

JAN 12 2024

TONY R. MOORE, CLERK
BY L. LaCombe
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA

* CRIMINAL NO. 6:23-cr-00294

*

VERSUS

* JUDGE JOSEPH

* MAGISTRATE JUDGE WHITEHURST

LEONARD FRANQUES

*

PLEA AGREEMENT

A. INTRODUCTION

This document contains the complete plea agreement between the United States Attorney's Office for the Western District of Louisiana and the Public Integrity Section of the Criminal Division of the Department of Justice (hereinafter "the government"), and the defendant, LEONARD FRANQUES. No other agreement, understanding, promise, or condition exists, nor will any such agreement, understanding, promise or condition exist unless it is committed to writing in an amendment attached to this document and signed by the defendant, an attorney for the defendant, and an attorney for the government. The terms of this plea agreement are only binding on the defendant and the government if the Court accepts the defendant's guilty plea.

B. THE DEFENDANT'S OBLIGATIONS

LEONARD FRANQUES shall waive Grand Jury presentment of the charges filed in this case and appear in open court and plead guilty to the one (1) count bill of information pending in this case.

C. THE GOVERNMENT'S OBLIGATIONS

1. If the defendant completely fulfills all obligations and agreements under this plea agreement, the government agrees that it will not prosecute the defendant for any other offense known to the government based on the investigation which forms the basis of the bill of information and the incorporated stipulated factual basis for the guilty plea.

2. The government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the defendant to receive a one-point reduction in offense level should that offense level be 16 or greater, as the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate resources efficiently.

D. SENTENCING

LEONARD FRANQUES understands and agrees that:

1. The maximum punishment on Count 1 is a term of imprisonment of not more than five (5) years (pursuant to 18 U.S.C. § 371), a fine of not more than \$250,000 (pursuant to 18 U.S.C. § 3571), or both.

2. The defendant shall be required to pay a special assessment of \$100, at the time of the guilty plea by means of a cashier's check, official bank check, or money order payable to Clerk, U.S. District Court;

3. The defendant may receive a term of supervised release of at least three (3) years in length in addition to any term of imprisonment imposed by the Court;

4. A violation of any condition of supervised release at any time during the period of supervised release may result in the defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;

5. The period of incarceration for a violation of a condition of supervised release could be as much as the full term of supervised release initially ordered by the Court, regardless of the amount of time of the supervised release the defendant has successfully completed;

6. In addition to the penalties set forth in the preceding paragraphs, the Court may order the defendant to make restitution to the victim(s) in this case, and that the amount of restitution and method of payment is at the discretion of the Court;

7. Any fine and/or restitution imposed as part of the defendant's sentence will be made due and payable immediately, the defendant will be held liable for all restitution jointly and severally with all co-defendants, and any federal income tax refund received by the defendant from the Internal Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

8. The defendant expressly authorizes the government to immediately obtain a credit report on him to be used in consideration of his ability to pay restitution or fine that may be imposed by the Court;

9. As part of the presentence investigation, the government will make available to the Court all evidence developed in the investigation of this case;

10. This case is governed by the Sentencing Reform Act as modified by *United States v. Booker*, 543 U.S. 220 (2005), and the defendant has discussed the Sentencing Guidelines and their applicability with his counsel and understands and acknowledges

that a final determination of the applicable guidelines range cannot be made until the completion of the presentence investigation;

11. The sentencing judge alone will decide what sentence to impose; and

12. The failure of the Court to adhere to a sentencing recommendation tendered by counsel shall not be a basis for setting aside the guilty plea which is the subject of this agreement.

E. FORFEITURE

1. The defendant agrees to identify all assets over which the defendant exercises or exercised control, directly or indirectly, within the past four years, or in which the defendant has or had during that time any financial interest. The defendant agrees to take all steps as requested by the United States to obtain from any other parties by any lawful means any records of assets owned at any time by the defendant. The defendant agrees to provide and/or consent to the release of the defendant's tax returns for the previous five years.

2. The defendant agrees to forfeit all interests in any bribery and/or conspiracy to commit bribery asset that the defendant currently owns, has previously owned or over which the defendant currently, or has in the past, exercised control, directly or indirectly, and any property the defendant has transferred, as well as any property that is traceable to, derived from, fungible with, or a substitute for property that constitutes the proceeds of his offense.

3. The defendant further agrees to waive all interest in any such asset in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for such

property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

4. The defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. Defendant acknowledges that all property covered by this agreement is subject to forfeiture as proceeds of illegal conduct.


