

SEP 25 2017

JAMES N. HATTEN, Clerk  
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ADAM L. SMITH

Criminal Information

No. 1:17-CR-331-SCJ

THE UNITED STATES ATTORNEY CHARGES THAT:

CONSPIRACY

At all times relevant to this Information:

1. From 2003 to February 21, 2017, ADAM L. SMITH served as the Chief Procurement Officer for the City of Atlanta, Georgia.
2. As the Chief Procurement Officer, SMITH oversaw the City of Atlanta's ("Atlanta") purchasing activities and its expenditure of billions of dollars of public money for projects such as the overhaul of Atlanta's water and sewer system and the expansion of and concessions projects for Hartsfield-Jackson Atlanta International Airport.
3. Given his position, SMITH signed annually a Financial Disclosure Statement certifying that he had not received more than \$5,000 in annual income from any corporation, partnership, proprietorship, other business entity, other than Atlanta.
4. According to Atlanta's Procurement Code § 2-1214:

As early in the procurement process as possible and prior to award of a solicited contract, the chief procurement officer shall review the disclosures of the top three responsive and responsible

offerors in a solicitation for competitive sealed proposals, or the three lowest responsive and responsible offerors in a solicitation for competitive sealed bids, to determine if personal or organizational conflicts of interests exist. The chief procurement officer shall make a written determination as to the existence of a conflict and the means by which such conflict may be mitigated or avoided. The written determination shall be maintained in the contract file.

Additionally, § 2-1214 requires that the chief procurement officer “certify to the city council that the successful offeror has disclosed its organizational and personal relationships and that award of the contract is appropriate under this section.”

5. Vendor is an executive with a construction firm in Atlanta, Georgia. During SMITH’s tenure as the Chief Procurement Officer, Atlanta awarded contracts worth millions of dollars to Vendor’s firm and joint venture projects of which Vendor was a partner.

6. Beginning on a date unknown, but from at least 2015 to January 2017, SMITH met privately with Vendor on multiple occasions, frequently at local restaurants. During these meetings, SMITH and Vendor discussed city procurement projects, bids, and solicitations. Often at the time of these meetings, Vendor was actively seeking contracts, projects, and work with Atlanta.

7. After most of the meetings, Vendor paid SMITH approximately \$1,000 in cash. In return for the bribe payments, SMITH knew that Vendor expected SMITH to use his position and power as Atlanta’s Chief Procurement Officer: (a) to assist Vendor with contracting/procurement with Atlanta, and (b) to furnish Vendor with future benefits and favors when needed.

8. Furthermore, in exchange for those cash payments:

- a. SMITH met with Vendor on a regular basis;
- b. SMITH provided Vendor with information and counsel regarding Atlanta's procurement processes (among other information);
- c. When Vendor's firm (or joint venture) became the successful bidder on an Atlanta contract or Request for Proposal, SMITH approved and submitted the award of such procurement projects or bids to Atlanta's mayor and city council for final authorization;
- d. SMITH never disclosed his ongoing financial relationship with Vendor and/or Vendor's firm on his Financial Disclosure Statements to Atlanta; and
- e. SMITH never advised Atlanta's City Council that the Vendor's firm or joint venture had failed to disclose its organizational and personal relationships with him to Atlanta in accordance with Procurement Code § 2-1214.

9. From at least 2015 to January 2017, Vendor paid Smith more than \$30,000 in cash with the intent to influence SMITH in his role as Atlanta's Chief Procurement Officer. SMITH accepted the money, knowing the Vendor's intent.

10. The City of Atlanta (Georgia) government is local government that received federal assistance in excess of \$10,000 during each calendar year from 2015 to 2017.

11. Beginning on a date unknown, but at least from in or about 2015 to in or about January 2017, in the Northern District of Georgia, defendant ADAM L. SMITH, as the City of Atlanta's Chief Procurement Officer, knowingly and willfully conspired, agreed, and had a tacit understanding with another person, to corruptly solicit and accept a thing of value from a person known to the United


States Attorney, intending to be influenced and rewarded in connection with a transaction and series of transactions of the City of Atlanta government, involving something of value of at least \$5000, in violation of Title 18, United States Code, Section 666(a)(1)(B).

All in violation of Title 18, United States Code, Section 371.

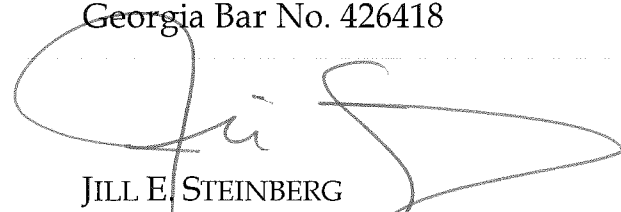
JOHN A. HORN  
*United States Attorney*



KURT R. ERSKINE  
*First Assistant United States Attorney*  
Georgia Bar No. 249953



JEFFREY W. DAVIS  
*Assistant United States Attorney*  
Georgia Bar No. 426418



JILL E. STEINBERG  
*Assistant United States Attorney*  
Georgia Bar No. 502042

600 U.S. Courthouse ▪ 75 Ted Turner Drive, SW  
Atlanta, GA 30303 ▪ 404-581-6000