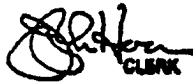


FILED

JAN 20 2011


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

UNITED STATES OF AMERICA,

CR 10-30076

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

EDWARD RHEA WASHBURN,

Defendant.

The Defendant, the Defendant's attorney, and the Assistant United States Attorney for the District of South Dakota hereby stipulate that the following facts are true and that they may be offered in support of Defendant's guilty plea in this case.

1. the Cheyenne River Housing Authority was an organization and agency of the Cheyenne River Sioux Tribe, a tribal government that received federal assistance in excess of \$10,000 during each one-year period beginning January 1, and ending December 31, for the years 2005, 2006, 2007, and 2008.

2. Edward Rhae Washburn was an agent of Cheyenne River Housing Authority, whose duties included advertising bids, bidding out projects, verifying that the contractor's bids met the bid requirements, identifying the lowest bidder, obtaining United State Department of Housing and Urban Development approval for sole source bidding, preparation of contract documents, monitoring progress

of the project, reviewing the inspector's report as to work done on the project, making a determination whether to approve contractor's payment request and determine whether to approve any change orders on the project.

3. Between on or about April 18, 2006 and on or about May 11, 2006, in the District of South Dakota, Edward Rhae Washburn, defendant, did corruptly accept and agree to accept \$7,500, a thing of value from Archie Baumann, intending to be influenced and rewarded in connection with a series of transactions of The Cheyenne River Housing Authority involving \$5,000 and more.

4. Edward Rhae Washburn was an agent of the Cheyenne River Housing Authority (CRHA). The main funding source for the CRHA is the United States Department of Housing and Urban Development (HUD). Up until May 3, 2010, Edward Rhae Washburn had been employed by the CRHA as the Director of Modernization. Washburn had been in that position since the position was established in 1997. In general, Washburn was responsible for the modernization of unoccupied CRHA housing units. As such he was an officer and agent authorized to act on behalf of the Cheyenne River Housing Authority .

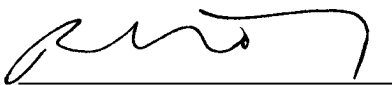
5. Archie Baumann is a construction contractor living in Fort Pierre, South Dakota. Mr. Baumann owned and operated First Dakota Enterprises of Fort Pierre.

6. On April 18, 2006 Archie Baumann corruptly gave Edward Rhae Washburn a cashier's check payable to First Dakota Enterprises which Mr. Baumann endorsed intending to influence Edward Rhae Washburn to assist First Dakota Enterprises in the payment process and to obtain more work. Defendant

corruptly accepted this endorsed cashier's check intending to be influenced in connection with contract work First Dakota Enterprises was doing and planning to do in the future with the Cheyenne River Housing Authority. Defendant Washburn deposited this check into his personal account on April 18, 2006. At the time defendant Washburn received and accepted this payment defendant Washburn realized that it was wrong to receive such payment.

7. The defendant and the United States stipulate that the loss for the purposes of the application of the sentencing guidelines in this case is between \$10,000 and \$12,000.

Dated this 20th day of January, 2011.

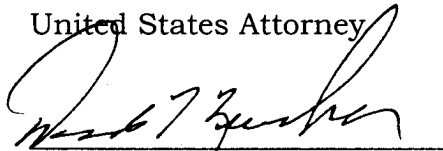


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EDWARD RHAЕ WASHBURN
Defendant

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