

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
KURT JOSEPH POMRENKE  
ATTORNEY AT LAW

VSJ Docket No. 21-0000-121199

**CONSENT TO REVOCATION ORDER**

On December 28, 2020, came Respondent KURT JOSEPH POMRENKE (“Respondent”) and presented to the Virginia State Bar Disciplinary Board (“Board”) an Affidavit Declaring Consent to Revocation (hereinafter “Affidavit”) of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when allegations of Misconduct are pending, the nature of which are specifically set forth in the attached Affidavit, Respondent acknowledges that the material facts upon which the allegations of Misconduct are pending are true.

The Board, having considered the Affidavit and Bar Counsel having no objection, accepts Respondent’s Consent to Revocation.

Upon consideration whereof, it is therefore **ORDERED** that Kurt Joseph Pomrenke’s license to practice law in the courts of this Commonwealth be and the same hereby is revoked, and that the name of KURT JOSEPH POMRENKE be stricken from the Roll of Attorneys of this Commonwealth.

Entered this 28th day of December 2020.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: Yvonne S. Gibney Digitally signed by Yvonne S. Gibney  
Date: 2020.12.28 15:59:59 -05'00'

Yvonne S. Gibney, Chair



A COPY TESTE

DaVida M. Davis

*DaVida M. Davis*

Clerk of the Disciplinary System  
Virginia State Bar



VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
KURT JOSEPH POMRENKE

VS B Docket No. 21-000-121199

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Kurt Joseph Pomrenke, after being duly sworn, states as follows:

- 1. That I was licensed to practice law in the Commonwealth of Virginia on May 14, 1982;
- 2. That I submit this Affidavit Declaring Consent to Revocation pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of the Supreme Court of Virginia;
- 3. That my consent to revocation is freely and voluntarily rendered, that I am not being subjected to coercion or duress, and that I am fully aware of the implications of consenting to the revocation of my license to practice law in the Commonwealth of Virginia;
- 4. I am aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number(s) for which is set forth above, and the specific nature of which is here set forth:

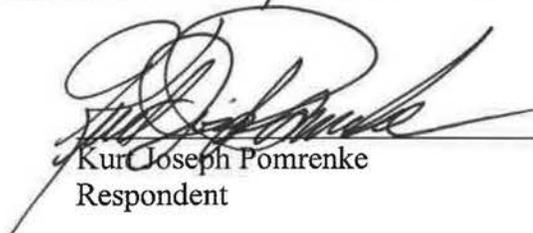
On or about November 6, 2020, I entered a plea of guilty to the charge of Conspiracy to Defraud the United States in violation of 18 U.S.C. § 371 in U.S. v. Kurt Pomrenke, Case No. 1:20CR00042-0001. The specific facts are set forth in the Plea Agreement and Agreed Statement of Facts, which are attached hereto as Exhibits A and B, respectively, and incorporated herein. As set forth in these documents, I participated in a conspiracy to defraud the United States by misrepresenting to the United States that my wife, Stacey Pomrenke, had alcohol addiction issues when she did not. As a result of these misrepresentations, Stacey

Pomrenke was admitted to the Residential Drug Abuse Treatment Program ("RDAP"), an intensive drug and alcohol abuse treatment program operated by the U.S. Bureau of Prisons, during her incarceration. As a result of her completion of RDAP, Stacey Pomrenke's term of imprisonment was reduced by seven months and one day.

5. I acknowledge that the material facts upon which the allegations of misconduct are predicated are true; and

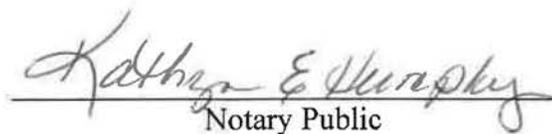
6. I submit this Affidavit and consent to the revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.

Executed and dated on December 11, 2020.

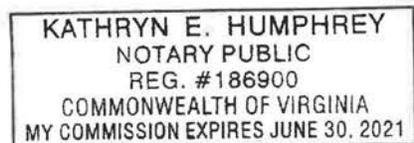
  
Kurt Joseph Pomrenke  
Respondent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF BRISTOL, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Kurt Joseph Pomrenke on Dec. 11, 2020.

  
Notary Public

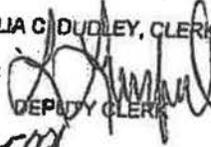
My Commission expires: 4/30/2021.



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON**

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ABINGDON, VA  
FILED

NOV 06 2020

JULIA G. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

**UNITED STATES OF AMERICA**

v.

**KURT POMRENKE**

Case No. 1:20CR00042-01

**PLEA AGREEMENT**

I have agreed to enter into a plea agreement with the United States of America, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. The terms and conditions of this agreement are as follows:

**A. CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WAIVER OF RIGHTS**

**1. The Charges and Potential Punishment**

My attorney has informed me of the nature of the charge(s) and the elements of the charge(s) that must be proved by the United States beyond a reasonable doubt before I could be found guilty as charged.

I agree to plead guilty to an Information, which is a charge brought by the United States Attorney as opposed to one returned by a Grand Jury. I am waiving and giving up my right to be charged by Indictment and have a Grand Jury vote on my probable guilt.

I will enter a plea of guilty to Count 1 of the Information.

