

# Crime Awareness Newsletter

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Courtesy of the  
**Department of Defense**  
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**Central Field Office**



investigation disclosed that Sheffield and Long allegedly agreed with McCusker to inflate contract termination claims for an existing LMS subcontract with MET-CON. Sheffield allegedly executed a MET-CON check made payable to a third party to disguise a kickback to McCusker. In addition, it is alleged, Sheffield knowingly provided false information to a law enforcement officer of the United States in response to a subpoena issued by a Federal grand jury in Orlando, FL. The Orlando Resident Agency (RA) is conducting the investigation with the Federal Bureau of Investigations (FBI), National Aeronautics and Space Agency (NASA) and the US Air Force Office of Special Investigation (AFOSI).

### **Product Substitution**

An indictment was returned against Donald M. Praisner, owner, Penn Ammunitions, Incorporated (Penn Ammo), Delmont, PA, and Penn Ammo charging each on three counts of wire fraud and four counts of making false statements. The same day, an additional indictment was filed against Praisner charging him with 14 counts of concealment of assets during U.S. Bankruptcy proceedings. Praisner allegedly defrauded

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## **Indictments**

### **Progress Payments**

A two-count indictment was returned in Savannah, GA, against The Enfield Corporation and John H. Matherly, its president, for allegedly committing mail fraud and submitting false statements. An investigation disclosed Matherly submitted claims in connection with the receipt of funds in the performance of contracts for the DoD, the Department of Agriculture Forest Service and the South Carolina Air National Guard. Matherly allegedly caused fraudulent progress payment certifications to be made to the Government, which resulted in U.S. Treasury checks being mailed to him.

Matherly certified the Government funds were used to pay subcontractors and suppliers when the funds were actually diverted for his personal gain. The Jacksonville Post of Duty (POD) is conducting the investigation with the Naval Criminal Investigative Service (NCIS) and the US Army Criminal Investigations Command (USACIDC).

### **Kickbacks**

A four-count indictment was returned in Orlando, FL, against MET-CON, Incorporated (MET-CON), Billy E. Sheffield, president and owner of MET-CON, and Stephen B. Long, vice president of MET-CON, for allegedly conspiring to pay kickbacks to Michael F. McCusker, Lockheed Martin Services Company, Incorporated (LMS). McCusker was a procurement supervisor for LMS, Cape Canaveral, FL, and had authority to solicit bid information from companies and award LMS purchase orders and/or subcontracts. Those willing to pay McCusker kickbacks were awarded NASA and DoD subcontracts. The

the DoD and Alliant Techsystems, Incorporated (Alliant), Hopkins, MN, a DoD prime contractor, by providing substandard and nonconforming products under a purchase order valued at approximately \$738,000. The purchase order was for the manufacture of approximately 15,400 magazine canisters, each filled with 6 .9mm tracer cartridges. Alliant used the magazines and cartridges to fulfill its \$30 million contract with the Navy to manufacture a shoulder-launched multi-purpose assault weapon used by the Marine Corps. It is alleged Penn Ammo did not zinc phosphate coat the magazines in accordance with contract specifications. If the magazines are not properly zinc phosphate coated, rusting could accelerate under certain conditions in which the Marine Corps uses the equipment. This in turn could cause the weapon to become inoperable or malfunction and inhibit the accuracy of the missile launched from the assault weapon. Penn Ammo subsequently filed for bankruptcy protection. While in this status, Praisner allegedly sold assets of Penn Ammo and concealed the proceeds from the U.S. Trustee's Office and creditors of Penn Ammo by placing the proceeds in personal accounts. The Pittsburgh POD is conducting the investigation jointly with the NCIS.



### **Product Substitution**

A second superceding indictment was returned in Pierre, SD, against the following: former Southeastern Electric Construction, Incorporated (Southeastern), employees Gary Smith, president; Carlos R. Weaver, project manager; Randy Lee Johnson, purchasing agent/estimator; Randy Harrill, president/owner of Chickasaw Electrical Corporation (Chickasaw), Dallas, TX, and Chickasaw. This adds two charges of conspiracy to commit money laundering and asset forfeiture to the previous indictment that charged 1 count each of theft from the Government and conspiracy, 17 counts each of mail fraud, and 9 counts each of money laundering. Weaver was also indicted on three counts of filing false tax returns. In August 1992, the Omaha Division, U.S. Army Corps of Engineers, awarded a \$10,365,000 contract to Southeastern, a subsidiary of Dycom Industries, Incorporated (Dycom), Palm Beach Garden, FL, to upgrade the electrical distribution system on Ellsworth AFB, SD. From July 1993 through December 1995, Weaver and Smith allegedly sold salvage and new material belonging to Southeastern and Dycom to a local salvage company. They received over \$500,000 in proceeds, which they split. Smith had allegedly directed Southeastern employees to substitute a smaller, cheaper

