

File Closed
6/29/05

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. **05-CR-303 RB**

UNITED STATES OF AMERICA

Plaintiff,

v.

I. RONALD A BUSH,

Defendant.

INFORMATION
29 U.S.C. 501(c)

The United States Attorney charges that:

COUNTS 1-4

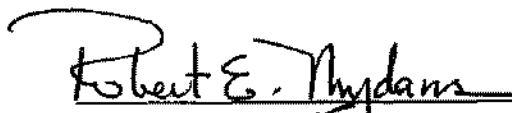
On or about the dates listed below, in the State and District of Colorado and elsewhere, the defendant, RONALD A. BUSH, while a person employed, as president, directly by United Food and Commercial Workers AFL-CIO Local Union 990 Greeley, Colorado, a labor organization engaged in an industry affecting commerce, did embezzle, steal and unlawfully and willfully abstract and convert to his own use and the use of another the moneys, funds, securities, property, and other assets of said labor union on the dates set forth below and in the amounts set forth below:

Count	Date	Amount	Vendor
1	2/13/02	216.50	United Airlines
2	2/13/02	216.50	United Airlines
3	3/3/02	782.73	Hertz, Las Vegas, NV
4	3/7/02	751.63	Monte Carlo Front Desk, Las Vegas, NV

All in violation of Title 29, United States Code, Section 501(c).

Respectfully submitted,

WILLIAM J. LEONE
Acting United States Attorney


By: Robert E. Mydans
Assistant United States Attorney

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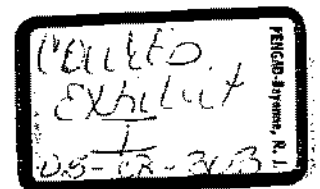
PLEA AGREEMENT AND STATEMENT OF FACTS RELEVANT TO SENTENCING
(June 27, 2005)

The United States, by William J. Leone, Acting United States Attorney and through Robert E. Mydans, Assistant United States Attorney for the District of Colorado, and the defendant, Ronald A. Bush, personally and by counsel, Brian K. Holland, submit the following Plea Agreement and Statement of Facts Relevant to Sentencing pursuant to paragraph 4 General Order 94-3.

I. PLEA AGREEMENT

The Defendant will plead guilty to a four Count Information filed June 29, 2005 charging violations of Title 29, United States Code, Section 501(c) (Embezzlement by union employee).¹ The

¹The essential elements of 29 U.S.C. §501(c) are: (1) that the entity embezzled from was a labor organization within the meaning of 29 U.S.C. § 402(i) and (j); (2) that the defendant was either an officer of the labor organization within the meaning of 29 U.S.C. § 402(n) or was directly or indirectly employed by the labor organization during the period when the offense occurred; (3) that the actions of the defendant constituted embezzlement, stealing, or unlawful and willful abstraction or conversion to his own use or the use of another; and (4) that the assets taken were money, funds, securities, properties, or other assets of the labor organization.



government agrees to recommend the bottom of the applicable guideline range as found by the Court. The parties understand that the Federal Sentencing Guidelines must be considered by the Court. They are advisory and are not mandatory.

The parties agree that restitution is due and owing to the United Food and Commercial Workers AFL-CIO Local Union 990 in the amount of approximately \$ 7,498.05. The parties agree that there is a loss in this case. The United States takes the position that the loss in this case is \$7,498.05. The defendant reserves the right to contest the loss figure and to present evidence at sentencing in support of his position.

II. MAXIMUM STATUTORY PENALTIES

The maximum statutory penalty for Count 1 of the Information is: not more than 5 years imprisonment and not more than a fine of \$250,000, or both; not more than three years supervised release; \$100.00 special assessment, and restitution.

The conviction may cause the loss of civil rights, including but not limited to the rights to possess firearms, vote, hold elected office and sit on a jury.

A prison sentence may be imposed for violation of the supervised release. Costs of supervision and/or incarceration may also be imposed.

III. STIPULATION OF FACTUAL BASIS AND FACTS RELEVANT TO SENTENCING

The parties agree that there is no dispute as to the material elements which establish a factual basis of the offense of conviction.

Pertinent facts are set out below in order to provide a factual basis of the plea and to provide facts which the parties believe are relevant for computing the appropriate guideline range. To the

extent the parties disagree about the facts relevant to sentencing, the statement of facts identifies which facts are known to be in dispute at the time of the plea.