Count 1 charges me with Conspiracy to Defraud the United States, in violation of 18 U.S.C. § 371. The maximum statutory penalty pursuant to 18 U.S.C. § 371 is a fine of \$250,000 and/or imprisonment for a term of five years, plus a term of supervised release.

I understand restitution may be ordered, my assets may be subject to forfeiture, and fees may be imposed to pay for incarceration, supervised release, and costs of prosecution.

*Defendant's Initials:* KSP



In addition, a \$100 special assessment, pursuant to 18 U.S.C. § 3013, will be imposed per felony count of conviction. I further understand my supervised release may be revoked if I violate its terms and conditions. I understand a violation of supervised release increases the possible period of incarceration.

I am pleading guilty as described above because I am in fact guilty and because I believe it is in my best interest to do so and not because of any threats or promises.

**2. Waiver of Constitutional Rights Upon a Plea of Guilty**

I acknowledge I have had all of my rights explained to me and I expressly recognize I have the following constitutional rights and, by voluntarily pleading guilty, I knowingly waive and give up these valuable constitutional rights:

- a. The right to plead not guilty and persist in that plea;
- b. The right to a speedy and public jury trial;
- c. The right to assistance of counsel at that trial and in any subsequent appeal;
- d. The right to remain silent at trial;
- e. The right to testify at trial;
- f. The right to confront and cross-examine witnesses called by the government;
- g. The right to present evidence and witnesses in my own behalf;
- h. The right to compulsory process of the court;
- i. The right to compel the attendance of witnesses at trial;
- j. The right to be presumed innocent;
- k. The right to a unanimous guilty verdict; and
- l. The right to appeal a guilty verdict.

**B. SENTENCING PROVISIONS**

**1. General Matters**

Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and I agree I shall be sentenced to a period of incarceration within the range of 0 months to 18 months. The parties agree this is a reasonable sentence considering all of the facts and circumstances of this case. I understand the Court must sentence me within this range or reject the plea agreement. If, and only if, the Court rejects the plea agreement, I will be given an opportunity to withdraw my guilty plea. The United States and I agree all other sentencing matters, including, but not limited to, supervised release, fines, and restitution, are left to the Court's discretion. Because the parties have stipulated the agreed to sentence of

*Defendant's Initials:* KVP

imprisonment is reasonable regardless of the guidelines calculations, I waive any right I may have to any future reduction in sentence based on a change in the sentencing guidelines.

I understand I will have an opportunity to review a copy of my presentence report in advance of my sentencing hearing and may file objections, as appropriate. I will have an opportunity at my sentencing hearing to present evidence, bring witnesses, cross-examine any witnesses the government calls to testify, and argue to the Court what an appropriate sentence should be within the confines of the terms of this agreement.

I understand I will not be eligible for parole during any term of imprisonment imposed.

## **2. Sentencing Guidelines**

I stipulate and agree that all matters pertaining to any of the counts of the charging document(s), including any dismissed counts, are relevant conduct for purposes of sentencing.

The parties agree the 2018 edition of the United States Sentencing Guidelines Manual applies to any guidelines calculation made pertaining to my offense(s). I stipulate that the following guideline section(s) are applicable to my conduct:

2B1.1	6	Base Offense Level
2B1.1(b)(B)	+ 2	Offense involved at least \$7,500

The United States stipulates that the guideline section(s) set forth in this section should apply to my conduct.

I understand other guideline sections may be applicable to my case and the United States and I will be free to argue whether these sections should or should not apply; to the extent the arguments are not inconsistent with the stipulations, recommendations and terms set forth in this plea agreement.

I agree to accept responsibility for my conduct. If I comply with my obligations under this plea agreement and accept responsibility for my conduct, the United States will recommend the Court grant me a two-level reduction in my offense level, pursuant to U.S.S.G. § 3E1.1(a) and, if applicable, at sentencing, will move that I receive a one-level reduction in my offense level, pursuant to U.S.S.G. § 3E1.1(b), for purposes of any

*Defendant's Initials:* KJP

guidelines calculation. However, I stipulate that if I fail to accept responsibility for my conduct or fail to comply with any provision of this plea agreement, I should not receive credit for acceptance of responsibility. In addition, I understand and agree the United States will have a continuing objection to me receiving credit for acceptance of responsibility until I have testified truthfully at my sentencing hearing, if called upon to testify. I agree the United States will not be required to make any other notice of its objection on this basis.

**3. Substantial Assistance**

I understand the United States retains all of its rights pursuant to Fed. R. Crim. P. 35(b), U.S.S.G. §5K1.1 and 18 U.S.C. § 3553(e). I understand even if I fully cooperate with law enforcement, the United States is under no obligation to make a motion for the reduction of my sentence. I understand if the United States makes a motion for a reduction in my sentence, the Court, after hearing the evidence, will determine how much of a departure, if any, I should be given.

**4. Monetary Obligations**

**a. Special Assessments, Fines and Restitution**

I understand persons convicted of crimes are required to pay a mandatory assessment of \$100.00 per felony count of conviction. I agree I will submit to the U.S. Clerk's Office, a certified check, money order, or attorney's trust check, made payable to the "Clerk, U.S. District Court" for the total amount due for mandatory assessments prior to entering my plea of guilty.