wire under the flight line at Ellsworth AFB and the more expensive wire was then cut up and sold as salvage. In addition, Weaver allegedly sold excess and salvaged transformers belonging to Southeastern and Dycom for \$72,767 and kept the proceeds. In December 1993, Johnson negotiated with T&R Electric Corporation, Coleman, SD, for the sale of \$13,500 worth of electrical transformer components, directing the proceeds be made payable to Chickasaw instead of Southeastern. On January 3, 1993, Smith and Harrill signed a subcontract to perform work in connection with Chickasaw's contract to complete electrical work at Ellsworth AFB. The scheme included using Chickasaw as a payroll office after most of the Southeastern employees were transferred onto Chickasaw's payroll. Chickasaw subsequently received about 17 payroll checks, totaling over \$588,000, that were deposited into accounts established, controlled, and owned by the co-conspirators. Harrill subsequently issued six Chickasaw corporation checks, totaling about \$169,012, to Triad Engineering and Consulting Services, Dallas, TX, a fictitious company Smith had formed; he in turn issued checks totaling more than \$62,000 to Weaver and Johnson. Johnson was issued a \$32,500 check from the Chickasaw account, which was allegedly

used as a down payment for the purchase of Smith's home. The Sioux Falls POD is conducting the investigation with the FBI, the Internal Revenue Service (IRS) and the State of South Dakota Division of Criminal Investigations.



### **Health Care Fraud**

Carter B. Hall, owner and president of Aberdeen Ambulance Services, Incorporated (Aberdeen Ambulance), Aberdeen, SD, and Aberdeen Ambulance executed a plea agreement. Hall pled guilty to four counts of engaging in money transactions in property derived from specified unlawful activity. Aberdeen Ambulance pled guilty to one count of wire fraud violations. From April 1994 to January 1999, Hall submitted electronic claims containing falsified and inflated billings for reimbursement of ambulance services to Medicare, TRICARE (formerly the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)) and the State of South Dakota Medicaid Program. During that time period, Aberdeen Ambulance had a contract with St. Luke's Midland Regional Hospital (St. Luke's), Aberdeen, SD, to provide intra-campus transfer of patients. St. Luke's paid

Aberdeen Ambulance \$143,000 for those services. Hall, in turn, submitted claims to Medicare, TRICARE and Medicaid for those same services claiming the transfers were emergency transports and not intra-campus transfers, which are not allowed by regulation. Hall received an additional \$127,318 for the duplicate false billings. The Sioux Falls POD conducted the investigation with the FBI, the IRS and the State of South Dakota Medicaid Fraud Unit.

### **Theft**

Norman Tarbell, former chief of the St. Regis Mohawk Tribe, pled guilty to one count of aiding and abetting the theft of surplus Government property obtained from the Defense Reutilization and Marketing Service. The property was obtained for use by the Tribe in public works projects and was subsequently sold by individuals for personal gain. The Syracuse RA conducted the investigation with the FBI, the IRS, the Department of Interior, the Bureau of Alcohol, Tobacco and Firearms and the New York State Police.

### **Product Substitution**

Anthony St. George and George Allen were convicted on 15 counts of conspiracy and submitting false statements on Federal Aviation Administration (FAA) certifications. The investigation determined St. George, a designated mechanical examiner for St. George Aviation, Incor-

porated (SGA), Sanford, FL, failed to properly administer FAA tests to mechanics, including DoD military personnel. The tests, which were administered between 1996 and 1998, consisted of airframe and powerplant (A&P) certifications. St. George and Allen helped mechanics with answers to the A&P tests, failed to give segments of the tests, issued certifications when no testing was conducted and certified A&P tests were taken on days the office was closed. The written, oral and practical tests administered at SGA followed an approved FAA training course. The Fort Lauderdale POD conducted the investigation with the Department of Transportation.

### **Product Substitution**

George Pearson, manager, Georgia Southside Commercial Corporation, Atlanta, GA, pled guilty to submitting false claims to the Government. From November 1993 through May 1995, Pearson, purportedly in the business of installing flooring, solicited and received subcontract work from various prime contractors engaged in construction projects on numerous Federal facilities. Those facilities included the Bureau of Prisons, Department of Housing and Urban Development (HUD) and DoD. Pearson then contacted suppliers for the required materials. After the materials were delivered and stored at the construction site awaiting installation,

Pearson, without the knowledge and concurrence of the prime contractors, added or induced his suppliers to add his projected labor costs into their materials invoices. Pearson submitted the inflated invoices, totaling at least \$739,400, to the prime contractors knowing the invoices would be submitted to the Government for progress payments. The suppliers' legitimate charges for these materials amounted to approximately \$275,500. Pearson did not incur labor costs or install any of the delivered materials. The Southeast Field Office (FO) conducted the investigation jointly with HUD.