F. ENTIRETY OF AGREEMENT

This plea agreement consists of this document and any addenda attached hereto, including any addendum required by Standing Order 1.86. The defendant, the defendant's attorney, and the government acknowledge that this plea agreement and its addenda are a complete statement of the parties' agreement in this case. This agreement supersedes all other plea agreements and may not be modified unless the modification is in writing and signed by all parties. No other promises have been made or implied.

G. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT,
AND THE ATTORNEY FOR THE GOVERNMENT

I have read this plea agreement and have discussed it fully with my client,
LEONARD FRANQUES. I concur in LEONARD FRANQUES pleading guilty as set
forth in this plea agreement.

Dated: 12/11/2023



DEFENSE COUNSEL

I have read this plea agreement and have discussed it with my attorney. I fully
understand the plea agreement and accept and agree to it without reservation. I do this
voluntarily and of my own free will. No threats have been made to me, nor am I under
the influence of anything that could impede my ability to fully understand this plea
agreement.

I am satisfied with the legal services provided by my attorney in connection with
this plea agreement and the matters related to this case.

Dated: 12-11-2023




LEONARD FRANQUES
Defendant

I accept and agree to this plea agreement on behalf of the United States of America.

Respectfully submitted,

BRANDON B. BROWN
United States Attorney


Dated: 1/12/24



MYERS P. NAMIE, LA Bar No. 29359
DANIEL J. McCOY, LA Bar No. 29334
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618

COREY AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice

Dated: 1.12.2024



ROSALEEN T. O'GARA, AZ Bar No. 029512
TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
U.S. Department of Justice
1301 New York Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-1412

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

JAN 12 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
BY *De Combe*
DEPUTY

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 6:23-cr-00294
	*
VERSUS	* JUDGE JOSEPH
	* MAGISTRATE JUDGE WHITEHURST
LEONARD FRANQUES	*

**UNDERSTANDING OF MAXIMUM PENALTY
AND CONSTITUTIONAL RIGHTS**

I, LEONARD FRANQUES, the above-named defendant, having been furnished a copy of the charges and having discussed same with my attorney, state that I understand the nature of the charges against me and the maximum possible penalties that may be imposed against me, as follows:

PENALTY – COUNT 1: A term of imprisonment of not more than five (5) years, pursuant to Title 18, United States Code, Section 371, a fine of not more than \$250,000, pursuant to Title 18, United States Code, Section 3571, or both, a term of supervised release of three (3) years pursuant to Title 18, United States Code, Section 3571; and a special assessment of \$100.00, pursuant to Title 18, United States Code, Section 3013, which under this agreement is payable and due at the time his guilty plea is entered, and defendant agrees to tender the \$100.00 special assessment by means of a cashier's check, bank official check, or money order payable to the "Clerk, U.S. District Court."

I further state that I understand:

1. My right to be represented by counsel (a lawyer) of my choice, or if I cannot afford counsel, my right to be represented by court-appointed counsel at no cost to me;
2. My right to plead guilty or not guilty;

3. My right to have a jury trial with twelve jurors who must all agree as to my guilt in order to convict;

4. My right not to be required to testify against myself or at all, if I do not so desire;

5. My right to confront and cross-examine witnesses against me and my right to have compulsory process to require witnesses to testify.

I realize that by pleading guilty, I stand convicted of the crime charged and waive my privilege against self-incrimination, my right to jury trial, my right to confront and cross-examine witnesses, and my right of compulsory process.

I further state that my plea in this matter is free and voluntary and that it has been made without any threats or inducements whatsoever (except the Plea Agreement and the attached addenda to that agreement) from anyone associated with the United States Government or my attorney, and that the only reason I am pleading guilty is that I am in fact guilty as charged.

Thus, done and signed this 12th day of Jan, 2023, at Lafayette, Louisiana.

1/12/2024
Date


LEONARD FRANQUES,
Defendant

1/12/2024
Date


CHARLES GALBRAITH
Jenner & Block LLP

BRANDON B. BROWN
United States Attorney

Dated: 1/12/24



MYERS P. NAMIE, LA Bar No. 29359
DANIEL J. McCOY, LA Bar No. 29334
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618

COREY AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice

Dated: 1.12.2024



ROSALEEN T. O'GARA, AZ Bar No. 029512
TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
U.S. Department of Justice
1301 New York Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-1412

JAN 12 2024

TONY R. MOORE, CLERK
BY *Asa Conner*
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA

* CRIMINAL NO. 6:23-cr-00294

*

VERSUS

* JUDGE JOSEPH

* MAGISTRATE JUDGE WHITEHURST

*

LEONARD FRANQUES

ELEMENTS OF OFFENSE

I.