The parties agree that there is no restitution in this matter.

I further agree to make good faith efforts toward payment of all mandatory assessments, restitution and fines, with whatever means I have at my disposal. I agree failure to do so will constitute a violation of this agreement. I will execute any documents necessary to release the funds I have in any repository, bank, investment, other financial institution, or any other location in order to make partial or total payment toward the mandatory assessments, restitution and fines imposed in my case.

I fully understand restitution and forfeiture are separate financial obligations which may be imposed upon a criminal defendant. I further understand there is a process within the Department of Justice whereby, in certain circumstances, forfeited funds may be

*Defendant's Initials:* KJP

applied to restitution obligations. I understand no one has made any promises to me that such a process will result in a decrease in my restitution obligations in this case.

I understand and agree, pursuant to 18 U.S.C. §§ 3613 and 3664(m), whatever monetary penalties are imposed by the Court will be due immediately and subject to immediate enforcement by the United States as provided for by statute. I understand if the Court imposes a schedule of payments, that schedule is only a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment.

I agree to grant the United States a wage assignment, liquidate assets, or complete any other tasks which will result in immediate payment in full, or payment in the shortest time in which full payment can be reasonably made as required under 18 U.S.C. § 3572(d).

I expressly authorize the United States Attorney's Office to obtain a credit report on me in order to evaluate my ability to satisfy any financial obligation imposed by the Court.

I agree the following provisions, or words of similar effect, should be included as conditions of probation and/or supervised release: (1) "The defendant shall notify the Financial Litigation Unit, United States Attorney's Office, in writing, of any interest in property obtained, directly or indirectly, including any interest obtained under any other name, or entity, including a trust, partnership or corporation after the execution of this agreement until all fines, restitution, money judgments and monetary assessments are paid in full" and (2) "The Defendant shall notify the Financial Litigation Unit, United States Attorney's Office, in writing, at least 30 days prior to transferring any interest in property owned directly or indirectly by Defendant, including any interest held or owned under any other name or entity, including trusts, partnership and/or corporations until all fines, restitution, money judgments and monetary assessments are paid in full."

The parties will also jointly recommend that as a condition of probation or supervised release, Defendant will notify the Financial Litigation Unit, United States Attorney's Office, before Defendant transfers any interest in property owned directly or indirectly by Defendant, including any interest held or owned under any other name or entity, including trusts, partnership and/or corporations. See 18 U.S.C. § 3664(k), (n).

Regardless of whether or not the Court specifically directs participation or imposes a schedule of payments, I agree to fully participate in inmate employment under any available or recommended programs operated by the Bureau of Prisons.

*Defendant's Initials:* KJP

I agree any payments made by me shall be applied fully to the non-joint and several portion of my outstanding restitution balance until the non-joint and several portion of restitution is paid in full, unless the Court determines that to do so would cause a hardship to a victim of the offense(s).

**b. Duty to Make Financial Disclosures**

I understand in this case there is a possibility substantial fines and/or restitution may be imposed. In order to assist the United States as to any recommendation and in any necessary collection of those sums, I agree, if requested by the United States, to provide a complete and truthful financial statement to the United States Attorney's Office, within 30 days of the request or 3 days prior to sentencing, whichever is earlier, detailing all income, expenditures, assets, liabilities, gifts and conveyances by myself, my spouse and my dependent children and any corporation, partnership or other entity in which I hold or have held an interest, for the period starting on January 1st of the year prior to the year my offense began and continuing through the date of the statement. This financial statement shall be submitted in a form acceptable to the United States Attorney's office.

From the time of the signing of this agreement or the date I sign the financial statement, whichever is earlier, I agree not to convey anything of value to any person without the authorization of the United States Attorney's Office.

**c. Understanding of Collection Matters**

I understand:

1. as part of the judgment in this case I will be ordered to pay one or more monetary obligations;
2. payment should be made as ordered by the Court;
3. I must mail payments, by cashier's check or money order, payable to the "Clerk, U.S. District Court" to: 210 Franklin Road, S.W., Suite 540, Roanoke, Virginia 24011; and include my name and court number on the check or money order;
4. interest (unless waived by the Court) and penalties must be imposed for late or missed payments;
5. the United States may file liens on my real and personal property that will remain in place until monetary obligations are paid in full, or until liens expire (the later of 20 years from date of sentencing or release from incarceration);
6. if I retain counsel to represent me regarding the United States' efforts to collect any of my monetary obligations, I will immediately notify the United States

*Defendant's Initials:* KJP

Attorney's Office, ATTN: Financial Litigation Unit, P.O. Box 1709, Roanoke, Virginia 24008-1709, in writing, of the fact of my legal representation; and

7. I, or my attorney if an attorney will represent me regarding collection of monetary obligations, can contact the U.S. Attorney's Office's Financial Litigation Unit at 540/857-2259.

### **C. ADDITIONAL MATTERS**

#### **1. Serving of Consecutive Sentences**

If the court deems it appropriate and sentences both Kurt Pomrenke and Stacey Pomrenke to terms of imprisonment, the United States will not object to Kurt Pomrenke serving any sentence of imprisonment prior to Stacey Pomrenke serving any term of imprisonment. The government will further not object to the report date for service of Stacey Pomrenke's sentence of imprisonment to be delayed until Kurt Pomrenke has been released from any sentence of imprisonment.

