

No. 07-4-GVT

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
PIKEVILLE**

**THE UNITED STATES OF AMERICA  
v.  
EARL JERRY SPARKS**

**INDICTMENT**

18/1001(a)- False Statements, 5 Cts.

A TRUE BILL

FOREPERSON

Filed in Open Court on April 5, 2007

CLERK

Bail, \$ \_\_\_\_\_

~~Eastern District of Kentucky~~  
**FILED**

**APR 05 2007**

AT LEXINGTON  
LESLIE G WHITMER  
CLERK U S DISTRICT COURT

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**V.**

**INDICTMENT NO. 07-4-GVT**

**EARL JERRY SPARKS**

\* \* \* \* \*

**INTRODUCTION**

1. At all times material to this Indictment, the United States Army Corps of Engineers had certain responsibilities in ensuring compliance with the federal Clean Water Act. Among those responsibilities was handling applications for permission to discharge dredge or fill materials related to mining activities into the navigable waters of the United States, under what was known as "Nationwide Permit 21."

2. At all times material to this Indictment, Earl Jerry Sparks was employed by the Army Corps of Engineers as a Project Manager and Team Leader at its Eastern Kentucky Regulatory Office in Sassafras, Kentucky. His responsibilities included evaluating and processing applications from mining and other companies seeking approval to discharge dredge and fill material into the navigable waters of the United States under Nationwide Permit 21.

3. At all times material to this Indictment, permission to discharge dredge or fill material into the navigable waters of the United States under Nationwide Permit 21 could not be given by the Army Corps of Engineers until the appropriate Regulatory Branch Chief, or his designee, signed a “decision document” which indicated that the Regulatory Branch Chief had reviewed the proposed discharge, assessed the potential environmental impact of the proposed discharge, and approved the issuance of a permit under Nationwide Permit 21.

4. During the years 2002 through 2005, defendant Earl Jerry Sparks forged signatures on “decision documents” relating to some applications, issued some permits without ever submitting related materials for decision, and forged the District Commander’s signature on some permits.

**THE GRAND JURY CHARGES:**

**COUNT 1**  
**18 U.S.C. § 1001(a)**

On or about September 22, 2002 in Knott County, in the Eastern District of Kentucky,

**EARL JERRY SPARKS**

in a matter within the jurisdiction of the Executive Branch of the Government of the United States, specifically the United States Army Corps of Engineers, knowingly and wilfully made a materially false, fictitious and fraudulent statement, and made and used a false writing and document, knowing that the same contained a materially false, fictitious

or fraudulent statement or entry, in that he falsified the signature of the Acting Regulatory Branch Chief of the Louisville District, U.S. Army Corps of Engineers, or his designee, on a Decision Document approving an application from CONSOL of Kentucky for a permit to conduct mining activities under Nationwide Permit 21, all in violation of 18 U.S.C. § 1001(a) .

**COUNT 2**  
**18 U.S.C. § 1001(a)**

On or about June 19, 2003, in Knott County, in the Eastern District of Kentucky,

**EARL JERRY SPARKS**

in a matter within the jurisdiction of the Executive Branch of the Government of the United States, specifically the United States Army Corps of Engineers, knowingly and wilfully made a materially false, fictitious and fraudulent statement, and made and used a false writing and document, knowing that the same contained a materially false, fictitious or fraudulent statement or entry, in that he falsified the signature of the South Section Chief of the Regulatory Branch of the Louisville District, U.S. Army Corps of Engineers, or his designee, on a Decision Document approving an application from Appalachian Fuels for a permit to conduct mining activities under Nationwide Permit 21, all in violation of 18 U.S.C. § 1001(a) .

**COUNT 3**  
**18 U.S.C. § 1001(a)**

On or about September 8, 2003, in Knott County, in the Eastern District of

Kentucky,

**EARL JERRY SPARKS**

in a matter within the jurisdiction of the Executive Branch of the Government of the United States, specifically the United States Army Corps of Engineers, knowingly and wilfully made a materially false, fictitious and fraudulent statement, and made and used a false writing and document, knowing that the same contained a materially false, fictitious or fraudulent statement or entry, in that he falsified the signature of the Regulatory Branch Chief of the Louisville District, U.S. Army Corps of Engineers, or his designee, on a Decision Document approving an application from Leslie Resources for a permit to conduct mining activities under Nationwide Permit 21, all in violation of 18 U.S.C. § 1001(a) .

**COUNT 4**  
**18 U.S.C. § 1001(a)**

On or about December 8, 2004, in Knott County, in the Eastern District of Kentucky,

**EARL JERRY SPARKS**

in a matter within the jurisdiction of the Executive Branch of the Government of the United States, specifically the United States Army Corps of Engineers, knowingly and wilfully made a materially false, fictitious and fraudulent statement, and made and used a false writing and document, knowing that the same contained a materially false, fictitious or fraudulent statement or entry, in that he falsified the signature of the Regulatory

Branch Chief of the Louisville District, U.S. Army Corps of Engineers, or his designee, on a Decision Document approving an application from B&W Resources for a permit to conduct mining activities under Nationwide Permit 21, all in violation of 18 U.S.C. § 1001(a) .

**COUNT 5**  
**18 U.S.C. § 1001(a)**

On or about June 25, 2004, in Knott County, in the Eastern District of Kentucky,

**EARL JERRY SPARKS**

in a matter within the jurisdiction of the Executive Branch of the Government of the United States, specifically the United States Army Corps of Engineers, knowingly and wilfully made a materially false, fictitious and fraudulent statement, and made and used a false writing and document, knowing that the same contained a materially false, fictitious or fraudulent statement or entry, in that he falsified the signature of the Regulatory Branch Chief of the Louisville District, U.S. Army Corps of Engineers, or his designee, on a Decision Document approving an application from Strong Brothers Mining for a permit to conduct mining activities under Nationwide Permit 21, all in violation of 18 U.S.C. § 1001(a) .

**A TRUE BILL**

  
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**FOREPERSON**

  
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**PRAMUL R. THAPAR**  
**UNITED STATES ATTORNEY**

**PENALTIES**

**COUNT 1-5:** Not more than 5 years imprisonment, \$250,000 fine, and 3 years supervised release.

**PLUS:** Mandatory special assessment of \$100 per count.

**PLUS:** Restitution, if applicable.