 1990, **Dye** instructed **Wickett** to create a **PBSJ** bank account "without the filings" for contributions to candidates outside of the State of Florida who were running for elected office.
2. On or about February 27, 1990, **Wickett** directed his secretary to open a bank account under the name "PBSJ Out of State PAC" with instructions to use the **PBSJ** identification number but to keep the account "out of **PBSJ** books."
3. On or about March 27, 1990, **Wickett** signed papers opening an account with SunBank under the name **PBS&J Out Of State PAC**.
4. On or about March 27, 1990, **Dye** signed papers opening an account with SunBank under the name **PBS&J Out Of State PAC**.
5. In or about May, 1990, **Wickett** directed his secretary to conceal and remove information about **PBSJ** from the checks belonging to the account of **PBS&J Out Of State PAC**.
6. In or about May, 1990, **Wickett** directed his secretary to order new checks for the **PBS&J Out Of State PAC** account which omitted **PBSJ**'s name and address.
7. In or about May, 1991, **Dye** opened a second **PBS&J Out Of State PAC** account at **NCNB**.

8. On or about May 20, 1991, **Wickett** placed his name on the signature card for the NCNB Out Of State PAC account.
9. On or about May 20, 1991, **Dye** placed his name on the signature card for the NCNB Out Of State PAC account.
10. On or about June, 17, 1991, **Dye** approved his own request to contribute \$500 from the SunBank Out Of State PAC account to a principal campaign committee hereinafter referred to as Friends of "Candidate A," which was the principal campaign committee authorized to support the candidacy of "Candidate A" for United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.
11. On or about June 17, 1991, **Wickett** signed check #1004 from the SunBank PBS&J Out Of State PAC account, which lacked PBSJ's name and address, payable to Friends of "Candidate A" in the amount of \$500.
12. In or about August, 1991, **Wickett** closed the PBS&J Out Of State PAC account with SunBank and moved its remaining funds to the PBS&J Out Of State PAC account with NCNB.
13. On or about September 24, 1991, **Wickett** approved a \$5,000 contribution through check #1002, a check which lacked PBSJ's name and address, from the NCNB Out Of State PAC account to a principal campaign committee hereinafter referred to as Americans for "Candidate B," which was the principal campaign committee authorized to support the candidacy of "Candidate B" for President of the United States, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.
14. On or about September 24, 1991, **Dye** also approved a \$5,000 contribution to Americans for "Candidate B" through check #1002 from the NCNB Out Of State PAC account, a check which lacked PBSJ's name and address.

15. On or about September 25, 1991, a person unknown to the Grand Jury deposited a PBSJ corporate check for \$5,000 into the NCNB Out Of State PAC account.
16. On or about February 21, 1992, when check #1002 failed to clear, Wickett signed NCNB Out Of State PAC account check #1005 for \$5,000 payable to Post, Buckley, Schuh and Jernigan, Inc.
17. On or about February 24, 1992, Wickett signed a Seminole check to Dye for \$1,000.
18. On or about February 25, 1992, Dye contributed a personal check for \$1,000 to Americans for "Candidate B".
19. On or about July 6, 1992, Dye requested a \$250 contribution to a principal campaign committee hereinafter referred to as the Committee to Elect "Candidate C," which was the principal campaign committee authorized to support the candidacy of "Candidate C" for the United States House of Representatives, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.
20. On or about July 6, 1992, Wickett signed Out Of State PAC account check #1011, which lacked PBSJ's name and address, for \$250 payable to the Committee to Elect "Candidate C."
21. On April 1, 1994, Wickett signed Out Of State PAC account check #1033, which lacked PBSJ's name and address, for \$1,000 payable to an individual hereinafter referred to as "Candidate D," which was the principal campaign committee authorized to support the candidacy of "Candidate D for the United States House of Representatives, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.
22. On June 12, 1995, Wickett issued a Seminole check, #1222, payable to Dye for \$1,000.
23. On or about June 13, 1995, Dye deposited Seminole check #1222.