#### **2. Agreement Contingent on Guilty Plea Entered by Stacey Pomrenke**

I understand the United States entered into this agreement, in part, because of the expense the government was saved by not proceeding to trial. I understand if Stacey Pomrenke does not enter a guilty plea as agreed to in her plea agreement, the United States may declare this plea agreement void. I do not have the right to declare the plea agreement void.

#### **3. Waiver of Presence of Counsel**

I understand my attorney may be present at any contact with any government personnel. However, by my signature below, I expressly waive the presence of counsel during such contacts and agree government personnel may contact me without the prior approval of my attorney. At any time during such contacts with government personnel, I may request the presence of my attorney and the contact will be suspended until my attorney arrives or indicates that the contact may continue.

#### **4. Waiver of Right to Appeal**

Knowing that I have a right of direct appeal of my sentence under 18 U.S.C. § 3742(a) and the grounds listed therein, I expressly waive the right to appeal my sentence on those grounds or on any ground. In addition, I hereby waive my right of appeal as to

*Defendant's Initials:* KJP

any and all other issues in this matter and agree I will not file a notice of appeal. I am knowingly and voluntarily waiving any right to appeal. By signing this agreement, I am explicitly and irrevocably directing my attorney not to file a notice of appeal. *Notwithstanding any other language to the contrary, I am not waiving my right to appeal or to have my attorney file a notice of appeal, as to any issue which cannot be waived, by law.* I understand the United States expressly reserves all of its rights to appeal. I agree and understand if I file any court document (except for an appeal based on an issue that cannot be waived, by law, or a collateral attack based on ineffective assistance of counsel) seeking to disturb, in any way, any order imposed in my case such action shall constitute a failure to comply with a provision of this agreement.

**5. Waiver of Right to Collaterally Attack**

I waive any right I may have to collaterally attack, in any future proceeding, any order issued in this matter, unless such attack is based on ineffective assistance of counsel, and agree I will not file any document which seeks to disturb any such order, unless such filing is based on ineffective assistance of counsel. I agree and understand that if I file any court document (except for an appeal based on an issue not otherwise waived in this agreement; an appeal based on an issue that cannot be waived, by law; or a collateral attack based on ineffective assistance of counsel) seeking to disturb, in any way, any order imposed in my case, such action shall constitute a failure to comply with a provision of this agreement.

**6. Information Access Waiver**

I knowingly and voluntarily agree to waive all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. §552, or the Privacy Act of 1974, 5 U.S.C. §552a.

**7. Waiver of Witness Fee**

I agree to waive all rights, claims or interest in any witness fee I may be eligible to receive pursuant to 28 U.S.C. § 1821, for my appearance at any Grand Jury, witness conference or court proceeding.

**8. Abandonment of Seized Items**

*Defendant's Initials:* KJP

By signing this plea agreement, I hereby abandon my interest in, and consent to the official use, destruction or other disposition of each item obtained by any law enforcement agency during the course of the investigation, unless such item is specifically provided for in another provision of this plea agreement. I further waive any and all notice of any proceeding to implement the official use, destruction, abandonment, or other disposition of such items.

**9. Deportation**

I understand if I am not a citizen of the United States, or if I am a naturalized citizen, pleading guilty may have consequences with respect to my immigration status including, but not limited to, deportation from the United States, denial of United States citizenship, denial of admission to the United States in the future, or denaturalization. I expressly recognize under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences including, but not limited to, automatic removal from the United States, and that no one, including my attorney or the Court, can predict with certainty the effect of a conviction on my immigration status. I am not relying on any promise or belief about the immigration consequences of pleading guilty. I want to plead guilty regardless of any potential immigration consequences.

**10. Denial of Federal Benefits**

At the discretion of the court, I understand I may also be denied any or all federal benefits, as that term is defined in 21 U.S.C. § 862, (a) for up to five years if this is my first conviction of a federal or state offense consisting of the distribution of controlled substances, or up to one year if this is my first conviction of a federal or state offense involving the possession of a controlled substance; or (b) for up to ten years if this is my second conviction of a federal or state offense consisting of the distribution of controlled substances, or up to five years if this is my second or more conviction of a federal or state offense involving the possession of a controlled substance. If this is my third or more conviction of a federal or state offense consisting of the distribution of controlled substances, I understand I could be permanently ineligible for all federal benefits, as that term is defined in 21 U.S.C. § 862(d).

**11. Admissibility of Statements**

I understand any statements I make (including this plea agreement, and my admission of guilt) during or in preparation for any guilty plea hearing, sentencing hearing, or other hearing and any statements I make or have made to law enforcement agents, in

*Defendant's Initials:* KJP

any setting (including during a proffer), may be used against me in this or any other proceeding. I knowingly waive any right I may have under the Constitution, any statute, rule or other source of law to have such statements, or evidence derived from such statements, suppressed or excluded from being admitted into evidence and stipulate that such statements can be admitted into evidence.

## **12. Additional Obligations**

I agree to cooperate fully with law enforcement agents and will disclose to them, at any time requested by them, my knowledge of any criminal activity. I agree I will testify truthfully. I hereby waive any right or privilege I may have, including marital privilege, to refuse to answer any questions. I agree to be debriefed by law enforcement agents concerning any matter. I understand it is a felony offense to make false statements to law enforcement agents or to testify falsely.

