



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

February 1, 2007

In reply refer to: DK-7

Mr. Dan Seligman  
Attorney at Law  
Columbia Research Corporation  
P.O. Box 99249  
Seattle, WA 98139

RE: FOIA Request #07-011

Dear Mr. Seligman:

This is your response to the request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. 552, which was received January 3, 2007.

In your request for:

1. **A copy of all communications between BPA and the U.S. Department of Energy from June 2005 to the present regarding the indictment of Jane Selby in federal district court in Oregon.**

BPA has conducted a search of their files and have located and provided four documents that are responsive to your request. Three of the documents are provided in their entirety marked pages 1 thru 11, 12 thru 15, 16, and 17; and one document marked page 18 has information deleted under Exemption 6 of the FOIA, 5 U.S.C. 552 (b)(6) respectively.

2. **A copy of all communications between BPA and Jane Selby or her lawyers, regarding the request, offer or suggestion to Selby that she plead guilty in federal district court in Oregon to a crime.**

BPA has conducted a search of their files and have found no responsive documents.

3. **A copy of all communications between BPA Administrator Stephen Wright and other BPA personnel (or agents of BPA) regarding the request, offer or suggestion in number 2 above.**

BPA has conducted a search of their files and have located one document that is being withheld in its entirety under Exemption 5 of the FOIA, 5 U.S.C. 552 (b)(5) respectively.

4. **A copy of all notes from meetings or telephone conference calls prepared by BPA personnel or BPA agents, and a list of attendees or participants at the meetings or conference calls where the request, offer or suggestion in number 2 above was discussed; and**

BPA has conducted a search of their files and have located and provided one document, marked page 19, that is responsive to your request and is being released in its entirety.

5. **A copy of all legal opinions or analysis prepared by or for BPA regarding the request, offer or suggestion in number 2 above, or regarding the authority of BPA to grant or withhold retirement, life insurance, health insurance or other benefits if Selby were to plead guilty to a crime.**

BPA has conducted a search of their files and have found no responsive documents.

Exemption 5 protects from mandatory disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency. . .” Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 6 protects from mandatory disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” In applying Exemption 6, the BPA considered balanced the public interest in disclosure against the privacy interests of the individual involved and concluded that the public interest in disclosure did not outweigh the adverse impact of disclosure on the individual.

If you are dissatisfied with our determination, you may make an appeal within thirty (30) days of receipt of this letter to the Director of Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Both the envelope and the letter must be clearly marked “Freedom of Information Act Appeal.”

You will be billed, under separate cover by our Accounting Department, in the amount of \$127.15 for total costs associated with processing your request. If you have any questions regarding this response, please contact me at (503) 230-7303 or Laura M. Atterbury, FOIA Specialist, at (503) 230-7305.

Sincerely,

Christina J. Brannon  
Freedom of Information Act Officer

Enclosure: Responsive documents

TRANSMISSION VERIFICATION REPORT

TIME : 10/21/2005 06:43  
NAME : GENERAL COUNSEL  
FAX :  
TEL :  
SER.# :

DATE, TIME	10/21 06:41
FAX NO./NAME	
DURATION	00:01:01
PAGE(S)	11
RESULT	OK
MODE	FINE ECM

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# Facsimile Cover Sheet

**Office of General Counsel**  
**Bonneville Power Administration**  
P.O. Box 3621  
Portland, OR 97208

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**To:** Susan Beard  
**Company:** DOE/OGC  
**Phone:**  
**Fax:**

**From:** Jeri Krier  
**Routing:** LC-7

**Phone:** 503.230.5747  
**Fax:** !

**Date:** October 20<sup>21</sup>, 2005

**Pages including this  
cover page:** 11



2. Knowmadic was a company which sold computer software and related products and services including software known as ASCI, to BPA pursuant to a contract beginning in 2001

3. **JANE G. SELBY (SELBY)** was an employee of BPA in the Transmission Marketing (TM) department, located in Vancouver, Washington, whose responsibility included matters relating to the Knowmadic contract and ASCI. As a government employee, **SELBY** had a duty not to participate, personally and substantially, in any matter in which she or her spouse had a financial interest.