COUNT 1

Conspiracy to Commit Bribery

18 U.S.C. § 371

Title 18, United States Code, Section 371, makes it a crime for two or more persons to conspire to commit an offense against the laws of the United States. You are charged with conspiring to commit bribery in Count 1 of the bill of information.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member of the conspiracy becomes the agent of every other member.

For you to be found guilty of this crime, the government has to prove each of the following beyond a reasonable doubt:

First: that you and at least one other person agreed to commit the crime of bribery, as charged in the bill of information;

Second: that you knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: that you or at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the bill of information, in order to accomplish some object or purpose of the conspiracy.

The overt act need not be of a criminal nature so long as it is done in furtherance of the conspiracy.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins in that plan or scheme on one occasion, that is sufficient to convict you for conspiracy even though you had not participated before and even though you played only a minor part.

The government does not need to prove that the alleged conspirators entered into any formal agreement, or that they directly stated between themselves all the details of the scheme. Likewise, the government does not need to prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

Mere presence at the scene of an event, even with knowledge that a crime is being committed, or the mere fact that certain persons may have associated with each other and may have assembled together and discussed common aims and interests, does not necessarily establish proof of the existence of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.¹

Bribery Concerning Programs Receiving Federal Funds (Offering a Bribe)
18 U.S.C. § 666(a)(2)

Title 18, United States Code, Section 666(a)(2), makes it a crime for anyone to corruptly give, offer, or agree to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local, or Indian tribal government, or any agency thereof, that receives more than \$10,000 in federal assistance in any one year period, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more.

In order to be found guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That PO-2 and/or Dusty Guidry were agents of the Louisiana Department of Wildlife and Fisheries

¹ Pattern Crim. Jury Instr. 5th Cir. 2.15A (2019), Pattern Crim. Jury Instr. 5th Cir. 2.15A (2019)

- Second:* That the LDWF was an agency of the State of Louisiana that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance;
- Third:* That the defendant corruptly gave, offered, and agreed to give money and other things of value with the intent to influence, and reward PO-2 and/or Dusty Guidry in connection with any business, transaction, and series of transactions of the Louisiana Department of Wildlife and Fisheries; and
- Fourth:* That the business, transaction, or series of transactions involved anything of value of \$5,000 or more.²

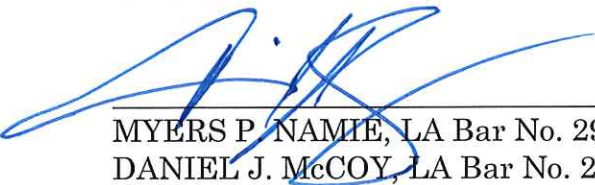
II.
VENUE
18 U.S.C. § 3237(a)

If the case were to proceed to trial, the government would also have the burden of proving proper venue - that is the government would have to prove by a preponderance of the evidence that the offense was begun, continued, or completed in one of the Parishes that make up the Western District of Louisiana.

Respectfully submitted,

BRANDON B. BROWN
United States Attorney

Dated: 1/12/24



MYERS P. NAME, LA Bar No. 29359
DANIEL J. McCOY, LA Bar No. 29334
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618

² Pattern Crim. Jury Instr. 5th Cir. 2.33C (2019), Pattern Crim. Jury Instr. 5th Cir. 2.33C (2019)

COREY AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice

Dated: 1.12.2024



ROSALEEN T. O'GARA, AZ Bar No. 029512
TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
U.S. Department of Justice
1301 New York Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-1412

Dated: 12-11-2023



LEONARD FRANQUES
Defendant

Dated: 12/11/2023



CHARLES GALBRAITH
Jenner & Block LLP

JAN 12 2024

TONY R. MOORE, CLERK
BY *Lola Combe*
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 6:23-cr-00294
	*
VERSUS	* JUDGE JOSEPH
	* MAGISTRATE JUDGE WHITEHURST
LEONARD FRANQUES	*

STIPULATED FACTUAL BASIS FOR GUILTY PLEA

NOW INTO COURT, comes the United States of America, by and through the undersigned attorneys for the United States Attorney for the Western District of Louisiana and the Public Integrity Section, Criminal Division, United States Department of Justice, and the defendant, LEONARD FRANQUES (hereinafter "FRANQUES" or "defendant"), represented by his undersigned defense counsel, and for the purposes of providing the Court with a factual basis for a plea agreement pursuant to Rule 11(b)(3) of the Federal Rules of Criminal Procedure, hereby stipulate as follows:

FRANQUES stipulates and agrees that at the time alleged in the Bill of Information, he was an owner and operator of multiple companies, to include DGL1. Through DGL1, he solicited business with, and secured a contract from, the Louisiana Department of Wildlife and Fisheries ("LDWF"), an agency or organization that in a one-year period received more than \$10,000 in benefits under federal program(s). FRANQUES agrees that he conspired with others to pay money and things of value

to Louisiana state officials in connection with an LDWF contract. FRANQUES also stipulates that the series of transactions involved in his conspiracy to pay bribes concerning programs receiving federal funds involved \$5,000 or more.

