



governmentattic.org

"Rummaging in the government's attic"

Description of document: Department of Transportation (DOT) Office of Inspector General (OIG) Report on Falsification of Concrete Quality Tests for the DC/VA Silver Line 2020

Requested date: 08-November-2020

Release date: 29-January-2021

Posted date: 05-July-2021

Source of document: FOIA Requester Service Center
Department of Transportation
1200 New Jersey Avenue, S.E., 7th Floor
Washington, DC 20590
Fax: 202-366-1975 (Attn: FOIA Requester Service Center)

Preferred during COVID-19 pandemic:

[Online FOIA Submission Form](#)

[FOIA Online](#)

The governmentattic.org web site ("the site") is a First Amendment free speech web site and is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



January 29, 2021

RE: FOIA Request, Control No.: FI-2021-0009

This letter is in response to your Freedom of Information Act (FOIA) request, dated November 8 2020, sent to the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG). You requested the following records:

"I request a copy of the Dept of Transportation Office of Inspector General Investigation report(s) concerning the falsification of quality control tests for concrete manufacturing by Universal Concrete Products. Please limit this request to investigation reports dating between 2016 and 2020."

Enclosed are four (4) pages of records responsive to your request. Some information was redacted or withheld pursuant to exemptions provided by the FOIA (5 U.S.C. §552 (b)(6) & (b)(7)(c)).¹ We are producing the 4 pages with redactions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact the DOT OIG FOIA Office to discuss any aspect of your request at:

FOIA Requester Service Center

¹ Exemption 6 protects names and any data-identifying individuals if public disclosure would be a clearly unwarranted invasion of privacy. Exemption 7(C) protects personal information in law enforcement records.

Office of Inspector General
U.S. Department of Transportation
1200 New Jersey Ave., S.E., 7th Floor West (JL)
Washington, DC 20590
Tel: (202) 366-6131

You may also contact FOIA Public Liaison, Marie Miller at (202)366-1959, Marie.Miller@oig.dot.gov for any further assistance.

If you are not satisfied with the DOT OIG's determination in response to this request, you may administratively appeal via electronic mail to FOIAAPPEALS@oig.dot.gov. An appeal must be received within 90 days of this determination and should contain any information and arguments you wish to rely on. The Chief Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone—202-741-5770 / toll free—1-877-684-6448; fax—202-741-5769; or email— ogis@nara.gov.

Please be advised, due to the COVID-19 pandemic the DOT OIG FOIA Office is currently operating on a remote basis only. Therefore, there may be significant delays in the processing of current and future FOIA requests received via postal mail. Likewise, the delivery of printed copies will be impacted and experience significant delays.

Until further notice, we recommend (when possible) that FOIA requests be submitted using our online portal at <https://www.oig.dot.gov/FOIA> or the National FOIA portal at <https://www.foia.gov/>. We apologize for any inconvenience this may cause. Thank you for your patience.

Sincerely,

Siera Griffin
Government Information Specialist

Enclosure



U.S. Department of
Transportation

Office of Inspector General

Memorandum

Subject: Closing Memorandum for I16P0040300 U.S. ex
rel. Davidheiser v. UNIVERSAL CONCRETE
PRODUCTS CORPORATION-False Claims

Date: November 25,
2020

From: Jamie Mazzone Digitally signed by
JAMIE MAZZONE
Date: 2020.11.25
12:45:06 -0500
Special Agent in Charge
Mid-Atlantic Region, JRI-2

Reply
to
Attn of: JRI-2

To: Theresa “Terry” Garcia Crews
Regional Administrator
Federal Transit Administration

U.S. Department of Transportation (DOT), Office of Inspector General (OIG) initiated a civil and criminal investigation, working jointly with the Federal Bureau of Investigation (FBI), and U.S. Attorney’s Office for the Eastern District of Virginia (USAO-EDVA). The investigation was initiated because of allegations that Universal Concrete Products (UCP) falsified test records and provided substandard concrete panels for the extension of the Silver Line, also known as Phase II of the Dulles Metrorail Project (Dulles Project).

During the investigation, DOT-OIG and FBI special agents conducted several interviews, executed a search warrant at UCP, and reviewed quality control test data and other records related to the Dulles Project. The investigation revealed that UCP’s quality control manager, Andrew Nolan, falsified test records for the Dulles Project to make it appear air content for the concrete was within the required range of air content. Nolan falsified test records knowing that the general contractor for the Dulles Project would reject the concrete had it known the concrete fell below the required air content for the project. Nolan also instructed his subordinates to falsify test records.

