



Click



Subscriber

Adv



High De
Primary
Medical
Group



NEWS

[News Archive](#)
[Sports Page](#)
[Classified Ads](#)
[Obituaries](#)
[Local Weather](#)
[N.I.E.](#)
[Kidscoop](#)
[AP News Wire](#)
[Site Search](#)
[Community Forum](#)
[News Forms](#)
[Contact Us](#)

FEATURES

[Family Life](#)
[Food & Drink](#)
[Health & Fitness](#)
[Home & Garden](#)
[Desert Living](#)
[Travel Guide](#)
[Dining Guide](#)
[Best of the Desert](#)
[Beauty](#)
[Coupons](#)

CIRCULATION

[Subscribe Now](#)
[Report a Problem](#)
[Contact](#)
[Vacation Stop](#)
[DirectPay](#)

AFFILIATES

[HighDesert.com](#)
[Desert Dispatch](#)
[Hesperia Star](#)
[La Prensa del Mojave](#)
[Exploring Barstow](#)
[The Mother Road](#)

Saturday, October 16, 2004

Ely 'out of the woods'

U.S. attorneys drop charges of conspiracy, filing false tax returns

By JAMES RAMAGE/Staff Writer

LOS ANGELES — Federal prosecutors dismissed charges against an Apple Valley man accused of paying kickbacks and filing false tax returns.

U.S. attorneys Debra Yang and Steven Clymer dropped charges of conspiracy to pay a kickback, payment of a kickback and filing false tax returns leveled against Marion Francis Ely III back in 1998.

U.S. District Court Judge Audrey B. Collins approved the dismissal on Wednesday, the dismissal order shows.

Federal prosecutors had accused Ely and Jeffrey Bygum, also of Apple Valley, of being part of a 1998 scheme in which the two — through their construction and contract company, Federal Contract Services — purportedly paid kickbacks to Carl Douglas Fenstermacher, a former employee of the defense contractor Dames & Moore Inc.

"He's completely out of the woods now," attorney Kevin McDermott said of Ely.

Bygum, 41, and Ely, 44, were charged with paying approximately \$26,000 to Fenstermacher by making improvements on the latter's house in Fallbrook, according to a U.S. District Court clerk's transcript.

To do it, the company overcharged existing contracts with several military bases — including the former March Air Force Base in Riverside, the clerk's transcript said.

Midway through this year, Collins separated the two cases, McDermott said.

"Ely didn't have any real relationship with Fenstermacher," McDermott said.

The court also found that Ely's name had been forged onto the documents prosecutors had tried to use to link him to the man, McDermott said.

Bygum was acquitted on charges of conspiracy to pay kickbacks, payment of kickbacks and witness tampering charges on July 12, according to a U.S. District Court judgment of discharge document.

Neither Ely nor any of the U.S. attorneys working his case could be reached for comment.

From Here:

- [Back to today's news](#)
- [News Archive](#)
- [Join the discussion at the community forum](#)