4. Scott Selby was **SELBY'S** spouse. Scott Selby received an offer of employment from Knowmadic on about March 19, 2002, began working for Knowmadic on about April 1, 2002, and left employment with Knowmadic on about November 19, 2002.

5. In about July 2003, the Office of Inspector General (OIG) of DOE began an investigation of conflict of interest based on allegations that **SELBY** participated in matters relating to Knowmadic in which she had a financial interest.

**Counts 1-6**

**Honest Services Wire Fraud**

Paragraphs 1-5 are re-alleged.

6. On or about the period from about October 2001, to about December 2003, in the state and district of Oregon, **SELBY** devised and intended to devise a material scheme to defraud BPA and deprive BPA of its right to honest services by **SELBY**, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises (scheme). It was part of the scheme that:

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7. **SELBY** influenced Knowmadic to hire her husband to work in sales starting on April 1, 2002, where he received commissions on sales to BPA, including those related to ASCI.

8. **SELBY** used her influence at BPA to advocate for the use of Knowmadic software products including ASCI, at BPA and among BPA customers.

9. Some of **SELBY'S** BPA co-workers became concerned about **SELBY'S** apparent conflict of interest due to her participation in matters related to ASCI. On June 11, 2002, in order to forestall criticism, **SELBY** wrote a letter to her supervisor officially disqualifying herself from decisions related to the use of Knowmadic software and caused a copy to be filed at the office of BPA general counsel in Portland, Oregon.

10. Both before and after her official disqualification, **SELBY** participated in matters related to the use of Knowmadic software including but not limited to the following:

a. **SELBY** participated in meetings at BPA and elsewhere which included BPA staff and contractors, often including her husband, at which decision, approval, disapproval, recommendation, the rendering of advice, investigation, and other action relating to the use of Knowmadic software by BPA were considered.

b. When BPA co-workers and staff resisted, questioned or criticized ASCI software, **SELBY** used her influence to advocate for continued or expanded use of ASCI, and to quell internal debate.

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c. **SELBY** participated in drafting, editing, and making recommendations regarding official BPA notice to its customers announcing BPA's decision to initiate a pilot project with ASCI software.

d. When BPA staff questioned Knowmadic invoices related to ASCI, **SELBY** intervened to expedite payment.

e. **SELBY** exercised her management authority to select the project manager for ASCI software.

f. When BPA staff or the ASCI project manager sought to change or extend deadlines related to ASCI, **SELBY** intervened or overruled such decisions.

g. When a BPA employee wrote an email critical of Scott Selby's failure to respond to a BPA request for information, **SELBY** intervened by attempting to discipline or fire the employee.

h. When BPA staff sought to limit the expansion of BPA support for ASCI among BPA customers, **SELBY** challenged and overruled such efforts.

i. When Dennis Stevens warned **SELBY'S** supervisor, Chuck Meyer, about **SELBY'S** actions, **SELBY** sought to initiate disciplinary actions against Stevens.

j. When invoices totaling \$2,750,000 submitted to BPA by Knowmadic in September 2002, on which Scott Selby would receive a commission of over \$100,000, were questioned by BPA staff and contractors, **SELBY** retaliated by firing them and, in the case of an employee who retired, seeking to block payment of a retirement incentive payment.

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k. After BPA challenged the invoices described in paragraph (f), above, **SELBY** secretly agreed to and did provide advice and suggestions to Knowmadic personnel about how best to negotiate with BPA to secure payment of the disputed invoices. The invoice dispute described above resulted in an internal audit by BPA and negotiations with Knowmadic continued throughout most of 2003.

l. In about 2003, while **SELBY** knew that BPA staff member Dennis Stevens was advising BPA management and making recommendations concerning payment of the disputed Knowmadic invoices, **SELBY** began a separate investigation of Stevens for the purpose of seeking to discipline him.

m. When **SELBY** was asked to update her disqualification letter following a promotion, she filed a new one with BPA's Office of General Counsel, dated January 13, 2003, in which she falsely stated that her husband's employment with Knowmadic began on June 2002, rather than April 1, 2002.

11. During the period of her advocacy for ASCI, **SELBY** failed to disclose to her supervisor that ASCI was a Knowmadic product in which she had a financial interest through her husband's employment.

