



Department of Justice

Acting United States Attorney Alex G. Tse
Northern District of California

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FORMER DOJ ATTORNEY SENTENCED TO 30 MONTHS IN PRISON FOR OBSTRUCTION OF JUSTICE AND INTERSTATE TRANSPORTATION OF STOLEN PROPERTY

Attorney Stole DOJ Documents Months Before Leaving Government Employment and Tried to Sell Them to Defendants In Federal Lawsuits

SAN FRANCISCO— Jeffrey Wertkin was sentenced this afternoon to 30 months in prison for obstruction of justice and transportation of stolen property, announced Acting United States Attorney Alex G. Tse; Department of Justice Office of the Inspector General, Fraud Detection Office Special Agent in Charge Lew Sessions; and Federal Bureau of Investigation Special Agent in Charge John F. Bennett. The Honorable Maxine M. Chesney, U.S. District Judge, handed down the sentence after Wertkin pleaded guilty to the charges last November.

“Mr. Wertkin has betrayed the trust placed in him by the Department of Justice, his colleagues, and the American people,” said Acting U.S. Attorney Alex Tse. “Today’s sentence hopefully restores the confidence in public servants who take an oath to serve their government and demonstrates that no one is above the law. Those who run afoul of the rules established to ensure the proper function of government will be prosecuted without fear or favor.”

“Wertkin abused his position for personal gain and violated the nation’s trust. The DOJ-OIG will continue to work tirelessly with its partners at the FBI and the U.S. Attorney’s Offices to ferret out corruption and hold accountable those who engage in theft and obstruction of justice,” stated DOJ-OIG Fraud Detection Office Special Agent in Charge Lew F. Sessions.

According to his plea agreement, Wertkin, 41, of Washington, D.C., worked for the Civil Fraud Section of the Department of Justice from October 24, 2010, until April 12, 2016. During that time, he worked on qui tam actions pursuant to which the government investigated companies suspected of breaking the law. Federal courts often order qui tam complaints “sealed” and therefore kept from public view until it is appropriate for the complaints to become public. In his plea agreement, Wertkin admitted that during the last month of his employment as a trial attorney with the Department of Justice, he began secretly reviewing and collecting sealed qui tam complaints that were not assigned to him. Further, Wertkin has admitted that after he left the Department of Justice, he used the stolen information improperly to solicit clients that were the subject of the sealed complaints. Wertkin acknowledged that in one instance, he was successful in using the information from a sealed complaint to convince the company that it was the subject of a lawsuit and to retain him as an attorney to represent it in the lawsuit. Wertkin also acknowledged he lied to the Department of Justice in documents he completed during his exit process regarding whether he stole the complaints.

The plea agreement also describes two occasions in which Wertkin attempted to sell information to companies that were the subject of government investigations. On November 30, 2016, Wertkin offered to sell a complaint to the corporation named in the lawsuit. Then, between November 30, 2016, and January 31, 2017, Wertkin engaged in multiple conversations with a representative of the corporation to negotiate the sale of the sealed complaint for \$310,000. Similarly, on January 23, 2017, Wertkin contacted a second corporation and offered to mail to the representative a copy of the face sheet of the complaint. Wertkin actually mailed a redacted copy of the face sheet and promised that, for a fee, he would provide the entire complaint.

Wertkin was arrested on January 31, 2017, after traveling from the Washington, D.C. Area to the San Francisco Bay Area with a copy of a sealed complaint. On that day, Wertkin believed he was meeting at a Cupertino hotel with a representative from a company and that he was exchanging the complaint for a duffel bag filled with \$310,000. In truth, Wertkin was meeting with an undercover employee of the FBI. Wertkin described the meeting in his sentencing memorandum as follows: “As part of his escapist fantasy, Mr. Wertkin donned a wig and sunglasses and went to a hotel in Sunnyvale with complaint in hand, whereupon he was arrested by the FBI.”

Further, Wertkin admitted that after his arrest, he took steps in an effort to obstruct the ongoing criminal investigation. Specifically, after being released from custody, Wertkin returned to his office, purportedly to retrieve his personal belongings, and removed and destroyed documents from his office that he knew could further incriminate him. Wertkin also acknowledged he “placed two complaints in a used FedEx envelope in an attempt to make it appear that sealed complaints had been accidentally mailed to him by a DOJ

employee.” Wertkin acknowledged he took these and additional other steps in an effort to corruptly obstruct the ongoing investigation and proceedings against him.

In sum, on November 1, 2017, Wertkin was charged by information with two counts of obstruction of justice, in violation of 18 U.S.C. § 1505, and one count of interstate transportation of stolen goods, in violation of 18 U.S.C. § 2314. Pursuant to his plea agreement, Wertkin pleaded guilty to all counts.

Assistant U.S. Attorneys Robin L. Harris and William Frentzen are prosecuting the case. The prosecution is the result of an investigation by the FBI and the Department of Justice Office of the Inspector General.

Further Information:

Case #: 17-557 MMC

A copy of this press release will be placed on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Abraham Simmons at (415) 436-7264 or by e-mail at Abraham.Simmons@usdoj.gov.