I agree not to commit any of the following acts:

- attempt to withdraw my guilty plea, unless the Court rejects the plea agreement;
- deny I committed any crime to which I have pled guilty;
- make or adopt any arguments or objections to the presentence report that are inconsistent with this plea agreement;
- obstruct justice;
- fail to comply with any provision of this plea agreement;
- commit any other crime;
- make a false statement;
- fail to enter my plea of guilty when scheduled to do so, unless a continuance is agreed to by the United States Attorney's Office and granted by the Court;
- fail to testify truthfully, as to any matter, if called upon to do so (at my sentencing hearing or any other proceeding);
- refuse to answer any question;
- fail to comply with any reasonable request of the United States Attorney's Office; or
- fail to cooperate with law enforcement agents.

## **D. REMEDIES AVAILABLE TO THE UNITED STATES**

I hereby stipulate and agree that the United States Attorney's office may, at its election, pursue any or all of the following remedies if I fail to comply with any provision

*Defendant's Initials:* KJP

of this agreement: (a) declare this plea agreement void; (b) refuse to dismiss any charges; (c) reinstate any dismissed charges; (d) file new charges; (e) withdraw any substantial assistance motion made, regardless of whether substantial assistance has been performed; (f) refuse to abide by any provision, stipulations, and/or recommendations contained in this plea agreement; or (g) take any other action provided for under this agreement or by statute, regulation or court rule.

In addition, I agree if, for any reason, my conviction is set aside, or I fail to comply with any obligation under the plea agreement, the United States may file, by indictment or information, any charges against me which were filed and/or could have been filed concerning the matters involved in the instant investigation. I hereby waive my right under Federal Rule of Criminal Procedure 7 to be proceeded against by indictment and consent to the filing of an information against me concerning any such charges. I also hereby waive any statute of limitations defense as to any such charges.

The remedies set forth above are cumulative and not mutually exclusive. The United States' election of any of these remedies, other than declaring this plea agreement void, does not, in any way, terminate my obligation to comply with the terms of the plea agreement. The use of "if" in this section does not mean "if, and only if."

#### **E. GENERAL PROVISIONS**

##### **1. Limitation of Agreement**

This agreement only binds the United States Attorney's Office for the Western District of Virginia. It does not bind any state or local prosecutor, other United States Attorney's Office or other office or agency of the United States Government, including, but not limited to, the Tax Division of the United States Department of Justice, or the Internal Revenue Service of the United States Department of the Treasury. These individuals and agencies remain free to prosecute me for any offense(s) committed within their respective jurisdictions.

##### **2. Effect of My Signature**

I understand my signature on this agreement constitutes a binding offer by me to enter into this agreement. I understand the United States has not accepted my offer until it signs the agreement.

##### **3. Effective Representation**

*Defendant's Initials:* KVP

I have discussed the terms of the foregoing plea agreement and all matters pertaining to the charges against me with my attorney and am fully satisfied with my attorney and my attorney's advice. At this time, I have no dissatisfaction or complaint with my attorney's representation. I agree to make known to the Court no later than at the time of sentencing any dissatisfaction or complaint I may have with my attorney's representation.

**4. Misconduct**

If I have any information concerning any conduct of any government attorney, agent, employee, or contractor which could be construed as misconduct or an ethical, civil, or criminal violation, I agree to make such conduct known to the United States Attorney's Office and the Court, in writing, as soon as possible, but no later than my sentencing hearing.

**5. Final Matters**

I understand a thorough presentence investigation will be conducted and sentencing recommendations independent of the United States Attorney's Office will be made by the presentence preparer, which the Court may adopt or take into consideration. I understand any calculation regarding the guidelines by the United States Attorney's Office or by my attorney is speculative and is not binding upon the Court, the Probation Office or the United States Attorney's Office. No guarantee has been made by anyone regarding the effect of the guidelines on my case.

I understand the prosecution will be free to allocate or describe the nature of this offense and the evidence in this case and make any recommendations not prohibited by this agreement.

I understand the United States retains the right, notwithstanding any provision in this plea agreement, to inform the Probation Office and the Court of all relevant facts, to address the Court with respect to the nature and seriousness of the offense(s), to respond to any questions raised by the Court, to correct any inaccuracies or inadequacies in the presentence report and to respond to any statements made to the Court by or on behalf of the defendant.

I willingly stipulate there is a sufficient factual basis to support each and every material factual allegation contained within the charging document(s) to which I am pleading guilty.

*Defendant's Initials:* KJO

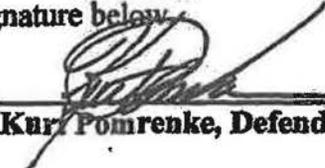
I understand this agreement does not apply to any crimes or charges not addressed in this agreement. I understand if I should testify falsely in this or in a related proceeding I may be prosecuted for perjury and statements I may have given authorities pursuant to this agreement may be used against me in such a proceeding.

I understand my attorney will be free to argue any mitigating factors on my behalf; to the extent they are not inconsistent with the terms of this agreement. I understand I will have an opportunity to personally address the Court prior to sentence being imposed.

