ORIGINAL

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: PAUL S. MINOR

NUMBER: 07-DB-064

RECOMMENDATION TO THE LOUISIANA SUPREME COURT

This is a disciplinary matter based upon the filing of formal charges by the Office of Disciplinary Counsel ("ODC") against Paul S. Minor ("Respondent"), Louisiana Bar Roll Number 09629.[1] The formal charges allege that Respondent violated Rules of Professional Conduct ("Rule(s)") 8.4(b) (engaging in criminal conduct), 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(a) (violating or attempting to violate the Rules).[2] The charges are based upon Respondent's conviction for conspiracy, RICO, mail fraud, wire fraud, and bribery.[3] As will be discussed in greater detail below, Respondent maintains that his conviction is not final.

The hearing committee assigned to this matter concluded that Respondent's conviction was final for the purposes of this disciplinary proceeding and that he violated the Rules as alleged in the formal charges. As a sanction, the committee recommended that Respondent be permanently disbarred.

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[1] On June 20, 2007, pursuant to Louisiana Supreme Court Rule XIX, §19, Respondent was placed in interim suspension by order of the Louisiana Supreme Court. *In re Minor*, 2007-1184 (La. 6/20/07), 958 So.2d 675.

[2] Rule 8.4 states, in pertinent part:

> It is professional misconduct for a lawyer to:
> (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
> (b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
> (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; …

[3] As will be discussed in greater detail below, the one count of conspiracy and the bribery counts were reversed and vacated on appeal.

For the reasons stated below, the Board adopts the factual findings, legal conclusions, and recommendation of the hearing committee. Specifically, the Board finds that Respondent's conviction is final for the purposes of this proceeding and that Respondent violated the Rules as charged. With regard to the sanction, the Board recommends that Respondent be permanently disbarred.

BACKGROUND

On July 25, 2003, Respondent was indicted in the United States District Court for the Southern District of Mississippi along with four other co-defendants, two of whom were John H. Whitfield ("Whitfield") and Walter W. Teel ("Teel"). Whitfield and Teel are former state court judges in Mississippi. On August 12, 2005, a jury acquitted Respondent and his co-defendants on several of the counts in the indictment. The district court declared a mistrial on all other counts.

On December 6, 2005, a grand jury returned a fourteen-count indictment against Respondent, Whitfield, and Teel.[4] The indictment alleged that Respondent provided financial compensation to Whitfield and Teel when they were judges and while Respondent had cases pending before them. The compensation was in the form of bank loans to Whitfield and Teel, which Respondent guaranteed and repaid in large part.[5] The loans to Whitfield totaled $140,000. The loan to Teel was a line of credit totaling $25,000. The indictment alleged that in exchange for the loans, Whitfield and Teel ruled in favor of Respondent's clients appearing before them.[6]

For this conduct, Respondent was charged with two counts of conspiracy (18 U.S.C. §371), one count of RICO (18 U.S.C. §1962), five counts of mail fraud/honest services fraud (18 U.S.C. §§1341 & 1346), one count of wire fraud/honest services fraud (18 U.S.C. §§1343 &

[4] The other two co-defendants were not reindicted.
[5] Whitfield and Teel made only a few payments on the loans with their own money.
[6] For a greater description of the facts of the underlying criminal matter, see Exhibit ODC 3, Bates 41-51.

1346), and two counts of bribery (18 U.S.C. §666).[7] On March 30, 2007, a jury returned a verdict finding Respondent, Whitfield, and Teel guilty on all counts. *See* Exhibit ODC 2 (jury verdict). Respondent was sentenced to a total of one hundred thirty-two months of incarceration and three years of supervised release. Respondent was also fined a total of $2.75 million and was ordered to pay $1.5 million in restitution along with Teel.

On December 11, 2009, the United States Court of Appeals for the Fifth Circuit reversed Respondent's convictions for conspiracy to commit bribery and bribery (a total of three counts). His convictions on all other counts were affirmed. His sentence on all counts was vacated and the matter was remanded to the Southern District of Mississippi for resentencing only. *See* Exhibit ODC 3 (Fifth Circuit opinion). The United States Supreme Court denied Respondent's petition for a writ of certiorari on October 4, 2010. *Minor v. U.S.*, 131 S.Ct. 124.