The statement of facts herein does not preclude either party from presenting and arguing, for sentencing purposes, additional facts or factors not included herein which are relevant to sentencing in general. Neither the court nor probation are precluded from the consideration of such facts. In "determining the factual basis for the sentence, the court will consider the stipulation of the parties, together with the results of the presentence investigation, and any other relevant information."

The parties agree that the government's evidence would show that the date on which conduct relevant to the offense (1B1.3) began is approximately February, 2002.

The defendant, Ronald A. Bush, got married in February, 2002 in Las Vegas, Nevada. He charged many of the wedding related expenses on his union American Express Card (number 3732 750846 73067). The total amount of improper charges related to the wedding was \$2,741.39. He also charged approximately \$4,756.66 to other business related American Express cards and a business related VISA account. The total amount of improper charges was \$7,498.05.

Specifically as to the four counts charged in the information, all were charges specifically related to the wedding that took place in Las Vegas in February, 2002. At the time these charges were made, the defendant, Ronald A. Bush, was the president of the United Food and Commercial Workers Union Local 990 located in Greeley, Colorado. The parties stipulate that Local Union 990 was at the time of the charges in the information, a labor organization within the meaning of 29 U.S.C. § 402(i) and (j), that the defendant was an officer (president) of the labor organization within the meaning of 29 U.S.C. § 402(n), that the actions of the defendant constituted embezzlement, stealing, or unlawful abstraction or conversion to his own use or the use of another, and that the

assets that were taken were money, funds, securities, or property of the labor organization. These charges were made with an American Express card that was duly issued to the defendant to be used for union business and that the defendant knowingly made these charges for personal expenses related to his wedding and that the union paid for these charges with union funds.

IV. SENTENCING COMPUTATION

The parties understand that the court may impose any sentence, up to the statutory maximum, regardless of any guideline range computed, and that the Court is not bound by any position of the parties.

To the extent the parties disagree about the sentencing factors, the computations below identify the factors which are in dispute. (§6B1.4(b)) New facts which arise or are discovered may cause a party to change its position with regard to guideline computation or sentencing position.

While the parties to this plea agreement have reserved the right to argue different loss figures to the sentencing court and to take different positions on loss, the following calculations are made to advise the defendant of what is believed to be the most severe possible sentence under the sentencing guidelines.

A. The base guideline is § 2B1.1(a), with a base offense level of 6. Pursuant to 2B1.1(b)(1)(B), the offense level is increased by 2 levels for a loss in excess of \$5,000, but less than \$10,000.

B. Pursuant to 3B1.3, the offense level is increased by 2 levels for abuse of a position of trust.

C. There are no victim related, role in offense, or obstruction adjustments which apply.

D. The adjusted offense level would therefore be 10.

E. The defendant should receive a two level adjustment for acceptance of responsibility. The

resulting offense level would therefore be 8.

F. The parties understand that the defendant's criminal history computation is tentative. The criminal history category is determined by the Court. The parties believe that this defendant has no prior criminal record. Therefore, this defendant would be a criminal history category I with no criminal history points.

G. The career offender/career livelihood adjustments do not apply.

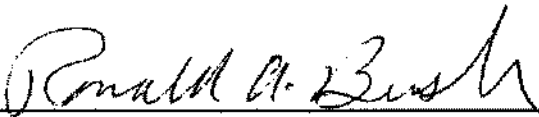
H. The guideline range resulting from the estimated offense level(s) of (E) above, and the (tentative) criminal history category of (F) above, is 0-6 months imprisonment. However, in order to be as accurate as possible, with the criminal history category undetermined at this time, the estimated offense level(s) of (E) above could conceivably result in a range from 0 months (bottom of Category I), to 24 months (top of Category VI).

Pursuant to guideline §5E1.2, assuming the estimated offense level of (E) above, the fine range for this offense is the minimum of \$1,000 and a maximum of \$10,000, plus applicable interest and penalties.

V. WHY THE PROPOSED PLEA DISPOSITION IS APPROPRIATE

Pursuant to the General Order 1994-3, the parties believe the sentencing range resulting from the proposed plea agreement is appropriate because all relevant conduct is disclosed and the sentencing guidelines takes into account all pertinent sentencing factors with respect to this defendant.

Date _____



Ronald A. Bush
DEFENDANT

Date 6/29/05

BKH
Brian K. Holland
ATTORNEY FOR DEFENDANT

Date 6/29/05

Robert E. Mydans
Robert E. Mydans
ASSISTANT U.S. ATTORNEY