24. On or about June 22, 1995, Dye issued a personal check for \$1,000.00 to a presidential campaign.

25. On or about May 29, 1996, Wickett signed Out Of State PAC account check number 1053, which lacked PBSJ's name and address, for \$1,000, payable to a principal campaign committee hereinafter referred to as the "Candidate E" PAC, which was the principal campaign committee authorized to support the candidacy of "Candidate E" for the United States Senate, and as such subject to the reporting provisions and campaign finance limitations of the FECA.

26. On or about August 27, 1996, Wickett signed Out Of State PAC account check #1055, which lacked PBSJ's name and address, for \$5,000 payable to Florida Win in '96.

27. On or about September 27, 1996, Wickett approved for Dye a \$1,000.00 contribution to an individual referred to herein as "Candidate F" and a \$1,000.00 contribution to an individual referred to herein as "Candidate G."

28. On or about September 27, 1996, Wickett signed Out Of State PAC account check #1057, which lacked PBSJ's name and address, for \$1,000 payable to "Candidate F" Campaign and cashed by "Candidate F" for Congress, the principal campaign committee authorized to support the candidacy of "Candidate F" for the United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

29. On or about September 27, 1996, Wickett signed Out Of State PAC account check #1058, which lacked PBSJ's name and address, for \$1,000 payable to "Candidate G" Campaign and deposited into the Campaign Account for "Candidate G", M.C., which was subject to the reporting provisions and campaign finance limitations of the FECA..

30. In or about June, 2000, Dye arranged for certain PBSJ officers and directors to receive a mid-year "bonus."

31. In or about June, 2000, Dye instructed certain PBSJ officers and directors who received the so-called mid-year "bonus" that their "bonus" was for funding PBSJ political action committees.

32. In or about December, 2001, Wickett arranged for certain PBSJ officers and directors to receive an end-of-year bonus.

33. In or about December, 2001, Wickett instructed certain PBSJ officers and directors that they could not spend the entire bonus as \$10,000 of the bonus had to go to PBSJ political action committees.

34. On or about January 15, 2002, following the 2001 end-of-year bonus, Dye wrote a \$10,000 personal check payable to CATPAC.

35. On or about January 15, 2002, Wickett wrote the words "North Carolina" on the personal check from Dye which was payable to CATPAC.

36. On or about March 25, 2002, Wickett signed and approved a check request authorizing a \$2,000.00 PBSJ corporate check payable to the District Director of PBSJ's Atlanta Office for "mileage reimbursement."

37. On or about March 25, 2002, the District Director of PBSJ's Atlanta Office wrote a personal check to a principal campaign committee hereinafter referred to as Friends of "Candidate H" for \$2,000.

38. On or about March 26, 2002, Wickett signed PBSJ corporate check #0011202 for \$2,000 payable to the District Director for PBSJ's Atlanta office, where it was to be mailed from PBSJ's Miami office to its Atlanta office.

39. On or about May 1, 2002, **Wickett** signed a check from PBSJ's North Carolina CATPAC account for \$6,000.00 payable to Dye.

40. On or about May 1, 2002, a secretary in PBSJ's Miami office sent a Federal Express package to Dye in North Carolina which contained the \$6,000 check payable to Dye.

41. On September 13, 2002, Dye wrote a \$6,000 check to a candidate who was running for governor of Alabama.

42. On or about January 15, 2003, **Wickett** signed and approved a check request for a \$500.00 PBSJ corporate check payable to a Regional Services Manager in PBSJ's Miami, Florida office for a "business development expense."

43. On or about January 15, 2003, **Wickett** signed a PBSJ corporate check for \$500 payable to a Regional Services Manager in PBSJ's Miami office.

44. On or about January 15, 2003, **Wickett** directed his secretary to deliver the check to the Miami Regional Services Manager.

45. On or about January 16, 2003, **Wickett** caused the Miami Regional Services Manager to write a \$500 personal check payable to a principal campaign committee referred to herein as Alaskans for "Candidate I."

46. On or about April 14, 2003, **Wickett** caused Alaskans for "Candidate I" to transmit FEC Form 3 from Anchorage, Alaska to the FEC in Washington D.C., which reported, among other matters, contribution of a \$500 personal check from PBSJ's Miami Regional Services Manager.