At all relevant times, FRANQUES knew that Dusty Guidry served as a commissioner for LDWF, a Department of the State of Louisiana, and that Public Official #2 ("PO-2") was a high-ranking official at LDWF. During the course of this conspiracy, from at least as early as December 2020, through on or about December 8, 2021, LDWF put out for public bid a contract for a vendor to provide: (1) online hunters' and boaters' education classes; and (2) online courses to resolve LDWF violations. FRANQUES, through his company DGL1, was one of the bidders for the contract. With FRANQUES's knowledge, Guidry and PO-2 used their positions in LDWF to ensure that the contract was awarded to DGL1.

In exchange for Guidry and PO-2's agreement to deliver the LDWF contract, FRANQUES agreed to give two-thirds of FRANQUES's resulting profits to Guidry and PO-2. It was further agreed by the conspirators that PO-2's proceeds would be held by FRANQUES in escrow and distributed to PO-2 after his/her employment with LDWF.

On or about October 8, 2021, PO-2, acting on behalf of LDWF, and FRANQUES, acting on behalf of DGL1, signed and entered into the contract, agreeing that DGL1 would provide services to LDWF related to the provision of (1) hunters' and boaters' education classes; and (2) courses to resolve LDWF violations.

On or about November, 19, 2021, FRANQUES, Guidry and PO-2 met in person

at PO-2's residence, located in the Western District of Louisiana, to discuss concealing and disguising the payment of the bribe proceeds. During this meeting, Guidry, PO-2, and FRANQUES agreed that FRANQUES would refrain from paying the kickbacks owed to PO-2 until after his/her departure from LDWF. Further, Guidry, PO-2, and FRANQUES agreed to purchase an all-terrain vehicle for PO-2.

For purposes of relevant conduct, the parties stipulate and agree that FRANQUES, Dusty Guidry, and Public Official #1 ("PO-1") entered into another agreement, also in the Western District of Louisiana, related to the Pre-trial Diversion Program of the District Attorney's Office with the 15th Judicial District of Louisiana.

FRANQUES stipulates and agrees that beginning on or about January 11, 2021, and continuing to on or about December 8, 2021, FRANQUES knew that Guidry and PO-1 were employees and agents of the District Attorney's Office, 15th Judicial District with responsibility over the Pre-Trial Diversion Program in the 15th Judicial District Attorney's Office. FRANQUES knew that criminal defendants with pending felony and misdemeanor cases within the 15th Judicial District and who participated in the Diversion Program were required to take educational courses to complete it. FRANQUES owned a company that provided such courses. FRANQUES, Guidry, and PO-1 entered an agreement by which Guidry and PO-1 would use their positions: (1) to add FRANQUES' company to the list of approved vendors for the Pre-Trial Diversion Program; and (2) steer participants in the Pre-Trial Diversion Program to take classes from FRANQUES's company. In exchange for Guidry and PO-1 steering

participants to FRANQUES's courses, FRANQUES agreed to kick back a portion of its profits from the Pre-Trial Diversion Program to Guidry and PO-1.

Respectfully submitted,

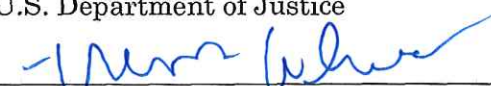
BRANDON B. BROWN
United States Attorney

Dated: 1/12/24


MYERS P. NAMIE, LA Bar No. 29359
DANIEL J. McCOY, LA Bar No. 29334
Assistant United States Attorney
800 Lafayette Street, Suite 2200
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Telephone: (337) 262-6618

COREY AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice

Dated: 1.12.2024


ROSALEEN T. O'GARA, AZ Bar No. 029512
TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
U.S. Department of Justice
1301 New York Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-1412

Dated: 12-11-2023


LEONARD FRANQUES
Defendant

Dated: 12/11/2023


CHARLES GALBRAITH
Jenner & Block LLP

JAN 12 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TONY R. MOORE, CLERK
BY *Dea Combe*
DEPUTY