This writing sets forth the entire understanding between the parties and constitutes the complete plea agreement between the United States Attorney for the Western District of Virginia and me, and no other additional terms or agreements shall be entered except and unless those other terms or agreements are in writing and signed by the parties. This plea agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between the United States and me.

I have consulted with my attorney and fully understand all my rights. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and I voluntarily agree to it. I have not been coerced, threatened, or promised anything other than the terms of this plea agreement, described above, in exchange for my plea of guilty. Being aware of all of the possible consequences of my plea, I have independently decided to enter this plea of my own free will, and am affirming that agreement on this date and by my signature below.

Date: 9-29-20

  
Kurt Pomrenke, Defendant

I have fully explained all rights available to my client with respect to the offenses listed in the pending charging document(s). I have carefully reviewed every part of this plea agreement with my client. To my knowledge, my client's decision to enter into this agreement is an informed and voluntary one.

I understand I may be present at any contact with my client by any government personnel. However, by my signature below, I expressly consent to direct contact with my client, without my prior approval, by government personnel, including but not limited to, in regard to the collection of monetary amounts owed in this and all related matters. At any time during such contacts with government personnel, my client may request my presence and the contact will be suspended until I arrive or indicate that the contact may

Defendant's Initials: KJP

continue.

If I will continue to represent my client regarding the United States' efforts to collect any monetary obligations, I will notify the United States Attorney's Office, ATTN: Financial Litigation Unit, P.O. Box 1709, Roanoke, Virginia 24008-1709, in writing, of the fact of my continued legal representation within 10 days of the entry of judgment in this case.

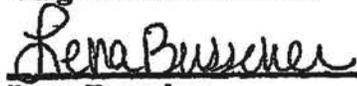
Date: 9/29/20

  
Jay Steele, Esq.  
Counsel for Defendant  
VIRGINIA BAR No. 20659

Date: 10/6/2020

  
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Date: 10/6/2020

  
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Defendant's Initials: KJP

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ABINGDON, VA  
FILED

NOV 06 2020

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

**UNITED STATES OF AMERICA**

v.

**KURT POMRENKE**

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:

Case No. 1:20CR00042-001

**AGREED STATEMENT OF FACTS**

The Parties hereby stipulate to the following facts:

1. The United States Bureau of Prisons ("Bureau of Prisons") is an agency of the United States government.
2. On October 27, 2015, Stacey Pomrenke was arrested based upon the return of an indictment alleging multiple violations of federal law. When interviewed by a probation officer for the United States District Court for the Western District of Virginia, Stacey Pomrenke denied any history of substance abuse.
3. Following her conviction for Conspiracy to Defraud the United States, Make False Statements, Conspiracy to Commit Extortion, Extortion, Theft/Bribery of Program Receiving Federal Funds, Conspiracy to Commit Wire Fraud, Wire Fraud, and Contempt, and in preparation for her sentencing, Stacey Pomrenke was interviewed by a probation officer for the United States District Court for the Western District of Virginia. During this interview, Stacey Pomrenke again denied any history of substance abuse and stated that she was a "social drinker".
4. On August 11, 2016, Stacey Pomrenke was sentenced to thirty-four (34) months imprisonment by the Honorable James P. Jones, United States District Court Judge, Western



KJP

District of Virginia. She was ordered to self-report to the Bureau of Prisons facility at Alderson, West Virginia. The projected date of the completion of her sentence was March 13, 2019.

5. The Bureau of Prisons operates an intensive drug and alcohol abuse treatment program known as the Residential Drug Abuse Program (RDAP). This program is a 500-hour substance abuse treatment program that is administered by the Bureau of Prisons. In order to gain admission to RDAP, a federal inmate must meet certain criteria, including having a diagnosable and verifiable drug or alcohol abuse disorder. By successfully completing RDAP, an inmate can qualify for early release from the custody of the Bureau of Prisons.

6. At all times relevant to the Information, RDAP Law Consultants, LLC was a business operated by Tony Pham a/k/a Anh Nguyen ("Nguyen"). RDAP Law Consultants, LLC solicited prospective and current federal inmates, including individuals in the Western District of Virginia, and elsewhere, through telephone calls and emails with offers of assistance in applying to, and qualifying for, RDAP. For a fee, they coached and advised prospective and current inmates on how to gain admission to RDAP by lying to the Bureau of Prisons about the existence, duration, and extent of a qualifying substance abuse disorder.

7. Beginning on or about August 19, 2016, Stacey Pomrenke and Kurt Pomrenke were solicited by, and began corresponding with, Nguyen and others at RDAP Law Consultants, LLC regarding securing Stacey Pomrenke's admission to RDAP.

8. On August 22, 2016, Stacey Pomrenke entered into a Consulting Agreement with RDAP Law Consultants, LLC, agreeing to pay \$7,500. The agreement was revised by Kurt Pomrenke and signed by Stacey Pomrenke and Anh Nguyen. Stacey Pomrenke and Kurt Pomrenke paid RDAP Law Consultants, LLC through a wire transfer to PayPal, which was initiated from the Western District of Virginia. At the time they made this payment or shortly

thereafter, Stacey Pomrenke and Kurt Pomrenke entered into an agreement with Nguyen to provide false information to the Bureau of Prisons in order to attempt to secure Stacey Pomrenke's admission to RDAP.

