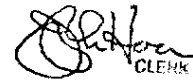


**FILED**

MAR 26 2010

  
CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

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UNITED STATES OF AMERICA,

CR 08-30114

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

ARCHIE BAUMANN,

Defendant.

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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. Thomas Thompson was the Secretary and member of the Crow Creek Tribal Schools school board of the Crow Creek Tribal Schools and the elected official that is the Secretary and Tribal Council member and an agent of the Crow Creek Sioux Tribe during 2008. As such he was an officer and agent authorized to act on behalf of the Crow Creek Sioux Tribe and the Crow Creek Tribal Schools.

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

3. During 2008 Archie Baumann and First Dakota Enterprises attempted to obtain a contract for construction of houses of a value in excess of \$383,000 for the Crow Creek Tribal Schools and the Crow Creek Sioux Tribe and lent money to the Crow Creek Sioux Tribe in an amount of more than \$200,000. Thomas Thompson as an elected official voted in favor of doing this business with Archie Baumann and Crow Creek Tribal Schools.

4. During 2008 the Crow Creek Tribal Schools received more than \$10,000 in federal funds under the United States Department of Interior assistance to the Crow Creek Tribal Schools. During 2008 the Crow Creek Sioux Tribe received more than \$10,000 in federal funds under the United States Department of Health and Human Services, Indian Health Service in the form of a grant, and from the United States Department of Army, Corps. of Engineers on the Crow Creek Stewardship Contract.

5. On August 13, 2008, at Fort Pierre, South Dakota, Archie Baumann, defendant, corruptly gave Thomas Thompson a \$2,000 check to influence him to continue hiring First Dakota Enterprises and to have the Crow Creek Sioux Tribe borrow money from Archie Baumann. First Dakota Enterprises and Archie Baumann's business and series of business transactions with the Crow Creek Sioux Tribe and Crow Creek Tribal Schools during this time period involved more than \$5,000 value.

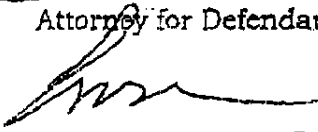
6. Defendant Archie Baumann corruptly gave this check intending to influence Thomas Thompson to continue hiring First Dakota Enterprises and to have the Crow Creek Sioux Tribe borrow money from Archie Baumann. At the

time defendant Baumann made this payment to Thomas Thompson, Defendant Archie Baumann realized that it was wrong to give such payments.

Dated this 26 day of March, 2010.

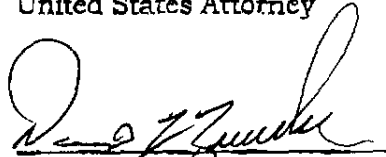


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