12. In July 2003, the Office of Inspector General (OIG) of DOE began an investigation of **SELBY'S** conflict of interest and interviewed **SELBY**. During this interview **SELBY** falsely denied, for the period prior to her disqualification letter of June 11, 2002, any direct or indirect participation, including recommendations or suggestions, or any influence during the procurement process or related to the subsequent use of the Knowmadic software product. She also falsely denied, for the period from June 12, 2002, to July 31, 2003, making any decisions,

recommendations or suggestions, formal or informal, related to the use of the Knowmadic software product.

13. Immediately after the July 2003 interview, **SELBY** contacted Burt Buser, a former Knowmadic employee who had worked at Knowmadic with Scott Selby. **SELBY** told Buser about the OIG investigation and asked him not to speak with the investigators. In the event he was questioned, **SELBY** asked him to falsely corroborate her position by saying that she went out of her way to stay out of anything related to Knowmadic's sales efforts at BPA, and never talked business with Buser after Scott Selby was hired by Knowmadic.

14. As a result of her request, Buser delayed meeting and talking to government agents. When Buser was eventually contacted by OIG agents, Buser made statements falsely corroborating **SELBY** as described in paragraph 13.

15. **SELBY** communicated by email with BPA staff and contractors, including Knowmadic employees, by interstate wire transmissions through a computer server in Portland, Oregon and BPA payments on Knowmadic invoices were made by interstate wire transmission in the form of electronic funds transfers originating in Portland, Oregon.

16. On or about the dates listed below for each count, in the state and district of Oregon, **JANE G. SELBY** defendant herein, having devised and intending to devise the material scheme described in paragraphs 6-15 above, did knowingly transmit and cause to be transmitted by means of wire, radio and television communication, in interstate commerce, the writings, signs, signals, pictures, and sounds described below for each count, for the purpose of executing said scheme; all in violation of Title 18, United States Code, Section 1343.

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PAGE 6 - SUPERSEDING INDICTMENT U.S. v SELBY

<u>Count</u>	<u>Date</u>	<u>Interstate Transmission</u>
1	Aug. 22, 2002	E-mail from <b>SELBY</b> to Scott Selby via Portland, OR, to Santa Clara, CA, re Decision on ASCI/CWI
2	Dec. 1, 2002	E-mail from Stovell (of Knowmadic) to <b>SELBY</b> via Portland, OR, to Vancouver, WA, re BPA Record of Events
3	Dec. 6, 2002	E-mail Stovell to <b>SELBY</b> via Portland, OR, to Vancouver, WA, re Record of Events
4	Dec 6, 2002	E-mail Simone (of Knowmadic) to <b>SELBY</b> via Portland, OR, to Vancouver, WA, re Knowmadic - Bonneville Power
5	Dec 10, 2002	E-mail Stovell to <b>SELBY</b> via Portland, OR, to Vancouver, WA, re CSA Work Order BPA ASCI 1.2
6	Dec 29, 2003	Electronic request for payment of funds from BPA Portland, OR, to office of U.S. Treasury, San Francisco, CA, for payment of \$1,100,000 to Knomadic.

Count 7

**Program Fraud**

17. Paragraphs 1-5 are re-alleged

18. On or about February 18, 2002, in the state and district of Oregon, **JANE G.**

**SELBY (SELBY)**, defendant herein, did corruptly solicit something of value for the benefit of her husband, to wit: employment with Knowmadic, intending to be influenced and rewarded in connection with business and transactions of BPA valued at \$5,000 or more; all in violation of Title 18, United States Code, Section 666.

Count 8

**False Statement**

19. Paragraphs 1-5 are re-alleged.

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20. On or about January 13, 2003, in the state and district of Oregon, **JANE G. SELBY (SELBY)** defendant herein, in carrying out her official duty to report financial conflicts of interest to officials of BPA, did knowingly and wilfully conceal a material fact and make a materially false statement, to wit: In a letter to her supervisor dated January 13, 2003, **SELBY** falsely stated that her husband worked for Knowmadic from June 1, 2002, until November 19, 2002, when in fact, her husband worked for Knowmadic beginning on April 1, 2002; all in violation of Title 18, United States Code, Section 1001