## Sentences

### Health Care

Genentech, Incorporated, South San Francisco, CA, pled guilty to one count of introduction of misbranded drugs into interstate commerce. The same day, Genentech was sentenced to pay the Government \$50 million, which consists of a \$30 million criminal fine and a \$20 million civil penalty arising out of allegations Genetech fraudulently billed Medicare, Medicaid and TRICARE. This payment by Genentech represents the largest penalty ever obtained in a health care prosecution case by the U.S. Attorney's Office for the Northern District of California. Genentech admitted that between 1985 and 1994 it aggressively marketed the syn-

thetic hormone Protropin, one of its most lucrative prescription drugs, for various medical conditions for which the drug had not received Food and Drug Administration (FDA) approval. During that time period, the FDA had approved the drug only for use against a rare growth disorder found in a small percentage of children. Genentech halted its practices in 1994 and pursued steps to reform its marketing. The San Francisco RA conducted the investigation in conjunction with the FBI and the FDA.

### Theft

Brenda Jackson was sentenced to 24 months supervised probation for theft of Government funds. Jackson has already paid restitution of \$7,295.43 to the Department of Energy (DOE). From September 15, 1997 through March 30, 1998, Jackson was employed as the business officer for the Oak Ridge Associated Universities (ORAU), Oak Ridge, TN, a DOE prime contractor. The ORAU, a private nonprofit corporation, administers research participation and fellowship programs for the DOE and other Federal agencies, including the DoD. In 1997, ORAU managed \$27.5 million in direct-billed DoD monies. As part of Jackson's duties she routinely ordered items from various suppliers, including Damark International, Minneapolis, MN. Jackson misused the Government IMPAC Visa credit card by purchas-

ing various items from Damark, valued at \$7,295.43, that she converted to her own use. In an attempt to conceal the purchases, Jackson falsified the Damark invoices and the Visa card purchases. The fraudulent billings were passed though the overhead costs. The DoD paid 45 percent of those costs. The Southeast FO conducted the investigation with the DOE.

### Theft

Troy David Fisher was sentenced to a 1 year suspended sentence, 1 year supervised probation and ordered to pay a \$100 fine and \$25 in court costs after pleading guilty to theft of Government property. Fisher, a former chief warrant officer with the Louisiana Army Air National Guard (LAANG), loaded a metal cabinet obtained from a Defense Reutilization and Marketing Office depot into a LAANG helicopter and flew it to his place of civilian employment. He was photographed unloading the cabinet from the LAANG aircraft in Cameron, LA. Fisher had scheduled the flight as a LAANG training mission. The New Orleans RA conducted the investigation with the U.S. Customs Service and the Sheriff's Office, Cameron Parish, LA.

### Kickbacks

Bruce Simpson, an employee of the Veterans Administration Medical Center, East Orange, NJ, was sentenced to 3 years probation and a \$3,000 fine for conspir-

acy. Simpson pled guilty to accepting cash and other things of value from Roger C. Day, Jr., in exchange for placing orders with Day's companies--All-American Products, Quality Products, and TMF Nurseries. Day is scheduled for sentencing on similar charges. Christine Day, president of All-American, Quality Products, and TMF Nurseries, and wife of Roger Day, previously pled guilty to similar charges and served a 1-year Federal prison sentence. The New Jersey RA conducted the investigation with the Department of Veterans Affairs and the U.S. Postal Inspection Service.



**Bribery**

Frank McNamee, former manager of the McGuire Air Force Base (MAFB) Commissary Meat Department; Gary A. Paterno, owner and operator, G & L Sales and Associates (G&L), Palm Coast, FL; and John Cifaretto, former sales representative, G&L, were each sentenced. McNamee was sentenced to 3 years probation, 200 hours of community service, a \$500 fine and a \$50 special assessment. Paterno and Cifaretto were each sentenced

to 5 years probation, 6 months home confinement (with electronic monitoring), 300 hours of community service, a \$3,000 fine and a \$50 special assessment. McNamee previously pled guilty to conspiracy to accept bribes as a public official. Paterno and Cifaretto each pled guilty to one count of conspiracy to bribe a public official. From August 1995 to February 1996, McNamee received bribes totaling approximately \$3,643 from Penn Packing Company, Incorporated, doing business as Butler Foods (Butler). The bribery arrangement began in August 1995 when McNamee, who ordered meat for the MAFB Commissary, met with the owners of Butler where it was agreed Butler would pay McNamee a \$.03 per pound bribe, if he ordered at least 15,000 pounds of meat per week from Butler. From 1991 to 1994, Paterno and Cifaretto, doing business as G&L, operated as a broker of chicken products for Townsends, Incorporated, and paid bribes of approximately \$34,000 to Henry Gaiters, former manager of the MAFB Commissary Meat Department. The bribes began at the demand of Gaiters, who threatened to stop purchasing chicken from G&L unless Paterno and Cifaretto paid him bribes of \$.01 per pound of chicken. The New Jersey RA conducted the investigation with the FBI, the IRS and the AFOSI.