While the matter was pending for resentencing, Respondent filed a motion to vacate the convictions.[8] The motion was denied on June 8, 2011. *See* Exhibit ODC 5 (transcript of motion to vacate hearing). On June 13, 2011, Respondent was resentenced to a total of ninety-six months of incarceration and ordered to pay a total of $2 million in fines, along with the $1.5 million in restitution mentioned above. *See* Exhibit ODC 6 (transcript of pronouncement of sentence).

Respondent has appealed the denial of his motion to vacate to the Fifth Circuit, which was pending at the time oral argument of this matter was heard by the Board.

PROCEDURAL HISTORY

On October 26, 2007, ODC filed formal charges against Respondent alleging violations of Rules 8.4(a), 8.4(b), and 8.4(c). In the charges, ODC stated that Respondent's conviction was

[7] See the attached Appendix for the text of these statutes.
[8] The basis for the motion to vacate is discussed in greater detail below in the section discussing the finality of Respondent's conviction.

not final and, thus, this matter should not be set for hearing until the conviction became final. *See* Louisiana Supreme Court ("Court") Rule XIX ("Rule XIX"), §19, *supra.* On November 16, 2007, Respondent filed an answer to the charges in which he admitted the conviction, but confirmed that his conviction was on appeal and not final. Accordingly, this matter was not set for hearing pending notification from ODC and/or Respondent regarding the finality of the conviction.

ODC filed its first motion to set this matter for hearing on December 22, 2009, arguing that Respondent's conviction had become final. Accordingly, this matter was assigned to Hearing Committee #2 ("the Committee").[9] Between December 2009 and October 2011, this matter was continued several times. The continuances were based upon Respondent's argument that his conviction is not final and that new counsel was enrolling on his behalf. Respondent continues to maintain that his conviction is not final based upon the fact that his appeal of the denial of his motion to vacate his conviction is pending before the Fifth Circuit. ODC maintains that Respondent's conviction is final.

On February 11, 2011, the Supreme Court of Mississippi permanently disbarred Respondent from the practice of law in that state. *See* Exhibit ODC 4.

Despite Respondent's argument that his conviction is not final, a hearing date was scheduled for October 17, 2011. On October 7, 2011, the parties held a pre-hearing conference. *See* Report of a Pre-hearing Telephone Conference and Order (10/7/11). The parties agreed to submit this matter to the Committee via written argument and documents in lieu of a hearing. The Committee ordered that the matter would proceed "without prejudice to and with reservation

[9] The Committee was composed of Weldon J. Hill II, Chairman; Leigh O. Lamonica, Lawyer Member; and Rosella Williams, Public Member.

of Respondent's right to re-urge the finality of the conviction forming the basis for the hearing..." *Id.* at p. 2.

The Committee issued its report on December 13, 2011. The Committee concluded that Respondent's conviction was final for the purposes of this proceeding. With regard to the merits of the matter, the Committee concluded that Respondent violated the Rules as charged and recommended that he be permanently disbarred.

On December 20, 2011, ODC filed a notice of no objection to the conclusions and recommendation of the Committee. ODC filed its pre-argument brief on January 30, 2012. Respondent filed an objection to the Committee's report on December 22, 2011. Respondent argued, again, that his conviction is not final and that the recommended sanction was unduly harsh. Respondent filed his pre-argument brief on February 2, 2012.

Oral argument of this matter was heard on March 1, 2012, before Board Panel "B".[10] Chief Disciplinary Counsel Charles B. Plattsmier appeared on behalf of ODC. Leslie J. Schiff appeared on behalf of Respondent.

FORMAL CHARGES

The formal charges filed on October 26, 2007, read, in pertinent part:

> I.
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> The respondent in these proceedings, Paul S. Minor, is a Louisiana licensed attorney currently under interim suspension who was born March 20, 1946 and admitted to the practice of law in the State of Mississippi April 26, 1974. Thereafter, he was admitted to the practice of law in the State of Louisiana October 10, 1974.
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> II.
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> On December 6, 2005, a grand jury returned a true bill against the respondent in and for the United States District Court for the Southern District of Mississippi, Jackson Division which charged Mr. Minor with conspiracy, RICO, mail fraud, wire fraud and bribery. On March 30, 2007, the respondent was found

[10] Board Panel "B" was composed of John T. Cox, Jr., Chairman; Jamie E. Fontenot, Lawyer Member; and R. Lewis Smith, Public Member.

guilty of two counts of conspiracy, one count of RICO violations, five counts of mail fraud, one count of wire fraud, and two counts of bribery.

III.