9. Shortly after entering into the consulting agreement, Nguyen began coaching Stacey Pomrenke and Kurt Pomrenke regarding the steps they would take to defraud the Bureau of Prisons so that Stacey Pomrenke could secure admission to RDAP. In one of their first discussions, Stacey Pomrenke and Kurt Pomrenke made clear that Stacey Pomrenke only drank a glass or two of wine a week and did not have an alcohol abuse problem or addiction.

10. Nguyen advised Stacey Pomrenke that prior to reporting to the Bureau of Prisons, she should get an appointment with a physician and falsely complain of an alcohol problem and concerns about going "cold turkey" while at prison so that the physician would prescribe a detox drug such as Ativan to Stacey Pomrenke. The purpose of this was to create evidence for the Bureau of Prisons to make it appear that Stacey Pomrenke had an alcohol addiction and would make her more likely to be admitted into RDAP.

11. On August 31, 20<sup>16</sup>~~20~~, Stacey Pomrenke had an appointment with her physician in Abingdon, Virginia. During that appointment, Stacey Pomrenke falsely stated to her physician words to the effect that "over the last three years she had been drinking more and going from one glass of wine up to three glasses of wine at night." As a result of these false statements, Stacey Pomrenke's physician prescribed her Ativan to prevent physical complications from alcohol withdrawal when Stacey Pomrenke reported to prison. Stacey Pomrenke's doctor noted that "[t]ime with patient was 45 minutes with greater than 50% of it discussing had [*sic*] a come off alcohol and how she is going to deal in prison."

12. On September 18, 2016, Anh Nguyen sent an email to Stacey Pomrenke at [staceypomrenke@gmail.com](mailto:staceypomrenke@gmail.com) with subject line "Show Withdrawal Symptoms". The email stated, in part:

You need to show serious withdrawal symptoms as soon as you get to prison. Please watch these videos [showing the detox symptoms of alcohol and drugs].

....

Within 24 hours of going cold turkey, you will experience the following withdrawal symptoms:

- 1) A craving for alcohol
- 2) Dry mouth, headaches, extreme irritation/easily annoyed
- 3) Can not sleep, extreme anxiety
- 4) Sweaty
- 5) Shakes
- 6) Nausea

Within 12 hours of going cold turkey, you will experience the following withdrawal symptoms. You must show these symptoms for 2 weeks so when asked during that time you must say "Yes, I have these symptoms". If you say "No, I am fine." or "I feel better." or "I am ok now", that means you are not an alcoholic and they may deny you later (or give you a really hard time to get in).

13. On September 23, 2016, Anh Nguyen sent an email to Stacey Pomrenke at [staceypomrenke@gmail.com](mailto:staceypomrenke@gmail.com) with subject line "Prison Preparation To-Do's". In part it stated:

These are our talking points...1) What to Bring: your prescriptions for withdrawal, some cash, your eyeglasses and wedding ring (if any)...2) Drink 15 minutes before arriving and get prison doc to give you any meds for withdrawal using the 1-2-3 method (ask me to explain what that is). Tell them "I am an alcoholic and I drink everyday. My doc gave me these meds because he's afraid I may get a seizure and die or get brain damage. I am really scared. Please help me!" - NEVER ask for medicine since they will never give it to you. Rather, ask for help and they will give you medicine!

14. Between August 31, 2016 and September 25, 2016, Nguyen continued to work with Stacey Pomrenke and Kurt Pomrenke via telephone and email to develop a false, but plausible

story of alcohol abuse and the need for treatment. This included a phone call on September 25, 2016, the night before Stacey Pomrenke reported to prison, from Stacey Pomrenke's residence in Abingdon, Virginia, to Nguyen, located in Michigan, which lasted in excess of fifty-nine minutes.

15. On September 26, 2016, Stacey Pomrenke and Kurt Pomrenke traveled from the Western District of Virginia to the Bureau of Prisons' facility at Alderson, West Virginia. When Stacey Pomrenke reported to the facility she was intoxicated and under the influence of alcohol.

16. On September 26, 2016, the Bureau of Prisons conducted a health screen of Stacey Pomrenke. During this screening it was noted that Stacy Pomrenke reported, "she has been drink[ing] at least a bottle of wine daily since 2008. Last drink approximately 2 hours ago." At the time she made this statement, Stacey Pomrenke knew her that "she had been drinking a bottle of wine daily since 2008" was false.

17. On September 27, 2016, an email was sent from Kurt Pomrenke at [kjpomrenke@gmail.com](mailto:kjpomrenke@gmail.com) to Anh Nguyen that stated:

Subject: Contact from Stacey

Anh: she called me at 12:30 today and will call again at 8:30 tonight to speak with kids. She spent 12 hours in detox, sounded awful, and said the nurse yesterday gave her medicine and again this morning in the pill line (I think that was correct). We both said the right things in our 8 minute call. We are visiting her this Sat and Sun. Kurt

18. On September 27, 2016, Nguyen responded to Kurt Pomrenke's email and stated:

Good news. When you see her this Sat, please ask her the name of the medications they gave her and keep up the good work.