**Count 9**

**Obstruction of a Proceeding**

21 Paragraphs 1-5 are re-alleged.

22. On or about August 1, 2003, in the state and district of Oregon, **JANE G. SELBY (SELBY)** defendant herein, did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due and proper administration of the law under which a pending proceeding was being had before an agency of the United States, that is: an investigation by the Department of Energy Office of Inspector General (OIG) into allegations of conflict of interest by **SELBY**, as follows: **SELBY** met with Burt Buser, a former employee of Knowmadic who had information relevant to the investigation, and persuaded and attempted to persuade Buser to delay or avoid contact with OIG investigators, and, if contacted, to misrepresent and conceal material facts from the investigators, to wit: by falsely stating that she, **SELBY**, went out of her way to stay out of anything related to Knowmadic's sales efforts at BPA, and never talked business with Buser after Scott Selby was hired by Knowmadic; all in violation of Title 18, United States Code, Section 1505.

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PAGE 8 - SUPERSEDING INDICTMENT U.S. v SELBY

**Count 10**

**Tampering with a Witness**

23. Paragraphs 1-5 are re-alleged.

24. On or about August 1, 2003, in the state and district of Oregon, **JANE G. SELBY (SELBY)** defendant herein, did corruptly persuade and attempt to persuade Burt Buser, a former employee of Knowmadic to:

a. delay or avoid contact with OIG investigators who were law enforcement officers, and;

b. if contacted by said investigators, to misrepresent and conceal material facts from them, to wit: by falsely stating, in substance, that she, **SELBY**, went out of her way to stay out of anything related to Knowmadic's sales efforts at BPA, and never talked business with Buser after Scott Selby was hired by Knowmadic; with intent to hinder, delay and prevent the communication to said investigators of information relating to the commission of a federal offense involving conflict of interest; all in violation of Title 18, United States Code, Section 1512.

**Count 11**

**Conflict of Interest - Felony**

25. Paragraphs 1-5, and 10 are re-alleged.

26. On or about the period from January 2002, through December 2003, in the state and district of Oregon, and elsewhere, **JANE G. SELBY, (SELBY)**, defendant herein, did wilfully participate, personally and substantially as a government officer and employee, in a particular proceeding, contract, claim, controversy and matter in which she knew she and her husband had a financial interest, to wit: decision, approval, disapproval, recommendation, the rendering of

advice, investigation, and other action relating to the use of Knowmadic software by BPA pursuant to Contract # 4844 as alleged in paragraph 10; all in violation of Title 18, United States Code, Section 208.

DATED this 19 day of October 2005.

A TRUE BILL.

\_\_\_\_\_  
OFFICIATING FOREPERSON

Presented by:

\_\_\_\_\_  
LANCE CALDWELL, OSB #77404  
Assistant United States Attorney

**Roach,Randy A - L-7**

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**From:** Roach,Randy A - L-7  
**Sent:** Wednesday, November 29, 2006 2:07 PM  
**To:** 'David.Hill@hq.doe.gov'  
**Subject:** RE: Head's Up

David, Jaci Margeson, our Assistant General Counsel for corporate matters, which include ethics and personnel issues, is in daily telephone contact with Susan Beard re updates on the Jane Selby trial. I thought I would send you updates of significant developments and any Oregonian articles about this, which is what I've asked for myself. If you'd like more, let me know. Pasted in below is today's Oregonian article, which is mostly based on the opening statements of the prosecution and defense. Randy

p.s. I'm waiting for more info on the Corp/Bureau direct funding contracts before answering your question re the awards/bonuses.

## **Trial looks inside BPA contracts**

**Conflict charge - The defense for Jane Selby says managers cleared her to work on the disputed project**

Wednesday, November 29, 2006

**TED SICKINGER The Oregonian**

Regardless of whether a Bonneville Power Administration manager is convicted of steering agency contracts to enrich herself, it's clear from early testimony in her trial that the Portland-based power-marketing agency won't win either way.

The manager was either -- according to the prosecution -- a rogue employee who skirted basic accountability within the federal agency, or -- according to the defense -- a "great employee" called in to help clean up a costly information-technology mess at the BPA.

The trial's first full day of testimony on Tuesday was notable as much for its detailed allegations of mismanagement at the BPA as for the alleged wrongdoing of its employee.

