

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
MARCUS ALLEN TRAVERS
Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of See Attached Affidavit in the county of See Attached Affidavit in the
District of See Attached Affidavit, the defendant(s) violated:

Code Section Offense Description
Title 18, United States Code, Making a False Statement
Sections 1001

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

Complainant's signature

Nathaniel Smith, Senior Special Agent, OPM-OIG
Printed name and title

Sworn to before me and signed in my presence.

Date:

Judge's signature

City and state: Washington, D.C.

Alan Kay, United States Magistrate Judge
Printed name and title

STATEMENT OF FACTS IN SUPPORT OF CRIMINAL COMPLAINT

I, Nathaniel Smith, being duly sworn, depose and state as follows:

Preliminary Information

1. I am a Senior Special Agent with the United States Office of Personnel Management (“OPM”), Office of the Inspector General (“OIG”), duly appointed according to law and acting as such. I have been employed as a Senior Special Agent with OPM-OIG since August 2009, and currently am assigned to Special Investigations/Internal Affairs at OPM-OIG, headquartered in Washington, D.C. Prior to OPM-OIG, I was employed as a Senior Special Agent with the Defense Criminal Investigative Service for eight years. As a Senior Special Agent, I have participated in the successful prosecution and investigation of complex matters involving violations of federal criminal statutes relating to fraud, public corruption, employee misconduct, retirement fraud, health care fraud, theft, and assault. I received formal law enforcement training at the Federal Law Enforcement Training Center in Glynco, Georgia, and completed the Criminal Investigator Training Program which provided training in the techniques, concepts, and methodologies of conducting a criminal investigation, executing search and arrest warrants, conducting surveillance, and court testimony. I was awarded a Master of Science Degree in Criminal Justice from the University of Cincinnati.

2. This Affidavit is being submitted for the limited purpose of establishing probable cause to obtain a criminal complaint and arrest warrant. Thus, I have not set forth each and every fact learned during the course of the investigation.

3. The information set forth in this Affidavit is based on my personal knowledge, information provided to me during the course of this investigation, and my review of records, documents, and other evidence obtained during the course of this investigation.

4. This Affidavit is being submitted in support of the application for a criminal complaint for MARCUS ALLEN TRAVERS (“TRAVERS”). The facts set forth in this Affidavit demonstrate that there is probable cause to believe that this individual violated Title 18, United States Code, Section 1001 (Making a False Statement).

Subject Information

5. TRAVERS was born on November 17, 1983. His last known address is 4440 Lord Loudoun Court, #14-9, Upper Marlboro, Maryland. He is currently employed part-time at the Stephen Decatur Community Center, 8200 Pinewood Drive, Clinton, Maryland.

Probable Cause

6. At all times material to this Affidavit, TRAVERS was employed by USIS, formerly known as U.S. Investigations Services, Inc., as an investigator under contract to conduct background investigations on behalf of OPM, an agency within the Executive Branch of the federal government, headquartered in Washington, D.C.

7. As background, OPM’s Federal Investigative Services (“OPM-FIS”), formerly known as the Federal Investigative Services Division, was responsible for conducting background investigations for numerous federal agencies and their contractors. OPM-FIS had an investigator workforce comprised of federal agents employed by OPM-FIS and investigators employed by various companies, such as USIS, under contract with OPM-FIS to conduct background investigations. OPM-FIS conducted background investigations of individuals who were either employed by or seeking employment with federal agencies or government contractors. The purpose of the background investigations was to determine individuals’ suitability for positions involving

public trust, having access to classified information, or impacting national security, or for receiving or retaining security clearances.

8. In conducting these background investigations, contract investigators would conduct interviews of individuals who had information about the person who was the subject of the background investigation. In addition, contract investigators would seek out, obtain, and review documentary evidence, such as employment records, to verify and corroborate information provided by either the subject of the background investigation or by persons interviewed during the investigation. After conducting interviews and obtaining documentary evidence, contract investigators would prepare a Report of Investigation (“ROI”), containing the results of the interviews and records reviews, and would electronically submit the ROI to OPM in Washington, D.C. OPM would then provide a copy of the investigative file to the requesting agency and maintain a copy in its records system.

9. The ROI containing the results of the interviews and records reviews conducted during a background investigation would be utilized and relied upon by the agency requesting the background investigation to determine whether the subject of the investigation was suitable for a position involving public trust, having access to classified information, or impacting national security, or for receiving or retaining security clearance.

10. On or about April 28, 2008, in the District of Columbia and elsewhere, defendant TRAVERS, in a matter within the jurisdiction of the Executive Branch of the government of the United States, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation, in that in a ROI of a periodic background re-investigation of K.B. (then and currently an employee of the United States Attorney’s Office for the District of Columbia),

defendant TRAVERS represented that he had interviewed T.S. and J.S. about K.B. when, in truth and in fact, defendant TRAVERS had not interviewed T.S. or J.S. about K.B.

11. On or about April 28, 2008, defendant TRAVERS electronically submitted to OPM in Washington, D.C., his ROI on the background re-investigation of K.B., which contained the aforementioned false representations. These false representations were material, as they influenced the government's decisions and activities with respect to K.B.