19. On September 28, 2016, an email was sent from Kurt Pomrenke, [kjpomrenke@gmail.com](mailto:kjpomrenke@gmail.com) to Anh Nguyen, which stated, in part:

She continues to say the right things on the phone (dry mouth, shaking, can't sleep, desperately needs a drink, etc.) .... Thanks. Kurt

20. On September 29, 2016, Stacey Pomrenke had an appointment with a Bureau of Prisons physician. During this encounter, she falsely told the physician that she had a history of drinking daily since 2008.

21. On October 10, 2016, an email was sent from Kurt Pomrenke, [kipomrenke@gmail.com](mailto:kipomrenke@gmail.com), to Anh Nguyen, which stated, in part:

Hi Anh: had a great visit with Stacey today. She wanted me to share the following:

1. Dr Adams sent a request to Stacey's personal physician for her medical records. I have talked with Dr [REDACTED] and she understands the need to document that the alcoholism dates back to at least spring/summer of 2013 when the investigation commenced.

....  
3. She has been using something called "cop out" to meet with Dr Adams. Told her she was really struggling with the side effects of cold turkey

....  
She is keeping a low profile and saying nothing about RDAP to anyone. I got her to stop mentioning any of that on the phone or in emails.

....  
Thanks!  
Kurt

22. On October 16, 2016, an email was sent from Kurt Pomrenke, [kipomrenke@gmail.com](mailto:kipomrenke@gmail.com), to Anh Nguyen, which stated, in part:

Hi Anh: we had a very nice visit with Stacey.

....  
We have followed your advice. We are saying nothing in emails or on the phone about RDAP or Dr Adams. I don't know yet if our family doctor received the request from Dr Adams for Stacey's medical history, but I talked with our doc last week and she understands what the issues and needs are

We won't see her for two more weeks. Got a baseball tournament next weekend.

Thanks! Kurt

23. On October 31, 2016, Stacey Pomrenke was screened by Bureau of Prisons staff to determine her eligibility for RDAP. The Bureau of Prisons staff reported the following:

Per her PSI, she reported being a "social drinker of alcohol since age 23. She denied the use of or experimentation with any illegal substances." Inmate Pomrenke was originally determined to be unqualified for the RDAP due to insufficient documentation in the PSI regarding her substance use. However, upon entering the Bureau of Prisons, she reported drinking alcohol daily. She was placed on the detox regimen by Health Services staff and diagnosed with Alcohol use, with alcohol-induced disorder. Due to these factors and in consultation with regional PTP staff, she will be added to the DAP DIAG list.

24. On November 2, 2016, Stacey Pomrenke was interviewed by a Bureau of Prisons' physician to determine her suitability for RDAP and made numerous statements regarding her abuse of alcohol, which she knew to be false. The report of interview stated:

**Reason for Interview**

Inmate Pomrenke is interested in participating in the Residential Drug Abuse Program (RDAP). She was interviewed to determine whether she met the criteria for a substance abuse disorder in the year prior to her arrest. This determination was based on a review of her records and a clinical interview.

**Inmate's Report of Substance Abuse**

She reported daily use of alcohol in the year prior to her arrest for the instant offense. This is consistent with information in her Health Services Intake as well as medical records from her family doctor. She acknowledged using for longer periods of time than intended, having a persistent desire or unsuccessful effort to reduce her use, experiencing cravings, failure to fulfill major role obligations because of substance use, continued use despite awareness of interpersonal or social problems, giving up activities for the substance, using in hazardous situations, continued use despite awareness of physical or psychological problems that is likely to have been caused or worsened by the substance, markedly increased the amount or markedly diminished effects, and experiencing withdrawal symptoms.

25. As a result of Stacey Pomrenke's false statements, the physician determined:

Based on the diagnostic interview and available records, inmate Pomrenke was diagnosed with Alcohol Use Disorder, In a controlled environment, Severe. During the 12-month period prior to her arrest for the instant offense, she met 10 of the diagnostic criteria for the disorder."

KJP

26. As a result of falsely claiming alcohol abuse and addiction, Stacey Pomrenke was admitted to RDAP on November 2, 2016, and began the program on December 2, 2016.

27. On April 5, 2017, an email was sent from Nguyen to Kurt Pomrenke at kjpomrenke@gmail.com, which stated, in part:

Kurt, is it too much for me to ask you talk quickly to a high profile potential client of mine in Texas? I don't give last names nor do I tell anything about you. Just let him know the truth that we know what we are doing. Thanks.

28. On April 5, 2017, an email was sent from Kurt Pomrenke at kjpomrenke@gmail.com to Anh Nguyen that stated, in part:

Hi Anh, yes, I would be glad to talk to him. Maybe during my lunch break tomorrow? Or I can talk between 8 and 9:30 Friday morning.

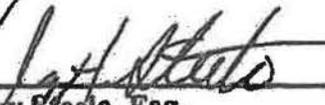
....  
Thanks. Kurt

29. Stacey Pomrenke completed RDAP on or about September 22, 2017. Because she completed RDAP, Stacey Pomrenke's term of imprisonment was reduced by seven months and one day.

Date: 9/29/20

  
Kurt Pomrenke, Defendant

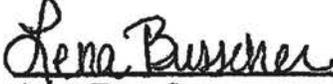
Date: 9/29/20

  
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