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

COUNTS 2-10
(18 U.S.C. §§ 1341, 1343, 1346 and 2)

1. Paragraphs 1-10 of the General Allegations section of the Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or about January, 1990, and continuing through in or about March, 2002, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendant,

RICHARD A. WICKETT,

did knowingly and with intent to defraud devise and intend to devise a continuing scheme and artifice to deprive others of the intangible right of their honest services, by means of materially false and fraudulent pretenses and representations, knowing that they were false and fraudulent when made, and causing to be transmitted in interstate and foreign commerce by means of wire communications certain signals and sounds, and causing to be delivered certain mail matter by the United States Postal Service and any private and commercial interstate carrier, according to the directions thereon, for the purpose of executing the scheme.

PURPOSE OF THE SCHEME AND ARTIFICE

3. A purpose of the scheme and artifice was for the defendants to fraudulently conceal and disguise the diversion of PBSJ corporate funds from legitimate business uses to improper political donations, in order to increase the likelihood of procuring government contracts for PBSJ, despite the reasonably foreseeable risk of economic harm to PBSJ shareholders from this diversion of funds.

SCHEME AND ARTIFICE

4. From as early as January, 1990, and continuing through and including March, 2002, the defendant and others known and unknown caused submission of false expense reports for mileage to conceal and disguise the use of PBSJ corporate funds to reimburse contributions to campaigns.

5. From on or about February 27, 1990, through and including November 27, 2001, the defendant and others known and unknown used checks without PBSJ's name or address to disguise the diversion of PBSJ corporate funds to campaigns.

6. From March, 1990, to in or about May, 1997, the defendant and others known and unknown diverted PBSJ corporate funds through Seminole checks to reimburse certain employees for providing personal checks to candidates and campaigns.

7. From in or about June, 2000, through and including January, 2002, the defendant and others known and unknown arranged for the diversion of PBSJ corporate funds disguised as bonuses to campaigns.

STATUTORY ALLEGATIONS

On or about the dates specified as to each count, in the Southern District of Florida and elsewhere, the defendant, for the purpose of executing and in furtherance of the aforesaid scheme and artifice to defraud PBSJ shareholders of their intangible right to honest services by means of materially false and fraudulent pretenses and representations, and attempting to do so, did knowingly cause to be transmitted in interstate and foreign commerce by means of wire communications certain signals and sounds, and cause to be delivered by United States Postal Service and a private commercial interstate carrier, according to the directions thereon, the items identified below in each count:

COUNT	DATE ON OR ABOUT	DESCRIPTION	USE OF WIRE/MAIL	VIOLATION
2	March 15, 2002	facsimile from PBSJ in Pennsylvania of contribution request form to PBSJ in Miami-Dade County, Florida	wire	18 U.S.C. §§ 1343, 1346 and 2
3	March 26, 2002	mailing from PBSJ in Miami-Dade County, Florida to PBSJ in Atlanta, Georgia of check for \$2,000.00	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2
4	April 5, 2002	mailing from PBSJ in Miami-Dade County, Florida of a report to Austin, Texas	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2
5	April 19, 2002	mailing from PBSJ in Miami-Dade County, Florida of a report to Montgomery, Alabama	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2
6	April 25, 2002	mailing from PBSJ in Miami-Dade County, Florida of a report to Raleigh, North Carolina	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2
7	May 1, 2002	Federal Express from PBSJ in Miami-Dade County, Florida of a \$6,000 check to Dye in Flat Rock, North Carolina	common carrier	18 U.S.C. §§ 1341, 1346 and 2
8	July 1, 2002	mailing from PBSJ in Miami-Dade County, Florida of a report to Atlanta, Georgia	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2
9	August 9, 2002	mailing from PBSJ in Miami-Dade County, Florida of a statement to Sacramento, California	U.S. mail	18 U.S.C. §§ 1341, 1346 and 2

10	April 14, 2003 <i>CANDIDATE</i> <i>"I"</i>	electronic mail from Alaskans for ██████████ in Anchorage, Alaska to FEC in Washington, D.C. of FEC Form 3	wire	18 U.S.C. §§ 1343, 1346 and 2
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COUNT 11