**Health Care**

Raphaela Araboghli, owner of R&R Surgical Medical Supplies, Incorporated (R&R), Bridgeport, CT, was sentenced to 3 years probation, 6 months home confinement, 200 hours of community service and ordered to pay \$153,000 in restitution. Araboghli previously pled guilty to conspiracy and making and subscribing to false income tax returns. From May 1995 through the end of 1996, Araboghli paid approximately \$78,000 in kickbacks to Francisco Carbone, a doctor employed with the Bridgeport Community Health Center, Bridgeport, CT. In exchange, Carbone referred hundreds of medical patients to R&R. The investigation is a result of Operation Overdraw, a 3-year undercover operation. Overdraw established an undercover medical business that dealt with dozens of health care related companies in Connecticut, New York and New Jersey suspected of engaging in fraudulent activities associated with Medicare, Medicaid, TRICARE and private insurance companies. The Hartford RA conducted the investigation with the FBI, the IRS, the U.S. Postal Inspection Service and the HHS in conjunction with the Connecticut Health Care Fraud Task Force.

**Theft**

Jet Reclamation, Incorporated (Jet), John William Riddle, president of Jet, and Far-

rell Herbert Sutton, chief financial officer for Jet, were sentenced for conspiring to knowingly receive stolen Government property. Jet was sentenced to a \$52,000 fine and a \$200 special assessment. Riddle and Sutton were each sentenced to 24 months incarceration (followed by 1 year of supervised probation); a \$100 special assessment and to pay \$113,225 restitution to the Government. Between 1995 and 1998, Riddle and Sutton engaged in a scheme to steal aircraft parts from the Defense Reutilization and Marketing Office and DLA facilities located at Kelly AFB, San Antonio, TX. The aircraft parts most sought by Riddle and Sutton were T-56 engine parts, which are used on the C-130 military aircraft or the 501 commercial aircraft engine. They paid substantially less than fair market price for the parts and then sold them for a profit to other companies. Arthur Vasquez, a surplus parts dealer, assisted Riddle and Sutton in the scheme. Vasquez, who was located near Kelly AFB, was given lists of parts Riddle and Sutton wanted stolen. In some cases, they provided Vasquez the location of items by bin or pallet number, the part number, description and a small sample of the parts needed. Vasquez then arranged for other DoD employees working with him to steal the parts and he would deliver them to Riddle and Sut-

ton. Vasquez and the other DoD employees have already been sentenced for their actions. The San Antonio POD conducted the investigation with other task force members from the FBI, the IRS, the U.S. Customs Service, the AFOSI, the Defense Logistics Agency (DLA) and the San Antonio Police Department.

## Civil Settlements

### Health Care

A civil complaint was filed against Harry Anthony Hieke, Jr., doctor of podiatry medicine, and Family Foot Specialists, Limited (FFSL), Newport News, VA. The complaint seeks treble damages and penalties under the False Claims Act for false claims submitted to CHAMPUS, Medicare, and Medicaid. The complaint alleges that between May 1993 and September 1995, Hieke and FFSL submitted at least 273 false claims to the U.S. Government. Hieke was paid at least \$10,349.72 based on those claims. On December 9, 1997, Hieke was found guilty of one count of grand larceny against CHAMPUS, two counts of grand larceny against Medicare, one count of grand larceny and one count of petty larceny against Medicaid, and two counts of grand larceny against TRIGON/Blue Cross Blue Shield, Incorporated. An investigation disclosed that Hieke submitted false claims

to those programs that misrepresented the medical services performed and for services not rendered. The Norfolk RA conducted the investigation with the HHS, the Virginia Medicaid Fraud Control Unit, and the TRIGON Financial Investigations Unit.  
Civil Settlements

### Health Care

The United States Attorney's Office, Southern District of Florida, Fort Lauderdale, entered into a settlement agreement with the Chapter 11 trustee for the National Recovery Institute Group (NRIG), Fort Lauderdale, FL. The trustee agrees to entry of judgment in favor of the United States against NRIG in the amount of \$7,742,564.51, the total amount of single damages claimed by the United States on behalf of the TRICARE and Medicare programs, and the Federal share of Medicaid. The NRIG was a drug and alcohol abuse clinic that regularly billed TRICARE, Medicaid and Medicare. An investigation found NRIG billed those programs for services not rendered in accordance with program requirements and for services that were not medically necessary. The suit was initially brought by a relator under the *qui tam* provisions of the False Claims Act. The Fort Lauderdale POD conducted the investigation with the Florida Attorney General's Medicaid Fraud Control Unit.



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