

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Criminal No. 4:04-CR-317
)
v.)
) INDICTMENT
RODNEY ALAN FOX,) T. 29, U.S.C. § 501(c)
)
Defendant.)

RECEIVED
DEC 15 2004
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

THE GRAND CHARGES:

INTRODUCTORY ALLEGATIONS

1. At all times material, the State Police Officers Council (hereafter SPOC), was affiliated with and subordinate to the Service Employees International Union, AFL-CIO, a labor organization engaged in an industry affecting commerce.
2. SPOC represents approximately 600 peace officers employed by the State of Iowa, and is headquartered in Des Moines.
3. Six sub-organizations fall under SPOC: the Iowa State Troopers' Association, the Iowa Department of Public Safety Special Agents' Association, the Iowa Fish and Game Conservation Officers' Association, the Iowa State Park Rangers' Association, the Iowa State Fire Marshal's Association, and the Gaming Enforcement Officers' Association.
4. Each sub-organization conducts periodic officer elections and has bylaws, membership meetings, and a treasury. A percentage of the dues collected by SPOC are remitted back to the sub-organizations.
5. The SPOC Executive Board consists of the President, Vice-President, and Secretary-Treasurer. The SPOC Board of Directors is comprised of ten directors elected from the sub-

organizations.

6. The defendant, RODNEY ALAN FOX, was the Secretary-Treasurer of SPOC from January, 1996 until October, 2003. As Secretary-Treasurer, RODNEY ALAN FOX was responsible for maintaining SPOC's financial records, collecting union dues, paying salaries and union bills, and preparing quarterly and annual financial statements.

7. At all times material, it was the policy and practice of the SPOC Board of Directors to approve the use of SPOC funds for donations, trips, or any other union expenditures.

8. At all times material, SPOC maintained a corporate credit card account with American Express, and the defendant, RODNEY ALAN FOX, was issued an American Express credit card under the corporate account.

9. At all times material, SPOC maintained a corporate credit card account with Visa, and the defendant, RODNEY ALAN FOX, was issued a Visa credit card under this corporate account.

10. At all times material, SPOC maintained a checking account at US Bank (formerly Firststar Bank). Only one signature was required on the checks. The defendant, RODNEY ALAN FOX, had full access to this account.

11. At all times material, the defendant, RODNEY ALAN FOX, had access to a Visa debit card issued in conjunction with SPOC's checking account.

12. The SPOC credit cards, debit card and checking account were to be used solely for SPOC business and expenses, and were not to be used to purchase personal items or services for SPOC members or officers.

13. At all times material, SPOC authorized one mobile telephone for the defendant,

RODNEY ALAN FOX.

14. At all times material, SPOC authorized daily stipends when a member, director or officer performed SPOC business or attended a SPOC meeting. Effective January 1, 1998, the stipend rate was \$75.00 per day. This rate was lowered to \$50.00 on June 1, 2001, and increased again to \$75.00 in 2003.

15. Beginning July 1, 1996, the defendant, RODNEY ALAN FOX, was paid \$200.00 per month for the time he spent on SPOC treasurer work. Beginning in February, 1999, the SPOC Board voted to increase RODNEY ALAN FOX'S monthly salary to \$600.00. Once he began receiving a monthly salary of \$600.00, RODNEY ALAN FOX was no longer entitled to claim daily stipends.

16. Between in or about January, 1999 and in or about October, 2003, the defendant, RODNEY ALAN FOX, engaged in a pattern of conduct in which he obtained approximately \$89,433.94 in SPOC funds to which he was not entitled.

THE GRAND JURY FURTHER CHARGES:

COUNT 1

(29 U.S.C. § 501(c) - Embezzlement from a Labor Union)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about January 28, 1999 and on or about November 5, 2001, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and

convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he used the SPOC American Express credit card to obtain \$16,360.67 in personal goods and services, to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 2

(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about December 30, 2000, and on or about September 30, 2003, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he used the SPOC Visa credit card to obtain \$28,427.73 in personal goods and services, to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 3

(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about December 5, 2002 and on or about September 22, 2003, in the

Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he used the union's Visa debit card to obtain \$3,951.51 in personal goods and services to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 4

(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about June 19, 2001 and on or about May 6, 2002, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he caused SPOC to issue union checks or make electronic transfers to make payments on his personal American Express cards, in the amount of \$4,934.46, to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 5
(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about November 16, 2000, and on or about October 12, 2003, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC in that he caused SPOC to issue payments for two unauthorized mobile telephones, for a total of \$2,254.60.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 6
(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations, as though fully set forth herein.

2. Between on or about March 4, 2002 and on or about January 28, 2003, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization engaged in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he caused SPOC to issue salary checks totaling \$3,354.97, to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

THE GRAND JURY FURTHER CHARGES:

COUNT 7

(29 U.S.C. § 501(c) - Embezzlement of Union Funds)

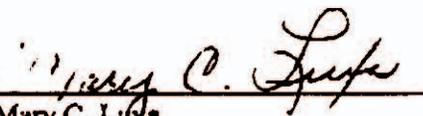
1. The Grand Jury realleges paragraphs 1-16 of the Introductory Allegations as though fully set forth herein.
2. Between on or about February 1, 1999 and on or about October 24, 2003, in the Southern District of Iowa and elsewhere, the defendant, RODNEY ALAN FOX, while an officer, that is, Secretary-Treasurer of SPOC, a labor organization affiliated with a labor organization engaged in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use and the use of another, the moneys, funds, securities, property and other assets of SPOC, in that he caused SPOC to issue union checks to himself for stipends totaling \$30,150.00, to which he was not entitled.

This is a violation of Title 29, United States Code, Section 501(c).

A TRUE BILL.


FOREPERSON

Matthew G. Whitaker
United States Attorney

By: 
Mary C. Liska
Assistant United States Attorney