The respondent's conviction of conspiracy, RICO violations, mail fraud, wire fraud, and bribery constitutes serious crimes as defined by Supreme Court Rule XIX §19, and pursuant to the provisions of the rule, the respondent was interimly suspended.

IV.

Respondent was sentenced to 11 years in a federal penitentiary and was fined $2,750,000.00 and sentenced to an additional three years of supervised probation upon his release from his period of actual incarceration.

V.

The respondent's conduct constitutes violations of Rule 8.4(b) (the commission of a criminal act); Rule 8.4(c) (conduct involving dishonesty, fraud, deceit and misrepresentation); and 8.4(a) (violating or attempting to violate the Rules of Professional Conduct).

VI.

Based upon information and belief the Office of Disciplinary Counsel alleges that the respondent has announced an intent to appeal his conviction and therefore same is not final. Pursuant to the provisions of Supreme Court Rule XIX, this matter may not be set for hearing unless the respondent waives his right to hold these proceedings in abeyance pending the finality of his conviction through the appellate process.

HEARING COMMITTEE REPORT

As stated above, the Committee concluded that Respondent's conviction was final for the purposes of this proceeding. In coming to this conclusion the Committee cited to the Court's recent holding in *In re Dillon*, 2011-0331 (La. 7/1/11), 66 So.3d 434.

Turning to the merits of the matter, the Committee concluded that Respondent violated the Rules as charged. When discussing the appropriate sanction, the Committee made the following findings and conclusions:

> All eight Counts of which Respondent was convicted are felony convictions involving intentional and knowing conduct on Respondent's part. Respondent's convictions are conclusive evidence of his guilt of the crimes for which he has been convicted. A reading of the Grand Jury Indictment (ODC 1) reveals the elaborate extent of Respondent's conduct. Further, Respondent's conduct involved two Mississippi state court judges. Accordingly, the Committee is of the opinion the elaborateness of Respondent's conduct is of itself an

> aggravating factor and is an intentional interference with the administration of justice.
>
> The committee finds no mitigating factors to the egregious nature of Respondent's conduct. The transcripts and letters submitted to the Committee by Respondent were those introduced at Respondent's sentencing hearing on his convictions. It is the opinion of the Committee neither the transcripts nor the letters provides any factors in mitigation of Respondent's conduct.

Hearing Committee Report, p. 7. Relying on these facts and Guideline 2 of the guidelines for permanent disbarment,[11] the Committee recommended that Respondent be permanently disbarred.

ANALYSIS OF THE RECORD BEFORE THE BOARD

I. Standard of Review

The powers and duties of the Disciplinary Board are defined in §2 of Louisiana Supreme Court Rule XIX. Rule XIX, §2(G)(2)(a) states that the Board is "to perform appellate review functions, consisting of review of the findings of fact, conclusions of law, and recommendations of hearing committees with respect to formal charges ... and petitions for reinstatement, and prepare and forward to the court its own findings, if any, and recommendations." Inasmuch as the Board is serving in an appellate capacity, the standard of review applied to findings of fact is that of "manifest error." *Arceneaux v. Domingue*, 365 So. 2d 1330 (La. 1978); *Rosell v. ESCO*, 549 So. 2d 840 (La. 1989). Furthermore, when the subject of the formal charges is a criminal conviction and the conviction is final, the fact finding process is limited by Rule XIX, §19(E), which reads, in pertinent part:

> At the hearing before a hearing committee, the certificate of the conviction of the respondent shall be conclusive evidence of his/her guilt of the crime for which he/she has been convicted. The sole issue to be determined at the hearing shall be whether the crime warrants discipline and, if so, the extent thereof. At the hearing the respondent may offer evidence only of mitigating circumstances not

[11] Guideline 2 states that permanent disbarment may be warranted in instances of "[i]ntentional corruption of the judicial process, including but not limited to bribery, perjury, and subornation of perjury." Rule XIX, Appendix E.

> inconsistent with the essential elements of the crime for which he/she was convicted as determined by the statute defining the crime.

The Board conducts a *de novo* review of the hearing committee's application of the Rules of Professional Conduct. *In re Hill*, 90-DB-004, Recommendation of the Louisiana Attorney Disciplinary Board (1/22/92).

