

THE UNITED STATES ATTORNEY'S OFFICE  
NORTHERN DISTRICT *of* ALABAMA

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**Department of Justice**

U.S. Attorney's Office

Northern District of Alabama

FOR IMMEDIATE RELEASE

Thursday, September 7, 2017

## **Former Alabama Legislator Pleads Guilty to Bribery Conspiracy, Fraud and Tax Evasion**

BIRMINGHAM – A former Alabama legislator pleaded guilty today in federal court to accepting bribes from a Birmingham lawyer and an Alabama coal company executive in exchange for advocating their employers' opposition to EPA actions in North Birmingham. U.S. Attorney Jay E. Town, FBI Special Agent in Charge Johnnie Sharp Jr. and Internal Revenue Service, Criminal Investigation, Acting Special Agent in Charge James E. Dorsey announced the plea.

Former state representative OLIVER L. ROBINSON JR., 57, of Birmingham, entered his guilty pleas before U.S. District Court Judge Abdul K. Kallon to conspiracy, bribery and honest services wire fraud. The U.S. Attorney's Office charged Robinson in June for accepting a valuable contract between the Birmingham law firm Balch & Bingham and the Oliver Robinson Foundation to influence and reward Robinson for using his position as a member of the Alabama House of Representatives, vice-chairman of the Jefferson County Legislative Delegation, and as an elected representative of citizens of Birmingham to pressure and advise public officials to oppose the Environmental Protection Agency's prioritization and expansion of a North Birmingham EPA Superfund site.

Robinson represented Alabama's House District 58 from 1998 until he resigned Nov. 30, 2016. As part of his plea, he agrees never again to seek elected office and to pay restitution and forfeiture in amounts to be determined. He is scheduled for sentencing Dec. 7 and remains free on bond.

"This lamentable pursuit of self-interest masquerading as beneficial for the little guy is more than a violation of our laws. This was a violation of the public trust and among the worst breaches of our social contract," Town said. "All those engaged in public corruption must be brought to justice, and it matters not their benefactor or station."

"The FBI's stance on public corruption is that of zero tolerance and therefore it is one of our highest priorities," Sharp said. "Public corruption is among the most serious of criminal violations and a betrayal of the public's sacred trust. If allowed to spread unchecked, it can threaten the foundation of our government. The FBI continues to aggressively pursue those who participate in this type of crime."

"The enforcement of tax administration is compromised with every attempt to undermine the tax system," Dorsey said. "Engaging in public corruption does not qualify as a tax exemption. The totalities of Mr. Oliver's

actions are egregious, devastating, and disappointing to the community in which he promised to serve."

Outside of the bribery charges, Robinson also pleaded guilty today to two counts of wire fraud for spending \$17,783 of campaign contributions on personal items unrelated to his legislative campaigns. He pleaded guilty to a third wire fraud count for soliciting money from corporations, representing he would use it to publish a magazine or to defray costs for an annual Partnering for Progress Business Conference or the annual Alabama Black Achievers Awards Gala, which the Oliver Robinson Foundation sponsored. Robinson spent at least \$250,000 of those contributions on personal items unrelated to the magazine or the annual events. Robinson also pleaded guilty to one count of tax evasion for the 2015 calendar year.

According to Robinson's plea, the bribery conspiracy occurred as follows:

EPA designated an area of North Birmingham, including the neighborhoods of Harriman Park, Fairmont and Collegeville, as a Superfund site after finding elevated levels of arsenic, lead and benzo(a)pyrene during soil sampling.

In September 2013, EPA notified five companies, including ABC Coke, a division of Drummond Company, that they could potentially be responsible for the pollution. A company determined to be responsible for pollution within the site, known as the 35<sup>th</sup> Avenue Superfund Site, potentially faced multi-million dollar clean-up costs and fines.

In July 2014, EPA began considering the petition of a Birmingham environmental advocacy group, GASP, to expand the Superfund site to the Tarrant and Inglenook neighborhoods. EPA granted that petition in October 2014 and contracted with the Alabama Department of Environmental Management to perform the preliminary assessment.

In September 2014, EPA proposed adding the Superfund site to its National Priorities List, signaling that it required priority attention. Placement on the priorities list would allow EPA to use the federal Superfund Trust Fund to conduct long-term cleanup at the site, provided the State of Alabama agreed to pay 10 percent of the costs, which could equal millions of dollars. EPA's decision on priority listing for the site remained pending throughout the scheme.

Balch & Bingham represented Drummond and ABC Coke in relation to the 35<sup>th</sup> Avenue site. A partner at Balch & Bingham, identified in the charges as "Attorney #1," coordinated the response to EPA's actions on behalf of ABC Coke and Drummond Company. A Drummond Company executive, identified as "Drummond Employee #1," was involved with the attorney in responding to EPA. They formed the Alliance for Jobs and the Economy as a tax-exempt corporation in 2015 to raise money to help fund their opposition to the EPA actions, according to the charges.

The strategy employed by the attorney and the Drummond executive focused on protecting ABC Coke and Drummond from the tremendous potential costs associated with being held responsible for pollution within the affected areas. They sought to accomplish this goal by working to prevent EPA from listing the 35<sup>th</sup> Avenue site on the National Priorities List and expanding the Superfund site into Tarrant and Inglenook.

The plan included advising residents of North Birmingham and public officials to oppose EPA's actions. As part of the overall strategy, Balch & Bingham paid Robinson, through his non-profit foundation, to represent Balch & Bingham's and its clients' interests, exclusively, in matters related to EPA's actions in North Birmingham. Over the course of the contract in 2015 and 2016, Balch & Bingham paid \$360,000 to the foundation.