12. OPM-FIS Investigations Support, on a monthly basis, identified random sources gleaned from ROIs and mailed recontact letters on each of their federal and contract background investigators. The recontact letters requested feedback about the background investigator's conduct, interview questions, and professionalism. The feedback from the recontact letters returned to OPM-FIS was provided to the federal supervisory staff or to the contract investigator's employer for further review and assessment.

13. On or about June 27, 2008, T.S. completed and returned a recontact letter to OPM-FIS. In responding, T.S. stated, "I was not interviewed in person or by phone," and provided T.S.'s correct full name and address, which differed from the information provided by defendant TRAVERS in his ROI.

14. On or about July 16, 2008, OPM-FIS directed USIS to conduct a follow-up inquiry with T.S. and to contact an additional 25 sources reported by defendant TRAVERS in his ROI's. On or about July 17, 2008, a USIS Team Leader questioned defendant TRAVERS about the interview discrepancies reported in his ROI for K.B., and defendant TRAVERS admitted that he had not interviewed T.S. as stated in his ROI regarding K.B. On July 18, 2008, defendant TRAVERS provided to USIS a signed written statement in which he furnished the following information:

I, Marcus Travers, am confessing to the falsification of the source testimony of [T.S.] on the [K.B.] case 08H97090 for a background investigation. I acknowledge the severe mistake I made, and I deeply regret the actions that I exhibited. The mistake was made due to the pressure I felt of completing the case. I panicked under pressure in the situation, and made a huge error in judgment. The information used in the testimony for [T.S.] was developed information that I gathered from [K.B.] during the Personal Subject Interview, and a telephone conversation with the Subject's boyfriend [L.M.]

In addition, defendant TRAVERS stated the following in the same written statement: "This is the only falsified testimony that I have made under the OPM contract, and I am truly sorry for my mistake."

15. On or about November 18, 2008, Special Agents with OPM-OIG and OPM-FIS interviewed T.S. T.S. stated that T.S.'s only contact with defendant TRAVERS was in July 2008, when defendant TRAVERS came to T.S.'s residence and attempted to persuade T.S. to lie to OPM investigators if contacted and to inform them that defendant TRAVERS had interviewed T.S. as stated in his ROI. T.S. informed defendant TRAVERS of T.S.'s refusal to lie at the request of defendant TRAVERS and immediately requested that defendant TRAVERS leave the residence. T.S. also told OPM Special Agents that defendant TRAVERS left T.S. a voice mail message several days after his visit. In the voice mail message, defendant TRAVERS stated that he had already confessed to investigators about not interviewing T.S. regarding K.B. and that T.S. had nothing to worry about since he had already confessed.

16. On or about December 4, 2008, Special Agents with OPM-OIG interviewed J.S. J.S. denied ever having been interviewed by defendant TRAVERS and stated that the information reported in the ROI was inconsistent with what J.S. would have provided to a background investigator about K.B. J.S. stated that J.S. had never been referred to by a nickname or anything other than J.S.'s full name, contrary to what was reported by defendant TRAVERS in his ROI. Also,

according to J.S., defendant TRAVERS had falsely reported that J.S. mentioned that K.B. attended Howard University in Washington, D.C., and received a certification in Paralegal Studies. J.S. reported having never been made aware that K.B. attended Howard University. In addition, defendant TRAVERS had falsely reported that J.S. first met K.B. in August 2000. In fact, J.S. informed the agents that J.S. first met K.B. when K.B. was dating L.M. in the early 1980's.

17. On or about April 28, 2009, Special Agents with OPM-OIG located defendant TRAVERS, and he participated in a voluntary interview in the parking lot of his residence. Defendant TRAVERS admitted to the investigators that he had never interviewed T.S. and J.S., although he had reported them as sources in his ROI for K.B. Defendant TRAVERS stated that he had obtained the identifying information of T.S. and J.S. during his interview with L.M. and proceeded by fabricating and falsely reporting information regarding T.S. and J.S. in his ROI. Defendant TRAVERS further admitted falsifying at least twenty source interviews associated with various background investigations during the time period December 2007 through July 2008.

18. On or about July 1, 2011, defendant TRAVERS and his attorney came to the United States Attorney's Office for the District of Columbia for a voluntary interview. During that interview, defendant TRAVERS again stated that he had never interviewed sources T.S. and J.S. contrary to what he had reported in his ROI regarding K.B. Defendant TRAVERS further stated that on the day that he was approached by USIS about the falsifications in his ROI regarding K.B., he left the office panicked and scared and contacted T.S. Defendant TRAVERS acknowledged subsequently meeting with T.S. at T.S.'s residence and asking if T.S. would be willing to lie about the date of defendant TRAVERS' contact with T.S. and state falsely to OPM investigators that T.S. had been interviewed by defendant TRAVERS as reported in his ROI. Defendant TRAVERS

reported that T.S. refused to lie and stated an intention only to tell the truth. Defendant TRAVERS advised that after leaving T.S.'s residence, he contacted USIS and admitted to the falsification.

Conclusion

13. Based on the facts set forth above, I respectfully submit that there is probable cause to believe that MARCUS ALLEN TRAVERS violated Title 18, United States Code, Section 1001 (Making a False Statement). I request that a criminal complaint be issued for this individual.

The statements above are true and accurate to the best of my knowledge and belief.

Nathaniel Smith
Senior Special Agent
United States Office of Personnel Management
Office of the Inspector General

Sworn and subscribed to this ____ day of February, 2013.

United States Magistrate Judge