A. Finality of Respondent's Conviction

The Board adopts the Committee's finding that Respondent's conviction is final for the purposes of this proceeding. Rule XIX, §19 states that when an attorney is convicted of a serious crime and is placed on interim suspension, the disciplinary proceeding shall not proceed until all appeals of the conviction are concluded. Rule XIX, §19(C). A conviction is final for the purposes of §19 when "all appeals have been concluded or exhausted." Rule XIX, §19(E). The Court recently provided additional guidance on §19(E):

> In prior disciplinary matters, we have noted that the lawyer's conviction became final on direct review upon the conclusion of proceedings in the United States Supreme Court. [Citation omitted.] Nothing in our rules or jurisprudence suggests that habeas proceedings or other proceedings for post-conviction relief affect the finality of the conviction for disciplinary purposes. Indeed, in *Louisiana State Bar Ass'n v. Shaheen*, 338 So.2d 1347 (La.1976), we expressly rejected such a notion, stating, "The possibility of post-conviction relief through applications for writs of habeas corpus or motions for new trials does not affect the finality of the conviction."

In re Dillon, 2011-0331 (La. 7/1/11), 66 So.3d 434, 437.

Here, viewing the evidence and argument regarding the finality of his conviction in light of the Court's holding in *Dillon* and *Shaheen* indicates that Respondent's conviction is considered final for the purposes of Rule XIX. As mentioned above, the United States Supreme Court denied Respondent's petition for a writ of certiorari on October 4, 2010. Respondent argues that his conviction is not final because an appeal of the denial of a motion to vacate his conviction in pending before the Fifth Circuit. Respondent's motion to vacate the conviction is

based upon the argument that an intervening change in the controlling law occurred ***after*** the Fifth Circuit considered the direct appeal of his criminal matter. *See* Exhibit ODC 5, Bates 193-194.[12] Assuming his argument to be correct, Respondent's conviction still remains final for the purposes of this proceeding based upon the Court's holding in *Dillon* and *Shaheen.* Respondent's motion to vacate is not based upon the argument that the Court misapplied the law at the time of conviction. Rather, Respondent is arguing that a change in the law occurred ***after*** his conviction which necessitates vacating his conviction. The Board finds that Respondent is seeking what the Court classified as post-conviction relief in *Dillon* and *Shaheen.* Furthermore, it should be noted that the United States Supreme Court denied Respondent's petition for a writ of certiorari ***after*** the alleged change in law occurred.[13] Accordingly, the Board adopts the Committee's finding that Respondent's conviction is final for the purposes of this proceeding.

B. The Manifest Error Inquiry

The factual findings of the Committee do not appear to be manifestly erroneous and are supported by the record.

C. *De Novo* Review

The Committees correctly applied the Rules of Professional Conduct. Each Rule alleged as violated in the formal charges is briefly discussed below.

Rules 8.4(b) & 8.4(c): Rule 8.4(b) states that it is professional misconduct for a lawyer to commit a criminal act, "especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or

[12] The alleged change in the controlling law occurred in the United States Supreme Court's opinion in *Skilling v. U.S.*, 130 S.Ct. 2896 (6/24/2010).
[13] *Skilling* was decided on June 24, 2010. Respondent's petition for a writ of certiorari was denied on October 4, 2010.

misrepresentation. Here, Respondent was convicted of conspiracy, fraud, and racketeering. Along with reflecting adversely on Respondent's honesty and trustworthiness, the crimes necessarily involve dishonest, deceitful, and fraudulent conduct. Accordingly, the record supports the conclusion that Respondent violated Rules 8.4(b) and 8.4(c).

Rule 8.4(a): Rule 8.4(a) states that it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct. Here, by violating the Rules discussed above, Respondent violated Rule 8.4(a).

II. The Appropriate Sanction

A. Rule XIX, §10(C) Factors

Louisiana Supreme Court Rule XIX, §10(C) states that when imposing a sanction after a finding of lawyer misconduct, the Court or Board shall consider the following factors:

1. whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
2. whether the lawyer acted intentionally, knowingly, or negligently;
3. the amount of actual or potential injury caused by the lawyer's misconduct; and
4. the existence of any aggravating or mitigating factors.

Here, Respondent intentionally violated his duties owed to the public, the legal system, and the profession. He caused significant harm to the legal system, the public, and the parties involved by engaging in a scheme to influence the decision-making of judges ruling on the legal matters of his clients.

There are several aggravating factors present in this matter: dishonest or selfish motive, a pattern of misconduct, refusal to acknowledge the wrongful nature of his conduct, substantial experience in the practice of law[14], and illegal conduct.

[14] Respondent was admitted to the practice of law in Mississippi on April 26, 1974. He was admitted to practice in Louisiana on October 1, 1974.