UNITED STATES OF AMERICA	*	CRIMINAL NO. 6:23-cr-00294 RRS CBW
	*	
VERSUS	*	18 U.S.C. §§ 2, 371, 981
	*	28 U.S.C. § 2461
LEONARD C. FRANQUES	*	JUDGE SUMMERHAYES
		MAGISTRATE JUDGE WHITEHURST

BILL OF INFORMATION

THE UNITED STATES CHARGES:

AT ALL TIMES MATERIAL HEREIN:

1. The defendant, LEONARD C. FRANQUES, was a resident of Lafayette Parish, within the Western District of Louisiana. FRANQUES owned several companies, to include DGL1, a registered Louisiana Limited Liability Company, that marketed a series of online courses to the Louisiana Department of Wildlife and Fisheries ("LDWF").

2. Beginning at least on or about May 1, 2019, and continuing until at least on or about December 10, 2021, Dusty Guidry was an agent for the LDWF.

3. Beginning at least on or about January 16, 2017, and continuing until at least on or about April 14, 2023, Public Official #2 ("PO-2") was a high-ranking employee and agent of LDWF. PO-2 had the authority to contractually bind the State of Louisiana with vendors doing business with LDWF.

4. LDWF was an agency of the State of Louisiana that received in excess of \$10,000 annually in benefits under federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, and other forms of assistance.

COUNT 1
CONSPIRACY TO COMMIT AN OFFENSE

18 U.S.C. § 371

The Conspiracy

5. The introductory allegations set forth in paragraphs 1 through 4 are realleged and incorporated by reference as though fully set forth herein.

6. Beginning at least as early as December 2020, and continuing until on or about December 8, 2021, the defendant, LEONARD C. FRANQUES, did conspire, confederate, and agree with others both known and unknown to the United States, to commit the crime of paying a bribe to an agent of an organization or agency receiving federal funds, in violation of Title 18, United States Code, Section 666(a)(2).

Purpose of the Conspiracy

7. It was a purpose of the conspiracy for FRANQUES, Dusty Guidry, PO-2, and others known to the United States, to enrich themselves by paying and offering to pay money and things of value, from FRANQUES, in exchange for Guidry and PO-2 providing and agreeing to provide favorable contracting action on behalf of the LDWF for the benefit of FRANQUES in his business dealings with the LDWF.

8. It was a further part of the conspiracy to hide, conceal, and cover up the true nature and scope of FRANQUES' dealings with Guidry and PO-2, including the

true source and nature of the payments FRANQUES provided and agreed to provide to Guidry and PO-2.

Manner and Means of the Conspiracy

9. The conspiracy was carried out through the following manner and means, among others:

10. Guidry and PO-2 used their official positions at LDWF to deliver an LDWF contract for DGL1 to provide: (1) hunters' and boaters' education classes; and (2) courses to resolve LDWF violations, which would be provided as online classes by DGL1.

11. In exchange, FRANQUES agreed to give two-thirds of FRANQUES' resulting profits to Guidry and PO-2 specifically due to Guidry and PO-2's actions at the LDWF.

Overt Acts

12. In furtherance of the conspiracy and to effect the objects of the conspiracy, FRANQUES and one or more of the conspirators committed and caused to be committed at least the following acts:

a. On or about October 8, 2021, PO-2, acting on behalf of the LDWF, and FRANQUES, acting on behalf of DGL1, signed and entered into a contract, agreeing that DGL1 would provide services to LDWF related to the provision of (1) hunters' and boaters' education classes; and (2) courses to resolve LDWF violations.

b. On or about November 19, 2021, FRANQUES, Guidry and PO-2 met in person at PO-2's residence, located in the Western District of Louisiana, to discuss concealing and disguising the payment of the bribe proceeds. During this

meeting, FRANQUES, Guidry, and PO-2 agreed that FRANQUES would refrain from paying the kickbacks owed to PO-2 until after PO-2's departure from the LDWF. Further, FRANQUES, Guidry and PO-2 agreed that FRANQUES would purchase an all-terrain vehicle for PO-2.

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

FORFEITURE ALLEGATION

13. The allegations contained above and in Count 1 of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

14. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 371 and 666, as set forth in Count 1 this Information, the defendant, LEONARD C. FRANQUES, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

15. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Respectfully submitted:

BRANDON B. BROWN
United States Attorney



MYERS P. NAMIE, LA Bar No. 29359
DANIEL J. McCOY, La. Bar No. 29334
Assistant United States Attorney
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618

COREY R. AMUNDSON
Chief, Public Integrity Section
U.S. Department of Justice



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TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
U.S. Department of Justice
1301 New York Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-1412