1. Paragraphs 1-10 of the General Allegations section of the Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From a date unknown to the Grand Jury, but commencing at least as early as in or around January, 1990, and continuing thereafter to on or about April 14, 2003, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RICHARD A. WICKETT,

did knowingly and willfully combine, conspire, confederate and agree with others known and unknown to the Grand Jury, to cause the making of materially false, fictitious and fraudulent statements and representations in matters within the jurisdiction of the Federal Election Commission, an agency within the executive branch of the Government of the United States, in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

PURPOSE AND OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy for the defendant and others known and unknown to falsely and fraudulently disguise the diversion and the use of PBSJ corporate funds to candidates for federal office and their principal campaign committees, causing such candidates and their principal campaign committees to file false reports with the FEC that concealed the true source of contributions from PBSJ, in violation of the FECA.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and others known and unknown sought to accomplish the object of the conspiracy included, among others, the following:

1. The defendant and others known and unknown instructed and authorized certain PBSJ employees to submit fraudulent expense reports making false claims for mileage equal to money donated by those employees to federal candidates and their principal campaign committees in order to improperly reimburse those donations.

2. The defendant and others known and unknown opened and used a PBSJ corporate bank account which had the sole purpose of issuing checks that concealed and omitted the PBSJ corporate name and address, causing others to provide those checks to federal candidates and their principal campaign committees, and concealing or disguising the source of funds for those checks.

3. The defendant and others known and unknown issued corporate checks from Seminole to improperly disguise and reimburse contributions to federal candidates and their principal campaign committees.

OVERT ACTS

In furtherance of the conspiracy, and to achieve the objects thereof, at least one of the coconspirators committed or caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about February 27, 1990, Dye instructed Wickett to create a PBSJ bank account "without the filings" for contributions to candidates outside of the State of Florida who were running for elected office.

2. On or about February 27, 1990, Wickett directed his secretary to open a bank account under the name "PBSJ Out of State PAC" with instructions to use the PBSJ identification number but to keep the account "out of PBSJ books."
3. On or about March 27, 1990, Wickett signed papers opening an account with SunBank under the name PBS&J Out Of State PAC with SunBank.
4. On or about May, 1990, Dye signed papers opening an account with SunBank under the name PBS&J Out Of State PAC.
5. In or about May, 1990, Wickett directed his secretary to conceal and remove information about PBSJ from the checks belonging to PBS&J Out Of State PAC.
6. In or about May, 1990, Wickett directed his secretary to order new checks for the PBS&J Out Of State PAC account which omitted PBSJ's name and address.
7. In or about May, 1991, Dye opened a second PBSJ Out Of State PAC account at NCNB.
8. On or about May 20, 1991, Wickett placed his name on the signature card for the NCNB Out Of State PAC account.
9. On or about May 20, 1991, Dye placed his name on the signature card for the NCNB Out Of State PAC account.
10. On or about June, 17, 1991, Dye approved his own request to contribute \$500 from the Out Of State PAC account to Friends of "Candidate A" which was the principal campaign committee authorized to support the candidacy of "Candidate A" for United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

11. On or about June 17, 1991, Wickett signed check #1004 from the SunBank PBS&J Out Of State PAC account, which did contain PBSJ's name or address, payable to Friends of "Candidate A" in the amount of \$500.

12. In or about August, 1991, Wickett closed the PBS&J Out Of State PAC account with SunBank and moved its remaining funds to an account with NCNB.

13. On or about September 24, 1991, Wickett approved a \$5,000 contribution through check #1002 from the NCNB Out Of State PAC account, a check which did not contain PBSJ's name or address to Americans for "Candidate B" which was the principal campaign committee authorized to support the candidacy of "Candidate B" for President of the United States, and as such subject to the reporting provisions and campaign finance limitations of the FECA.

14. On or about September 24, 1991, Dye also approved a \$5,000 contribution to Americans for "Candidate B" through check #1002 from the NCNB Out Of State PAC account, a check which did not include PBSJ's name or address.