Federal prosecutors have accused BPA contract manager Jane Selby of using her influence to generate business for a software company employing her husband. Selby is charged with felony conflict of interest, wire fraud, making a false statement and witness tampering in connection with the BPA's purchase of software and services from a California-based startup, Knowmadic Inc., between 2001 and 2003.

The BPA sells power from federal dams and other sources in the Pacific Northwest. The nonprofit agency markets about 40 percent of the electricity consumed in the Northwest and sets its own rates to cover its costs.

"Every Northwest ratepayer is probably paying a portion of their bill to Bonneville," agency administrator and Chief Executive Stephen Wright told jurors Tuesday.

When Knowmadic was hired, the BPA was under heavy federal pressure -- with the threat of financial sanctions -- to automate the scheduling of its power transmissions to customers, primarily publicly owned utilities in the Pacific Northwest. Its information technology department, meanwhile, employed more than 100 contractors on a slew of software projects, several delayed and over budget, according to testimony.

Knowmadic's software was supposed to be a short-lived scheduling tool for customers of the BPA until a permanent and far more complex software system under development by another vendor was up and running.

Prosecutors accuse Selby of using her influence to persuade Knowmadic to hire her unemployed husband, Scott, as a commissioned salesman assigned to its BPA account in March 2002. In the next seven months, Scott Selby earned about \$95,000 in salary and commissions on sales to the BPA, said Lance Caldwell, assistant U.S. attorney.

Selby's wife, Caldwell told jurors Tuesday, violated a cardinal law of federal employment: Avoid participating in business decisions or matters in which you stand to gain personally.

Jane Selby, the government says, not only helped her husband get the job but also pushed to widen the scope of Knowmadic's work at the BPA, thus generating more commissions for her husband as well as other benefits, including a company-paid trip to Hawaii that the couple took in November 2002.

The defense, on the other hand, described Selby as a "great manager" and a recognized stickler for deadlines who was put on special detail to repair the agency's information-technology problems. Selby, suspended without pay from the BPA, has worked more than 20 years for the agency.

Selby's attorneys say she disclosed her conflict of interest upfront to an ethics manager, who they say cleared her to work on the implementation, but not budgeting, of the Knowmadic project.

"Everyone knew about the potential conflict," Per Olson, one of Selby's defense lawyers, told jurors Monday. "Everything she did was in broad daylight."

The defense contends that investigators made a scapegoat of Selby, when the real problem was with a BPA manager directly responsible for money decisions involving Knowmadic.

According to defense filings, the BPA tried to settle the Selby case by offering her a financial inducement -- early retirement with full benefits -- to plead guilty to a felony. Such a deal never materialized. Several outside observers have said the offer would have been a dubious use of taxpayer or ratepayer money to avert a potentially embarrassing trial.

The early stage of the trial, which began Monday and is expected to last three weeks, showed that the agency would be on trial along with Selby -- only without its own defense attorney. Among highlights of testimony from prosecution witnesses from Monday and Tuesday:

Neither customers of the BPA nor the agency's scheduling department -- the target users of Knowmadic's software -- showed enthusiasm for the interim fix.

Lorie Hoffman, a manager in the BPA's scheduling group, said Tuesday that her staff was highly skeptical of the Knowmadic system. The group, she said, characterized the stopgap measure as "a drain on resources" for a unit already heavily committed to developing a permanent system.

Well into development of Knowmadic software, witnesses said, managers did not know how many of the BPA's utility customers were even interested in using it.

Amy Seroter, who formerly worked for a BPA contractor, said she tried unsuccessfully to obtain such a list from Scott Selby, who was out trying to get BPA customers to sign up for trial runs. When Seroter complained to BPA staff about his lack of responsiveness, she said, Jane Selby wrote a letter of reprimand contending Seroter acted in a hostile manner to another contractor (her husband).

The BPA and Knowmadic originally aimed to sign up 30 customers for the system. According to testimony and exhibits offered Tuesday, only a handful signed up, and Knowmadic's system was scrapped before customers made regular use of it.

BPA contracting officer Robert Gable told jurors Tuesday that the agency spent more than \$5 million on the

project.

When Jane Selby was assigned to help manage the information-technology contracts, the agency did not know the total of its obligations to outside contractors, according to a prosecution witness and defense attorneys.

