



Department of Justice

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Middle District of Pennsylvania**

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CAMP HILL ATTORNEY FOUND GUILTY OF OBSTRUCTING JUSTICE

HARRISBURG - The United States Attorney's Office for the Middle District of Pennsylvania announced that Charles W. Johnston, age 74, of Fairfax County, Virginia, was convicted on November 4, 2021, following a four-day bench trial before United States District Court Judge Jennifer P. Wilson for obstructing a United States Department of Labor (DOL) investigation to determine whether any person had violated federal laws and regulations governing the administration of a labor union pension plan.

According to Acting United States Attorney Bruce D. Brandler, Johnston previously maintained a law office in Camp Hill, Pennsylvania, and is now retired. Johnston began serving as legal counsel to the Plumbers and Pipefitters Local 520 Health and Welfare, Pension, and Annuity Plans in 1972. In 2014, DOL served a subpoena for records on the pension plan in connection with an investigation it was conducting into the pension plan's financial activities. Johnston contacted the DOL investigator assigned to the investigation and informed him that as the attorney for the pension plan, he would be producing the records.

At trial, the Government proved that Johnston intentionally concealed and withheld from the Department of Labor emails and documents related to an internal audit of the union's pension plan. The audit findings, which the Government established Johnston received, reported miscalculations of both pension and health and welfare benefits. When asked by DOL whether he had produced all the requested documents, Johnston lied and stated he had done so.

"Obstructing lawful government investigations into financial mismanagement by pension plans is serious criminal behavior and cannot be tolerated," stated Acting United States Attorney Bruce D. Brandler. "When attorneys engage in this behavior it is particularly serious because attorneys hold a position of trust when representing clients and are expected to uphold the law, not violate it."

"Charles W. Johnston Esq., attorney for the Plumbers and Pipefitters Local 520 Health and Welfare, Pension and Annuity Plans, illegally obstructed a U.S. Department of Labor, Employee Benefits Security Administration (EBSA) investigation by concealing subpoenaed documents," said Syreeta Scott, Special Agent-in-Charge, Philadelphia Region, U.S. Department

of Labor Office of Inspector General. “This guilty verdict is an affirmation of our commitment to continuing to work with EBSA and our law enforcement partners to investigate those individuals who attempt to derail DOL proceedings that protect the integrity of labor unions and their affiliated benefit plans.”

“The U.S. Department of Labor, Employee Benefits Security Administration, will pursue to the fullest extent of the law those who obstruct the investigative activities of the Agency,” said Michael Schloss, Regional Director of EBSA’s Philadelphia Regional Office.

“Anyone who obstructs a federal investigation is attempting to subvert the course of justice,” said Jacqueline Maguire, Special Agent in Charge of the FBI’s Philadelphia Division. “When an attorney, an officer of the court, is doing so, that’s even more egregious. The FBI and our partner agencies will always seek to hold accountable those foolish enough to try to interfere with our cases.”

The case was investigated by the U.S Department of Labor Office of Inspector General, the Federal Bureau of Investigation, and the Employee Benefits Security Administration. Assistant U.S. Attorneys Joseph Terz and Samuel Dalke are prosecuting the case.

The maximum penalty under federal law for this offense is five years of imprisonment, a term of supervised release following imprisonment, and a fine. Under the Federal Sentencing Guidelines, the Judge is also required to consider and weigh a number of factors, including the nature, circumstances, and seriousness of the offense; the history and characteristics of the defendant; and the need to punish the defendant, protect the public and provide for the defendant's educational, vocational and medical needs. For these reasons, the statutory maximum penalty for the offense is not an accurate indicator of the potential sentence for a specific defendant.

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