15. On or about September 25, 1991, a person unknown to the Grand Jury deposited a PBSJ corporate check for \$5,000 into the NCNB Out Of State PAC account.

16. On or about February 21, 1992, when check #1002 failed to clear, Wickett signed NCNB Out Of State PAC account check #1005 for \$5,000 payable to Post, Buckley, Schuh and Jernigan, Inc.

17. On or about February 24, 1992, Wickett signed a Seminole check to Dye for \$1,000.

18. On or about February 25, 1992, Dye contributed a personal check for \$1,000 to Americans for "Candidate B."

19. On or about July 6, 1992, Dye requested a \$250 contribution to the Committee to Elect "Candidate C," which was the principal campaign committee authorized to support the candidacy of "Candidate C" for the United States House of Representatives, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

20. On or about July 6, 1992, Wickett signed Out Of State PAC account check #1011, which lacked PBSJ's name and address, for \$250 payable to the Committee to Elect "Candidate C."

21. On April 1, 1994, Wickett signed Out Of State PAC account check #1033, which lacked PBSJ's name and address, for \$1,000 which was cashed by Friends of "Candidate D," which was the principal campaign committee authorized to support the candidacy of "Candidate D" for the United States House of Representatives, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

22. On June 12, 1994, Wickett issued a Seminole check, #1222, payable to Dye for \$1,000.

23. On or about June 13, 1994, Dye deposited Seminole check #1222.

24. On or about June 22, 1994, Dye issued a personal check to a presidential campaign, which was subject to the reporting provisions and campaign finance limitations of the FECA.

25. On or about May 29, 1996, Wickett signed Out Of State PAC account check number 1053, which lacked PBSJ's name and address, for \$1,000, payable to the "Candidate E" PAC, which was the principal campaign committee authorized to support the candidacy of "Candidate E" for the United States Senate, and as such subject to the reporting provisions and campaign finance limitations of the FECA.

26. On or about August 27, 1996, Wickett signed Out Of State PAC account check #1055, which lacked PBSJ's name and address, for \$5,000 payable to Florida Win in '96.

27. On or about September 27, 1996, Wickett approved for Dye a \$1,000 contribution to "Candidate F" and a \$1,000 contribution to "Candidate G."

28. On or about September 27, 1996, Wickett signed Out Of State PAC account check #1057, which lacked PBSJ's name and address, for \$1,000 payable to "Candidate F" Campaign and cashed by "Candidate F" for Congress, the principal campaign committee authorized to support the candidacy of "Candidate F" for the United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

29. On or about September 27, 1996, Wickett signed Out Of State PAC account check #1058, which lacked PBSJ's name and address, for \$1,000 payable to "Candidate G" Campaign and deposited into the Campaign Account for "Candidate G," M.C., which was subject to the reporting provisions and campaign finance limitations of the FECA.

30. On or about March 25, 2002, Wickett signed and approved a check request authorizing a \$2,000 PBSJ corporate check payable to the District Director of PBSJ's Atlanta office for "mileage reimbursement."

31. On or about March 25, 2002, the District Director of PBSJ's Atlanta Office wrote a personal check for \$2,000 ^{to} Friends of "Candidate H," which was the principal campaign committee authorized to support the candidacy of "Candidate H" for the United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

32. On or about March 26, 2002, Wickett signed PBSJ corporate check #0011202 for \$2,000 payable to the District Director for PBSJ's Atlanta office, and caused it to be mailed from PBSJ's Miami office to its Atlanta office.

33. On or about April 10, 2002, the treasurer for Friends of "Candidate H" for United States Senate mailed FEC Form 3 which reported, among other matters, contribution of a \$2,000.00 personal check from the District Director of PBSJ's Atlanta, Georgia office.

34. On or about March 15, 2003, Wickett signed and approved a check request for a \$500 PBSJ corporate check payable to a Regional Services Manager in PBSJ's Miami, Florida office for a "business development expense."

35. On or about January 15, 2003, Wickett signed a PBSJ corporate check for \$500 payable to a Regional Services Manager in PBSJ's Miami office.

36. On or about January 15, 2003, Wickett directed his secretary to deliver the check to the Miami Regional Services Manager.