Mark Reynolds, the BPA manager overseeing the Knowmadic contract as well as many other contracts, frequently hired contractors without putting the work out to bid, agency contracting officer Gable said. Those contractors, paid as much as \$250 to \$300 per labor hour, often started work on projects before a contract was signed.

Contacted previously by The Oregonian, Reynolds said any accusation that he mismanaged contracts was a defense "smokescreen."

Gable and defense attorneys also said Reynolds exceeded his managerial authority by approving Knowmadic invoices totaling \$2.75 million in late 2002. Gable said he later investigated how many software licenses and how much technical support the agency actually used. He determined that the BPA owed Knowmadic only \$232,500. The agency later paid Knowmadic another \$1.1 million to settle the invoices, Gable said.

Several BPA employees testified that they knew of Selby's apparent conflict of interest on the Knowmadic project. They told her of their concerns and brought them to agency managers, up to the level of BPA Vice President Chuck Meyer, several prosecution witnesses said. No one, they said, stepped in decisively.

BPA officials have previously said they have cleared up the information-technology problems the agency experienced several years ago.

Wright, the BPA administrator, declined to comment on specifics of the case on Tuesday.

"The trial is not about the BPA," Wright said. "It's about Jane. What's most important right now is that she gets a fair trial."

Ted Sickinger: 503-221-8505; tedsickinger@news.oregonian.com

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**From:** Roach,Randy A - L-7  
**Sent:** Monday, November 27, 2006 12:34 PM  
**To:** 'David.Hill@hq.doe.gov'; 'Susan.Bead@hq.doe.gov'  
**Cc:** Krier,Jerilyn A - LC-7; Wooldridge,Mary L - LC-7; Baskerville,Sonya L - DKN-WASH  
**Subject:** RE: Head's Up

The articles on this finally showed up in today's Oregonian. I have pasted them into the attached document. Please let me or Jeri Krier know of any questions you may have. Thanks. Randy  
<< File: Doc1.doc >>

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**From:** Roach,Randy A - L-7  
**Sent:** Monday, November 06, 2006 8:32 AM  
**To:** 'David.Hill@hq.doe.gov'; 'Susan.Bead@hq.doe.gov'  
**Cc:** Krier,Jerilyn A - LC-7; Wooldridge,Mary L - LC-7  
**Subject:** RE: Head's Up

Nothing has shown up in the press on this, so there may not have been enough of a story in this. I'll let you know if anything shows up. Randy

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**From:** Roach,Randy A - L-7  
**Sent:** Friday, November 03, 2006 6:15 PM  
**To:** 'David.Hill@hq.doe.gov'; 'Susan.Bead@hq.doe.gov'  
**Cc:** Krier,Jerilyn A - LC-7; Wooldridge,Mary L - LC-7  
**Subject:** Head's Up

David and Susan, This is a head's up about a possible item that may hit the press over the

week-end. As Susan knows from previous discussions, a former BPA employee, Jane Selby, was criminally indicted for, basically, interjecting herself into matters involving a Transmission Business Line computer contract, where her husband worked for the computer contractor and would stand to gain financially from the contract. Her trial is set for November 27.

Ms. Selby's attorney filed a motion in limine with the court seeking to introduce evidence that BPA made a settlement offer in June of 2005 to Ms. Selby in connection with the agency's disciplinary actions vis Ms. Selby. In the motion, the attorney alleges this is relevant in part because (a) it can be used to cross examine Ms. Krier (one of our ethics attorneys) "about her effort to coax Ms. Selby into a felony plea, which would have obviated Ms. Krier having to explain the ethics advice she once provided to Ms. Selby," and (b) to somehow discredit Steve Wright's testimony, possibly on the basis that the agency was trying to divert attention from an inspector general report criticizing BPA's management of another software contract. A reporter picked the pleading up, dug around more, and called asking about Ms. Selby's discipline and whether her then supervisor was subsequently promoted.

After consulting with the U.S. Attorney, we told the reporter that we would not comment on an ongoing criminal matter since that would be unfair to both parties (the prosecution and the defense), that we do not comment on internal disciplinary matters, and that, as a matter of fact, Ms. Selby's supervisor was not subsequently promoted.