On July 9, 2018, USAO-EDVA filed a civil complaint against UCP, Nolan, and Donald Faust Jr., UCP’s president and co-owner. They were charged with violating the False Claims Act and the Virginia Fraud Against Taxpayers Act.

U.S. Department of Transportation – Office of Inspector General

1/2

FOR OFFICIAL USE ONLY

(Public Availability to be determined under 5 U.S.C. 552)

REDACTED FOR DISCLOSURE

On August 3, 2018, Nolan was charged, via criminal information, with conspiring to commit wire fraud, and pleaded guilty in the U.S. District Court for the Eastern District of Virginia.

On October 2, 2018, the Federal Transit Administration (FTA) suspended and proposed to debar Andrew Nolan based on his August 3, 2018 conviction.

On November 26, 2018, through a civil consent judgment, Nolan agreed to pay \$700,567.11.

On December 7, 2018, Nolan was sentenced to 12 months and 1 day of incarceration, 3 years of supervised release, \$700,567.11 restitution, \$30,560 in forfeiture, and a \$100 special assessment.

On December 21, 2018, the FTA debarred Andrew Nolan from participating in federally funded procurement and nonprocurement programs for three years.

On January 22, 2019, UCP and Donald Faust, Jr. agreed to pay \$1 million to settle civil allegations that UCP falsified test records for concrete panels for the Dulles Project.

On October 8, 2020, the FTA debarred UCP from participation in federally funded procurement and nonprocurement programs for a period of three years. UCP's debarment is based on the Nolan's 2018 conviction.

This investigation is closed with no further action anticipated by this office.



**U.S. Department of
Transportation**

Office of Inspector General

Memorandum

Subject: Closing Memorandum for I16P0040300 U.S. ex
rel. Davidheiser v. UNIVERSAL CONCRETE
PRODUCTS CORPORATION-False Claims

Date: November 10,
2020

From:

(b)(6), (b)(7)c

Mid-Atlantic Region, JRI-2

(b)(6), (b)(7)c

Reply
to
Attn of: JRI-2

To: File

In March 2016, a qui tam was filed in the U.S. District Court for the Eastern District of Virginia, which alleged that Universal Concrete Products (UCP) falsified test records and provided substandard concrete panels for the extension of the Silver Line, also known as Phase II of the Dulles Metrorail Project (Dulles Project).

Based on the filing of the qui tam, the U.S. Department of Transportation (DOT), Office of Inspector General (OIG) initiated a civil and criminal investigation, and worked jointly with the Federal Bureau of Investigation (FBI), and U.S. Attorney's Office for the Eastern District of Virginia (USAO-EDVA).

During the investigation, DOT-OIG and FBI special agents conducted several interviews, executed a search warrant at UCP, and reviewed quality control test data and other records related to the Dulles Project.

The investigation revealed that UCP's quality control manager, Andrew Nolan, falsified test records for the Dulles Project to make it appear as though air content for the concrete was within the required range of air content. Nolan falsified test records knowing that the general contractor for the Dulles Project would reject the concrete had it known that the concrete fell below the required air content for the project. Nolan also instructed his subordinates to falsify test records.

On July 9, 2018, USAO-EDVA filed a civil complaint against UCP, Nolan, and Donald Faust Jr., UCP's president and co-owner. They were charged with violating the False Claims Act and the Virginia Fraud Against Taxpayers Act.

U.S. Department of Transportation – Office of Inspector General

1/2

FOR OFFICIAL USE ONLY

(Public Availability to be determined under 5 U.S.C. 552)

REDACTED FOR DISCLOSURE

On August 3, 2018, Nolan was charged, via criminal information, with conspiring to commit wire fraud, and pleaded guilty in the U.S. District Court for the Eastern District of Virginia.

On October 2, 2018, the Federal Transit Administration (FTA) suspended and proposed to debar Andrew Nolan based on his August 3, 2018 conviction.

On November 26, 2018, through a civil consent judgment, Nolan agreed to pay \$700,567.11.

On December 7, 2018, Nolan was sentenced to 12 months and 1 day of incarceration, 3 years of supervised release, \$700,567.11 restitution, \$30,560 in forfeiture, and a \$100 special assessment.

On December 21, 2018, the FTA debarred Andrew Nolan from participating in federally funded procurement and nonprocurement programs for three years.

On January 22, 2019, UCP and Donald Faust, Jr. agreed to pay \$1 million to settle civil allegations that UCP falsified test records for concrete panels for the Dulles Project.

On October 8, 2020, the FTA debarred UCP from participation in federally funded procurement and nonprocurement programs for a period of three years. UCP's debarment is based on the Nolan's 2018 conviction.

This investigation is closed with no further action anticipated by this office.