Although the Committee did not find the presence of any mitigating factors, three appear to be present. First, Respondent does not have a prior disciplinary history. Second, Respondent has been subject to other penalties, namely his conviction and incarceration. Third, Respondent has a good reputation within the community. His reputation is evidenced by the number of letters submitted to the judge on Respondent's behalf regarding his sentencing. *See* Exhibit Respondent 6.

B. The ABA Standards, Guidelines for Permanent Disbarment, and Case Law

The *ABA Standards for Imposing Lawyer Sanctions* suggests that disbarment is the baseline sanction in this matter. Standard 5.11 states, in pertinent part: "Disbarment is generally appropriate when ... a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft ..." Here, Respondent was convicted of engaging in a scheme to influence the decision-making of two judges by providing financial compensation to the judges. Accordingly, disbarment is the baseline sanction.

The mitigating factors mentioned above do not appear to warrant a downward deviation from this baseline sanction. The type and number of aggravating factors present in this matter outweigh the mitigating factors.

Therefore, the only question that remains is whether Respondent's conduct is egregious enough to warrant permanent disbarment. Guideline 2 of the guidelines for permanent disbarment states that permanent disbarment might be warranted in instances of "[i]ntentional corruption of the judicial process, including but not limited to bribery, perjury, and subornation of perjury." Rule XIX, Appendix E. Respondent's conduct appears to fall within the scope of Guideline 2. Respondent provided financial compensation to subvert the impartiality of two

judges. While he was not convicted of bribery, at least according to the statute with which he was originally charged, his conduct essentially amounts to bribery.[15]

The Court has permanently disbarred lawyers for engaging in bribery schemes. In *In re Walker*, the Court permanently disbarred the respondent, who was a former judge, for his racketeering conviction, which was based on his accepting cash and other things of value in exchange for quickly setting bonds, reducing bonds, recalling arrest warrants, and removing probation holds. 2010-2175 (La. 11/19/10), 50 So.3d 136. In *In re Petal* and *In re Bradley*, the Court permanently disbarred the respondents for bribing the director of the Louisiana Film Commission in order to receive approval of film tax credits. *In re Petal*, 2010-0080 (La. 3/26/10), 30 So.3d 728; *In re Bradley*, 2011-0254 (La. 4/25/11), 62 So.3d 52. Accordingly, permanent disbarment is the appropriate sanction in this matter.

CONCLUSION

The Board adopts the Committee's finding that Respondent's criminal conviction is final for the purposes of this proceeding. Regarding the merits of this matter, the Board adopts the factual findings and legal conclusions of the Committee and adopts the Committee's recommendation of permanent disbarment. Finally, the Board also recommends that Respondent be assessed with the costs and expenses of this matter.

[15] The Court has held that it will look beyond the title of the offense to the facts of the conviction when assessing the sanction in the case of an attorney who has been convicted of a crime. *In re Kirchberg*, 2003-0957 (La. 9/26/03), 856 So.2d 1162, 1166.

RECOMMENDATION

The Board recommends that Respondent, Paul S. Minor, be permanently disbarred. The Board also recommends that Respondent be assessed with the costs and expenses of this proceeding.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

Carl A. Butler
Jamie E. Fontenot
Tara L. Mason
Edwin G. Preis, Jr.
R. Lewis Smith, Jr.
Linda P. Spain
R. Steven Tew

BY: _____
JOHN T. COX, JR.
FOR THE ADJUDICATIVE COMMITTEE

George L. Crain, Jr. – Not Participating.

APPENDIX

18 U.S.C. §371 – Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

18 U.S.C. §1962 – Prohibited Activities (RICO)

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

18 U.S.C. §1341 – Frauds and Swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. §1343 – Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. §1346 – Definition of "scheme or artifice to defraud"

For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

18 U.S.C. §666 – Theft or bribery concerning programs receiving Federal funds

(a) Whoever, if the circumstance described in subsection (b) of this section exists--
(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof--

(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that--
(i) is valued at $5,000 or more, and
(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or
(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of $5,000 or more; or
(2) corruptly gives, offers, or agrees 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, 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;
shall be fined under this title, imprisoned not more than 10 years, or both.

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, 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.

(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) As used in this section--
(1) the term "agent" means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;
(2) the term "government agency" means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;
(3) the term "local" means of or pertaining to a political subdivision within a State;
(4) the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and
(5) the term "in any one-year period" means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.