While we can't be sure of it, a story may run Sunday on this in the Oregonian. I wanted to give you a head's up because if a story does run, it's likely because the reporter finds the material in the pleading of the sort that will be titillating to the reader and raise questions. I will let you know Monday if a story does run. Randy

## Wright, Stephen J - A-7

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**From:** Wright, Stephen J - A-7  
**Sent:** Monday, December 11, 2006 6:00 PM  
**To:** Clay Sell (clay.sell@hq.doe.gov)  
**Subject:** guilty

David already knows, but just wanted to make sure you know that the BPA employee on trial was found guilty. Sentencing in March.

## Wright,Stephen J - A-7

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**From:** Wright,Stephen J - A-7  
**Sent:** Monday, January 01, 2007 10:08 PM  
**To:** 'Clay Sell'; 'David Hill'; 'Kevin Kolevar'  
**Subject:** Oregonian article link

This lengthy article ran last Friday as a follow-up to the trial of the BPA employee. We are preparing an op-ed that acknowlwdges again that this project had problems that have since been addressed, but the untold story is about BPA managing to turn around its finances and lowering rates.

-----Original Message-----

**From:** Winn, Kim S - DK-7  
**Sent:** Fri Dec 29 10:35:03 2006  
**To:** Wright, Stephen J - A-7  
**Subject:** Oregonian article link

<<index.url>>

The message is ready to be sent with the following file or link attachments

Shortcut to:

<http://www.oregonlive.com/business/oregonian/index.ssf?/base/business/1167368103198940.xml&coll=7>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**Roach.Randy A - L-7**

**From:** Roach,Randy A - L  
**Sent:** Tuesday, July 19, 2005 4:51 PM  
**To:** 'Susan.Beard@hq.doe.gov'  
**Subject:** Selby arraignment, plus hodgepodge of other stuff

**Sensitivity:** Confidential

Susan, Please see the note below re the potential dates for Jane Selby's trial. I would expect the trial to generate media coverage and consequent questions regarding Selby, how this could have happened, etc.

During our call, I think it was Sue who asked whether there were different times in the two recusals that Selby operated under. There were not. The first recusal simply notes that her husband had been employed by the firm, without providing the date, while the second recusal specified a June date.

[  
  
REDACTED  
  
]

I got a call from the secretary for Ruth Bennett, our Chief Operating Officer, indicating that Ruth wanted to stop by and see you when she will be back in D.C. at the end of the month visiting a number of DOE people, but that you had said you wouldn't meet with her without my ok. I'm certainly ok with her talking to you, especially given the importance of ensuring that we're doing the right think in the way of our ethics program.

Finally, while I am registered and paid for to attend the OGE conference in NewYork, we've decided that Donna Oden-Orr will attend for us. Is that substitution something we should submit, or is that something you should do?

Thanks. Randy

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**From:** Adams,Herbert V - LC  
**Sent:** Thursday, June 30, 2005 4:09 PM  
**Subject:** Selby arraignment  
**Sensitivity:** Confidential

The arraignment today went very quickly - probably less than five minutes. Here are the highlights:

- Janie pled not guilty to all charges in the indictment
- The case has been assigned to Judge Anna Brown
- Trial date is tentatively set for Tues, Aug 30 at 9am (the arraignment judge warned that this could slip, and the IG investigator suspects that it will)
- The Asst. U.S. attorney estimates that the government's case will take 4 days, and Janie's attorney estimates that overall the trial will take 2-3 weeks
- Discovery is due in 10 days, and motions are due in 21 days
- It didn't appear that any media people or reporters were present from as much as we tell

We will be tracking this case as it proceeds, and will keep you updated. If you have questions, please let me, Mary, or Jeri know.

Thanks.  
Hub  
x4312

Krier,Jerilyn A - LC-7

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**From:** Wright,Stephen J - A-7  
**Sent:** Sunday, December 03, 2006 1:07 PM  
**To:** Bennett,Ruth B - K-7; Leathley,Kimberly A - NH-1; Krier,Jerilyn A - LC-7  
**Cc:** Stauffer,Nicki - A-7  
**Subject:** Early out

I want to have a conversation on Monday regarding the statements made by the ethics experts in the Oregonian articles.

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