37. On or about January 16, 2003, the Miami Regional Services Manager wrote a \$500 personal check payable to Alaskans for "Candidate I," the principal campaign committee authorized to support the candidacy of "Candidate I" for the United States Senate, and as such was subject to the reporting provisions and campaign finance limitations of the FECA.

38. On or about April 14, 2003, the treasurer for Alaskans for "Candidate I" caused the wire transmission of FEC Form 3 from Anchorage, Alaska to the FEC in Washington D.C., which reported, among other matters, contribution of a \$500.00 personal check from PBSJ's Miami Regional Services Manager.

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

COUNT 12

From on or about March 15, 2002, to on or about April 22, 2002, in Miami, Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RICHARD A. WICKETT,

did knowingly and willfully cause a materially false, fictitious and fraudulent statement and representation to be made within the jurisdiction of the FEC, in that defendant **RICHARD A. WICKETT** did cause the treasurer of the Friends of "Candidate H" for U.S. Senate, Inc. to report to the FEC that the District Director for PBSJ's Atlanta, Georgia office, had personally contributed \$2,000.00 to the campaign committee, when in truth and in fact, and as the defendant then and there well knew, he had reimbursed the District Director for PBSJ's Atlanta, Georgia office with a corporate check for \$2,000, as had been previously understood and agreed to between defendant **RICHARD A. WICKETT** and PBSJ's Atlanta, Georgia District Director.

In violation of Title 18, United States Code, Sections 1001 and 2(b).

COUNT 13

From on or about January 15, 2003, to on or about April 14, 2003, in Miami, Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

RICHARD A. WICKETT,

did knowingly and willfully cause a materially false, fictitious and fraudulent statement and representation to be made within the jurisdiction of the FEC, in that defendant **RICHARD A. WICKETT** did cause the treasurer of Alaskans for "Candidate P" to report to the FEC that the Regional Services Manager for PBSJ's Miami, Florida office, had personally contributed \$500 to the campaign committee, when in truth and in fact, and as the defendant then and there well knew, he had reimbursed the Regional Services Manager for PBSJ's Miami, Florida office with a corporate

check for \$500.00, as had been previously understood and agreed to between defendant **RICHARD**
A. WICKETT and PBSJ's ^{MIAMI REGIONAL SERVICE MANAGER} ~~Atlanta, Georgia District Director.~~

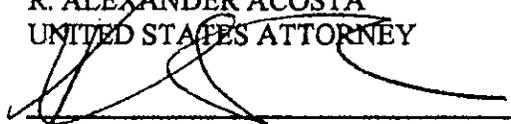
In violation of Title 18, United States Code, Section 1001 and 2(b).

A TRUE BILL.

FOREPERSON



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



KAREN E. ROCHLIN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

Richard A. Wickett

Defendant.

Case Information:

Court Division: (Select One)

Miami Key West
 FTL WPB FTP

New Defendant(s) Yes No
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) no
List language and/or dialect _____

4. This case will take 7 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	<u>X</u>	Minor	_____
III	11 to 20 days	_____	Misdern.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) NO

If yes:
Judge: _____ Case No. _____

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) _____

If yes:
Magistrate Case No. _____
Related Miscellaneous numbers: 06-20583-CR-KING
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) NO

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No
If yes, was it pending in the Central Region? Yes No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes No


KAREN E. ROCHLIN
ASSISTANT UNITED STATES ATTORNEY
Court I.D. No. A5500050

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RICHARD A. WICKETT

Case No:

Count #: 1

Conspiracy to commit mail and wire fraud

18 U.S.C. § 371

* Max. Penalty: 5 years' imprisonment

Count #: 2-10

Mail and wire fraud

18 U.S.C. §§ 1341, 1343 & 1346

*Max. Penalty: 20 years

Count #: 11

Conspiracy to make false statements

18 U.S.C. §371

*Max. Penalty: 5 years

Count #: 12

False statements

18 U.S.C. §1001

*Max. Penalty: 5 years

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: RICHARD A. WICKETT

Case No:

Count #: 13

False statement

18 U.S.C. § 1001

*** Max. Penalty:** 5 years' imprisonment

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**