

FILED

JUL 29 2013

U.S. District Court
Eastern District of Tennessee
At Knoxville

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JANET M. WELCH,)
)
 Defendant.)

Case No. 3:13-cr-78
Judges THADDEUS GILTON

PLEA AGREEMENT

The United States of America, by the United States Attorney for the Eastern District of Tennessee, and the defendant, Janet M. Welch, and the defendant's attorney, Robert R. Kurtz, have agreed upon the following:

1. The defendant will waive indictment and arraignment and plead guilty to an information charging the defendant with one count of conspiracy to commit an offense against the United States in violation of 18 U.S.C. § 371.

The punishment for this offense is as follows: up to five (5) years imprisonment, a fine of not more than \$250,000, not more than three (3) years supervised release, and a mandatory assessment of \$100, in addition to any applicable forfeiture and restitution.

2. The defendant has read the information, discussed the charges and possible defenses with defense counsel, and understands the crime charged. The defendant is pleading guilty because the defendant is in fact guilty. In order to be guilty of the offense of conspiracy to commit an offense against the United States charged in the information, the defendant agrees that each of the following elements of the crime must be proved beyond a reasonable doubt:

Defendant's Initials JW

a. that there existed an agreement between two or more persons to commit an offense against the United States, namely mail fraud, that is, with the intent to defraud, to knowingly devise and intend to devise and to participate in a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and omissions, and for the purpose of executing such scheme and artifice, knowingly causes any matter or thing to be delivered by mail or commercial interstate carrier, in violation of Title 18, United States Code, Section 1341;

b. that the defendant knowingly and voluntarily joined and participated in the conspiracy; and

c. that an overt act was committed by at least one conspirator in furtherance of the conspiracy.

3. In support of the defendant's guilty plea, the defendant agrees and stipulates to the following facts, which satisfy the offense elements. These are the facts submitted for purposes of the defendant's guilty plea. They do not necessarily constitute all of the facts in the case. Other facts may be relevant to sentencing. Both the defendant and the United States retain the right to present additional facts to the Court to ensure a fair and appropriate sentence in this case.

a. Since before 2008, Pilot Corporation and Pilot Travel Centers, LLC, (collectively referred to as "Pilot"), headquartered in Knoxville, Tennessee, have operated travel plazas throughout the United States and have served as one of the largest suppliers of diesel fuel to over-the-road trucking companies in the country. Through its "direct sales" division, which consists of national and regional vice presidents, sales directors, sales managers, account representatives, and others, Pilot induces its trucking company customers to purchase its diesel fuel by offering various incentives, including diesel fuel price discounts.

Defendant's Initials JW