One of the first tasks assigned to Robinson under the contract was to appear before the Alabama Environmental Management Commission and the director of the Alabama Department of Environmental Management in February 2015 to advance Balch & Bingham's and its clients' opposition to the Superfund

proposals. In that appearance, Robinson said he was “really here today to try to protect the residents of north Birmingham.” He said, “[T]he thing that gets me and what is in the process of hurting the residents in that area is that the EPA has included five other corporations in on this process, but there have been no reports stating that these individuals are culpable in any way. And where that hurts the residents is the fact that we will have decades of litigation that will occur because of these five companies being added.”

Robinson asked the AEMC to help narrow the list of potentially responsible parties if there were no reports or tests implicating the corporations. Concluding, Robinson told the AEMC that if the areas of North Birmingham are designated as a Superfund site or listed on the NPL, the residents are “considered to live in a dump and nothing can happen there until it’s either cleaned up and after that, it will take tremendous investment to get it to move forward.”

Robinson concealed from AEMC and the ADEM director that Balch & Bingham and Drummond were paying the Oliver Robinson Foundation to represent their interests exclusively.

The maximum penalty for conspiracy is five years imprisonment and a \$250,000 fine. The maximum penalty for bribery is 10 years imprisonment and a \$250,000 fine. The maximum penalty for each count of wire fraud is 20 years imprisonment and a \$250,000 fine. The maximum penalty for tax evasion is five years imprisonment and a \$100,000 fine, together with the costs of prosecution.

The FBI and IRS investigated the case, which Assistant U.S. Attorneys George Martin, Robin Beardsley Mark and John B. Ward are prosecuting.

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**Component(s):**

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# Oliver Robinson pleads guilty, must cooperate or face up to 100 years



By [John Archibald | jarchibald@al.com](#)

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on September 07, 2017 at 11:15 AM, updated September 07, 2017 at 1:17 PM

Oliver Robinson did it.

The former Alabama House member sat before U.S. District Judge Abdul Kallon this morning and admitted his guilt.

Guilty of conspiracy. Guilty of bribery. Guilty of four counts of fraud. Guilty of tax evasion.

"Are you pleading guilty because you are guilty?" Kallon asked.

"I am, your Honor," Robinson replied.

And in changing his plea he accepted the fact that he could face a maximum of 100 years in prison for the seven federal charges, not to mention the possibility of \$1.6 million in fines, and hundreds of thousands more in restitution.

It was, when you get down to it, a heckuva plea.

Robinson had entered into a plea agreement with federal prosecutors, but that is not binding. If Robinson provides substantial assistance - if he tells all he knows about anyone and anything the feds want to know - prosecutors will ask Kallon to sentence Robinson below the sentencing guidelines. But in the end that decision rests completely with Kallon, and what he hears at the Dec. 7 sentencing.

The day that lives in infamy.

Assistant U.S. Attorney George Martin told Kallon the plea agreement expects Robinson to pay \$660,783 in restitution, and that he will never again seek office.

Which means Robinson has everything to gain from cooperating as fully as he possibly can, and everything to lose if he does not.

Jay Town, the new U.S. Attorney for the Northern District of Alabama - who was confirmed after the charges against Robinson were issued, said the charges and consequences are serious.

"This lamentable pursuit of self-interest masquerading as beneficial for the little guy is more than a violation of our laws," he said in a statement. "This was a violation of the public trust and among the worst breaches of our social contract. All those engaged in public corruption must be brought to justice, and it matters not their benefactor or station."

Which is critical, vital to Alabama. Especially in this case.

## **PREVIOUS: Oliver Robinson under investigation.**

Because his benefactors -- with high station -- are yet to be charged.

Also mentioned in the charges filed against Robinson in June, were unnamed co-conspirators at two of the companies that are most involved in **setting the tone for political behavior in Alabama.**

The government said Robinson acted with "Attorney #1" from the law firm Balch & Bingham, and "Employee #1" from Drummond Co. to prevent the expansion of a Superfund site into neighborhoods north of Birmingham. Prosecutors said those two wanted to protect ABC Coke and Drummond from having to spend millions of dollars to clean up polluted neighborhoods in and around Robinson's district.

The government did not name those men, but **it's clear they are Balch & Bingham partner Joel Gilbert and Drummond Co. vice president David Roberson.** Neither have responded to comment, though Balch & Bingham has insisted that "Honesty and integrity are core values at Balch & Bingham, and they will guide us as we evaluate these allegations."

Though Gilbert is still listed as part of the firm.

Balch is among the state's powerful lobbyists and both Balch and Drummond contribute heavily to state and federal campaigns. Both Balch and Drummond were in the state's top 10 federal contributors in the last cycle. Balch heavily funded U.S. Attorney General Jeff Sessions' senate campaigns, and Sessions employs a former Balch lawyer as an assistant AG.

The firm is even represented on the Alabama Supreme Court. Gov. Kay Ivey appointed Will Sellers to the court to fill a vacancy after Roy Moore officially left the bench.

Which makes Town's statement pretty significant.

"All those engaged in public corruption must be brought to justice, and it matters not their benefactor or station."

Indeed.

*John Archibald's column appears in The Birmingham News, the Huntsville Times, the Mobile Register and AL.com. Write him at **jarchibald@al.com.***

**Robinson Plea** by **John Archibald** on Scribd

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